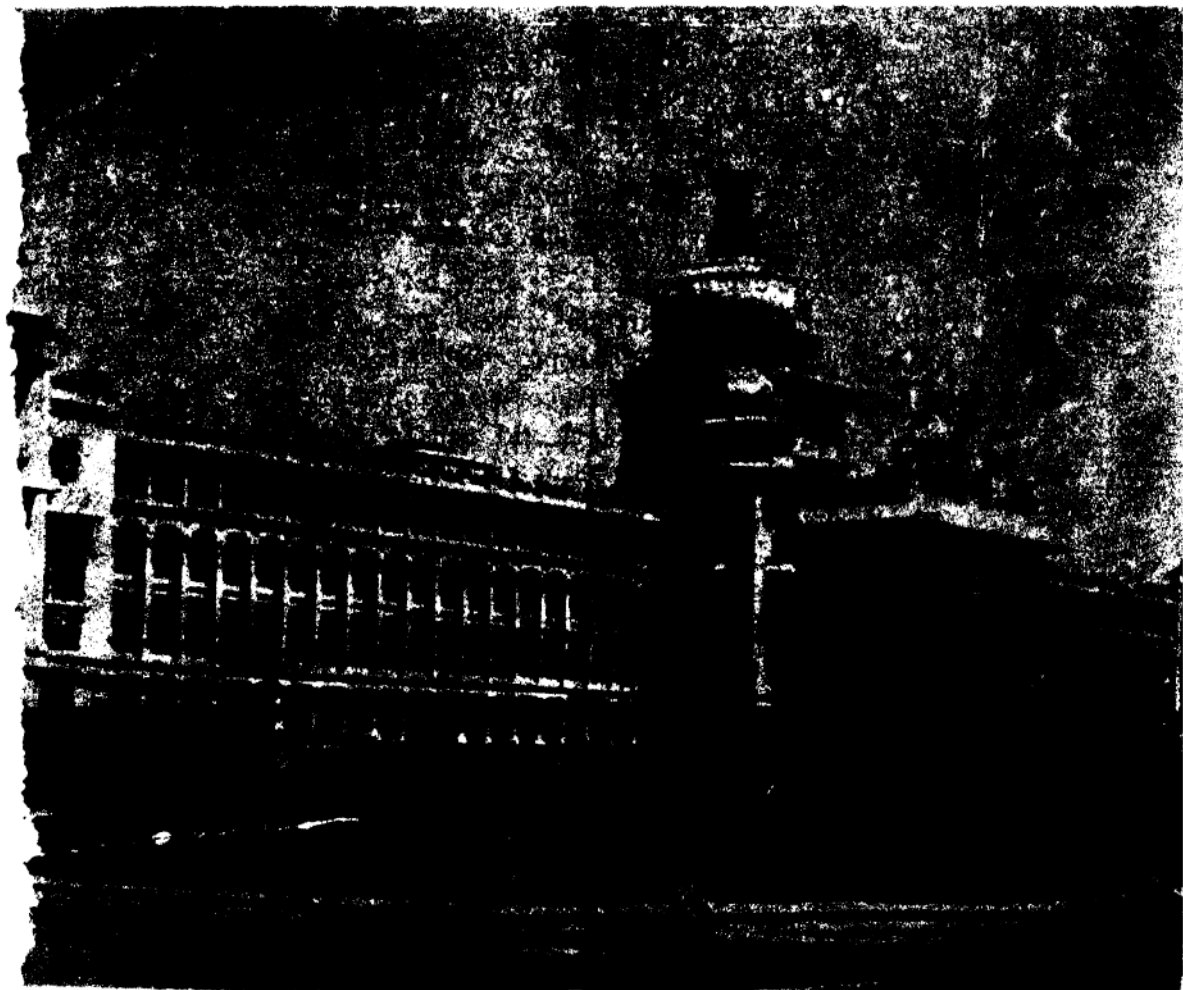


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A view of the Mysore Vidhana Soudha Building, Bangalore where the Twenty-sixth Conference of Presiding Officers was held this year.

THE JOURNAL OF PARLIAMENTARY INFORMATION

Vol. VII]

April, 1961

[No. 1

Pitfalls to Democracy—Their Causes and Cures

SPEAKER M. A. AYYANGAR'S ADDRESS TO PRESIDING OFFICERS

[*The Twenty-sixth Conference of Presiding Officers of Legislative Bodies in India was held at Bangalore this year for three days from December 31, 1960 with Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha in the Chair. We give below excerpts of the more important portions of the Chairman's Address to the Conference—Ed.*]

Freedom and Democracy: the two Essentials

Since we met last at Hyderabad, many events have occurred, both in the world outside and in our own country. We are glad that a number of countries in Africa have become free. The internal management of affairs, however, in some of those countries is far from satisfactory. Unless every nation is set free and other powers do not impose themselves upon them but help them to develop democratic institutions, all will not be safe in the world. So long as there is colonialism in any shape or form, there will be chaos and ferment in the world. It is only in free States that democratic institutions can flourish. Unless democratic forms of governments are established in all free countries, so

far as the people there are concerned, there will be only a change in masters from the foreign to indigenous ones. Sentimentally people may be happy, but really they will be under the heels of a dictatorship. It is, therefore, necessary that freedom should be first established and all States, big and small, made sovereign in their own territories; and secondly, they should be constituted into democratic States.

Factionalism within Party and Remedy

Though we, in India, have settled down within a short period comfortably and have been working democratic institutions pretty well in our country since we attained freedom and gave unto ourselves a democratic Constitution, the affairs in all the States are not what they should be or what could be desired. Factions have arisen inside the parties in the Legislatures themselves and are leading to instability of governments. People may soon become sick with the changes in the government caused by the manipulations of support for persons or groups to gain or regain power. The sense of security may consequently disappear from the people's minds. If there is a constant fight for power, the

people will get nothing from the government of the day. The ruling party as a whole may get into disrepute on account of the factions. The only remedy to this situation seems to be a convention that once a leader is elected, he ought not to be disturbed, except for gross misconduct, so long as the party which elected him continues to have a majority in the Legislature. This convention will alone contribute to the stability of the governments in the various States. Otherwise his rival defeated in the elections for the leadership in the party would go on trying to gather support for himself to overthrow the successful candidate and the vicious circle will continue.

Coalition for Stable Government

Also, wherever there is no absolute majority for the ruling party, it will be advisable to form a coalition to keep a stable government.

Elected Prime Minister and Ministers

It may so happen that even in cases where there is an absolute majority for the party in power and a strong and stable government is established, the Chief Minister may become autocratic. This may also lead to squabbles and bickerings within the party. The other ministers who are more or less his nominees under the present method may not muster courage to oppose him or even inform him that he is in the wrong lest they should lose their ministership. It then becomes a one man's rule and a temporary dictatorship for the period of the legislature.

The practice followed in Germany is for the Prime Minister to be elected by the entire House after his nomination by the President as a candidate from the

largest party in the House. The other Ministers may be elected by members of the party to which the Prime Minister belongs. The election of the Chief Minister or the Prime Minister is not a novel suggestion for the reason that even according to the practice that we have adopted following the British practice, the Prime Minister can be dismissed by the whole House. The power therefore of keeping the nominee of the Head of the State as Prime Minister is in the hands of Parliament. The only difference between the practice in Germany and ours is that in that country in the first instance the Prime Minister is asked to obtain a vote of confidence of the Legislature whereas under our system he is not asked to do so but he continues in office until he is dismissed. In some countries like France, under the old Constitution, the Prime Minister was called upon by the President to seek the approval of the House. This was only a different version of the election system in Germany. This experiment of electing the Prime Minister or Chief Minister before appointment so as to ensure absolute majority in his favour in the House, and of the other Ministers by the party to which he belongs, may be tried in one or two States in the first instance. The present Constitution may not permit such an election, but the practice of seeking a vote of confidence or of approval of the appointment by the whole House may be established by convention.

Under this system there are two guarantees: firstly, the stability of the Government is ensured; and, secondly, the party alone cannot overthrow a Ministry. The rival groups contending within the ruling party cannot easily change their leaders, as others in the House will also be called upon to take part in the approval of the appointment

of the leader. The election of the other ministers by the ruling party will prevent arbitrary exercise of power by the Chief Minister over his colleagues, as in that case they would be owing their appointment to the party as a whole and can always appeal to the party against his arbitrary decisions. It may be urged that this procedure may weaken Cabinet responsibility or the authority of the Chief Minister or the Prime Minister, but it has to be noted that whoever might be the Minister he is bound by the principles and behests of the party and the Chief Minister can always report to the party against any Minister who does not co-operate with him. Today, the party which is supposed to rule through its leader has really no effective control over its leader.

Corruption—A Weakening Influence

Corruption within the Government or its officers is another cause of disturbance to the stability of a government. Governments must be absolutely above suspicion. Corruption in any shape or form leads to demoralisation and detraction from the respect and regard for the popular rule. If corruption is in the administration, the people lose regard for the Government and, if it is in the Government, they begin to revolt. There have been instances in democratic states and in our own country where important Ministers have resigned even on mere charges of inefficiency or negligence. All charges of corruption must therefore be examined with care. The Government must not only be above corruption but also should appear to be above corruption.

Old Canker of Communalism

The practice of communalism and sectarianism is also a disturbing force in many States. Communalism may be

practised in recruitment to administrative services, in the matter of promotions and in the matter of grant of permits and licences, in various Departments of the Government. There are tendencies visible in many parts for people once again to lapse into the old caste and communal divisions and bring in these divisions into public and political life. This is a danger which ought to be avoided. I would, therefore, suggest that recruitment to Public Service Commissions may be made on an all-India basis by the President, and Members of the Service Commission of a State may be drawn from the residents of other States also and transfers effected, as and when necessary. The Constitution may be suitably amended so as to create an all-India cadre for members of the Public Service Commissions, even of the States.

Minority Interests to be Safeguarded

Besides communal considerations, differences of language are also being emphasised in some States. The linguistic minorities in any State as also the scheduled castes and scheduled tribes deserve a special treatment. The Constitution in its Directive Principles makes provision for their assistance. Whenever they have legitimate grievances they must be allowed to express themselves fully and to get redress. I have been allowing free discussions on the Reports of the Commissioner for Linguistic Minorities and the yearly Report of the Commissioner for Scheduled Castes and Scheduled Tribes. You may similarly allow discussion on the Report of the Commissioner for Linguistic Minorities, sent to the State Governments under article 350(B) of the Constitution, and on the report relating to the Scheduled Castes and Scheduled Tribes, in so far as it relates to your State.

Special Responsibility of Presiding Officers

Under a dictatorship or an absolute monarchy there can be no guarantee of life or liberty to the citizens. The goodness of the dictator is the only guarantee. A democracy may also degenerate into a communal or linguistic dictatorship and begin to show favours to the members of its own community and oppress the minorities. Such tendencies have to be checked ruthlessly. The only person in such circumstances that can safeguard the interest of the minorities and prevent oppression is the Presiding Officer. A heavy responsibility falls on him. He has to be ever watchful as to what happens in the name of law and order and allow opportunities for exposure of all such cases of oppression, nepotism and corruption. Governors may no doubt be clothed with special responsibilities towards the minorities in all States as in the case of the tribal area in Assam, but it may require the amendment of the Constitution. But the Presiding Officer can exercise that right by holding the balance evenly among all the groups under the existing rules and regulations. He must be above party and safeguard the interest of one and all in the Legislature and through the Legislature, one and all in the country. The affairs of the Legislature should be so conducted that every citizen will look to it in the ultimate analysis for support when all other remedies fail for redress of his grievances.

Direct Action by the Opposition

We have been noticing that even though there are no effective Oppositions in most of the States and in the Centre, Governments are not left undisturbed. What the Opposition does not gain inside

the Legislature, it very often gains by resort to direct action. If there were to be a stable Opposition which could dislodge the Government of the day, there will not be any resort to direct action. But, where there is no chance for the Opposition to gain strength by its own individual merit or the popularity of its programme, it takes to direct action to achieve its objects, when it finds that it could not gain them by deliberation, persuasion or negotiation in the Legislature or with the Government. An effective Opposition is necessary for the efficient working of democracy, but one cannot be created. It must grow by itself and the Opposition should work, wait, and gain strength. It is not open to any group in the Legislature to advise the public to resort to direct action when it fails to carry its objective within the Legislature by persuasion, except in matters of conscience or where the ruling party is oppressive. Otherwise direct action is not proper in a democratic State. But Opposition in our country is to a large extent responsible for various pieces of direct action here and there. What then is the remedy?

Free Consultation with Opposition as a Remedy

It is frustration that makes the Opposition to take to direct action in many cases. The party in power should try as far as possible to carry the Opposition with it in all important issues. Larger and freer consultation with the leaders of the various groups on vital matters can remove the sting and make the members of the Opposition feel that they also count in the affairs of the country. It should not be forgotten that every member of the Legislature whether in the Opposition or in the Gov-

ernment is as much the representative of the people as any Minister or the Head of the Government. The only differences between those in the Opposition and those in the Government is that the latter are larger in number. On that once between those in the Opposition ought not to be made to count for nothing. The Government must accommodate the Opposition as far as possible and every attempt should be made to carry on the Government with a large measure of agreement amongst all sections in the Legislature. Unanimity, if possible, must be the rule, and carrying a measure by a simple majority must be an exception.

Special Majority for New Policies

Many important matters come up before Parliament which may involve some change of policy which was not directly contemplated at the time of the election. It will be difficult to have a referendum on that subject on account of the vastness of the population in the constituencies and the enormous expenditure involved therein. Urgency may also stand in the way of such a referendum. In all cases where new policies are adopted by a Government it is desirable to establish by convention that the policy should be approved by the Legislature not by a simple majority but by a special and higher majority say, by two-thirds as in the case of an amendment of the Constitution.

Decentralisation of Power

Democracy is a way of life, and for democracy to be effective, every citizen must be able to feel that he is a limb of the Government and the Government is his representative. To bring the rule of the Government close to him, it is necessary that the federal system of division

of powers must be carried to the village level. This experiment is being tried in Andhra Pradesh and Rajasthan. I am glad to find that people there are gradually beginning to realise that they are the main rulers of the country and that they have a hand in the government, and are gaining experience in constitutional methods and parliamentary practice. I had the privilege of witnessing some of the Samithis at work in the Andhra Pradesh. Parliamentary procedure is being adopted, questions are freely put and answers given, budgets are prepared and a close supervision or watch kept over the expenditure by the Samithi and the public servants attached to a Samithi are being questioned from time to time with respect to what they had undertaken or were expected to do. I hope and trust that this system of decentralised power will be introduced in other States as well.

Functional Panchayats as Solution to Factionalism

I have, however, been told that on account of decentralisation of power, factions and parties have come into being in the village panchayats, in the Samithis, and in Zilla Parishads. It is true that functions have developed and rival groups have come into existence fighting for leadership in some village panchayats and Samithis. One remedy which may be tried is to create a number of functional panchayats, instead of only one, in a village and to constitute a federation of the panchayat Presidents for the common purposes of the village and for purposes of co-ordination, with a President chosen by them by monthly rotation. For example, there may be separate panchayats for local administration, for education and for judicial matters; and there may be an agricultural panchayat, as also a police panchayat to

maintain law and order. There are at present separate committees in some panchayats discharging these functions, but the Chairmen of the Committees do not command the same respect as the President of the panchayat as a whole. Hence fight for the President's office arises and factions develop. If instead of there being only one President it is possible to have five Presidents for five different panchayats,—formed on a functional basis and each autonomous in itself for the work allotted to it, and the Presidents of all of them being coopted for the purpose of common service,—there will be not only opportunities for five persons to become Presidents holding similar positions and status, but more people will become members of the panchayats. Some special and separate qualifications may be prescribed for membership of these panchayats as age, education, experience, holding of land or working on it etc. and it may also be laid down that no person should be a member of more than one panchayat at a time. This in my opinion will effectively avoid the growth of factions in the panchayats and Samithis as opportunities for service will then become greater in a village than under the existing system.

Augmenting Resources of Local Bodies

As the economic prosperity grows, decentralisation of economic power also becomes necessary along with decentralised political power. Many of the panchayats feel that their economic resources are not sufficient to meet all the services that they can undertake within the limits of their authority. I would suggest that all land revenue may be handed over to panchayats so that they may feel that their contribution to the general exchequer remains with them. They may not then hesitate to impose on themselves additional taxes, if and when

necessary, for the improvement of their villages. As a number of industries have been owned and managed by the Centre and some industries by States, the Zilla parishads, the panchayat Samithis and villages may also be given the power to run some industries of their own as medium scale, small scale and cottage industries respectively, the proceeds of which may go to augment the slender resources of these local bodies. This scheme may also lead to efficiency in management. Some small scale industries and transport may be assigned to them.

Plan Committees

It is common knowledge that mere attainment of freedom and the establishment of democratic institutions alone do not mean much to the masses unless an economic content is given to that freedom. It is to give such an economic content that the successive Five Year Plans have been undertaken by the Government. For the planning to be effective and to enable the framers to have all shades of views expressed thereon, I appointed five committees of Parliament to study the Draft Third Five Year Plan. The several items of the Plan were grouped under five heads and five committees appointed to sit with the planners from day to day and exchange their views on almost all the items in the Plan. Members of Parliament have expressed very great satisfaction at the work that they did on these committees. The proceedings of the committees were taken down verbatim and placed in the Parliament Library for reference, and abstracts of the proceedings and discussions were distributed to members. A similar procedure may be adopted in the States so that opportunities may be given to every

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member to sit in a committee with the local planners and discuss the matters with them before the final draft is prepared for incorporation in the all-India Plan.

Parliamentary Delegation to Assam

Opportunities for full and free discussion within the Legislature is one of the unfailing remedies for safeguarding democracy. On no account an open criticism should be stifled inside the Legislature. Appointment of Parliamentary Committees with the consent of the leaders to look into the causes of some of the more serious cases of unrest in the country may be useful. I appointed a Parliamentary delegation to visit Assam and to report on the recent disturbances there with a view to obtaining an ungarbled version of the events there.

Making Socialist Democracy a Success

There are countries in the world with political democracies but with a capitalistic society while there are communist States with totalitarian forms of Government. Our country has adopted the mean by taking the best of the two systems and making the State both democratic and a socialistic one. This combination will give greater opportunities to the individual to grow to his full stature. People in the world at large are watching our experiment. Some are of the view that Plans cannot be worked and implemented in a democratic State, but require a totalitarian form of government to enforce them. There are others who feel that a socialistic pattern of society in economic field is inconsistent with democracy and the freedom it stands for. Fortunately we have succeeded so far with both. Our people must really feel proud that not only the Government have undertaken the responsibility of

running a socialistic pattern of society but that they are also living in a free and democratic State. A democratic way of life has not only to be developed but a socialistic spirit has also to be engendered amongst the people. The best method of doing so is to work the economic institutions undertaken by the State to the best interest and advantage of the public so that the public may feel that the socialistic pattern of society does them greater good. The two Financial Committees of Parliament, the Public Accounts Committee and the Estimates Committee could do useful work and see that public expenditure is incurred to the best advantage of the community. The Petitions Committee of Lok Sabha has developed into a committee on grievances arising out of both legislative and administrative action. But it is the manner in which it works that will confer real benefit on the public.

Conference of Legislators

We have been feeling for sometime that as Ministers, Governors and Speakers meet at Conferences to exchange views on matters relating to their subjects, it may be useful, both in the interest of national consolidation and attainment of a uniform course of conduct, to have periodical Conferences of legislators from different States on common matters such as educational policy, land reforms, health measures and the like. Such Conferences on a non-official level are held in the world at large of parliamentarians among the Commonwealth countries under the auspices of the Commonwealth Parliamentary Association once in two years and annually under the auspices of the Inter-Parliamentary Union. For this purpose we have established an Indian Parliamentary Association to which Groups of State Legislators may be affiliated. Such State Groups have been established in some

States so far but not in all. I request the Presiding Officers in other States also to form such Groups as early as possible so as to enable the Conference of legislators being held from year to year, as we hold our Conference, either along with our Conference or independently.

All India Parliamentary Service

Besides, we have for sometime past been thinking of organising an all-India Service for the Legislature Secretariats so that there may be free exchange of officers from one State Legislature to another or with the Centre so that common practice and procedure may be adopted on an All India basis and the officers may become conversant with conditions in other States as well. As you must be aware, a Committee has been appointed to go into this matter.

Independent Legislature Secretariats

We have been urging for sometime past that as in the Centre the secretariat staff of the State Legislatures should also be entirely independent of the Executive in the matter of recruitment, promotion etc. and must have similar status and position as the secretariat staff in any other Department of the corresponding Government. I notice that all the States have not moved fully in the matter. I hope that ere long there will be such a separation effected and the secretarial staff of the Legislatures removed entirely from the control of the Executive.

Non-official Chairmen for Financial Committees

I find that in some States the Financial Committees are presided over by the Finance Ministers. In the House of Commons generally a member of the Opposition (the Financial Secretary in

the previous Government if possible) becomes the Chairman of the Public Accounts Committee so that he may scrutinise the accounts without fear or favour. While that course is a legitimate one to adopt, we have not been able to do so in Parliament for want of a recognised Opposition. I am glad to find that system adopted in some of the States in our country. The chairmen of these Committees *Viz.* Public Accounts and Estimates Committees, should be at least non-officials. I hope and trust that every effort will be made by the States where there are still Ministers presiding over these committees to appoint suitable non-officials as chairmen of these committees.

Adjournment Motions

In my last Address I referred to the new procedure we had evolved in the Lok Sabha for the disposal of 'adjournment motions.' I am glad to say that the procedure has succeeded in making the members realise to a great extent the real nature of an adjournment motion. However, there still persists a tendency on the part of some members to refer to an adjournment motion in the House when consent thereto has been withheld in my Chamber and the member concerned already informed of my decision. I always take a strong exception to this. When such an adjournment motion is referred to in the House by a member, I treat it as an interruption and sometimes I order that the words spoken by the member should neither go into the proceedings nor reported by the Press. On certain occasions members have tried to raise the matter in the House on the ground that they were not satisfied with the reasons for withholding consent intimated to them. I have always held that I am not bound to give reasons for withholding consent and the proceedings

of the House need not be interrupted on that score.

Statements by Ministers

However, I give adequate opportunities to members to raise in the House matters of urgent public importance that arise from time to time, at the earliest possible opportunity. Whenever I feel that the matter sought to be raised is of such urgency and public importance that a statement by the Minister will allay apprehensions and misgivings in the public mind, I admit the adjournment motion as a calling attention notice for the same day. The member is then informed of my decision and is required to give a regular notice of calling attention on the subject. At the appropriate time I call upon the member to call the attention of the Minister to the matter and the latter makes a statement then and there. This procedure not only satisfies the member concerned but also helps the people at large in getting authentic information on important matters.

Private Rulings of the Speaker

I just referred to adjournment motions being disallowed by me in my Chamber. This incidentally leads me to a point which arose in Lok Sabha during the last Budget Session. In connection with a discussion on the procedure followed by the Government in laying only the Audit Report in respect of Defence Services without the relevant Accounts, a reference was made to a decision given by me on a file. The Finance Minister expressed a doubt whether a decision given by the Speaker on a file was as binding as the one given in the House. I ruled that a decision given on the file was as good and valid as the one given in the House. The reason is quite obvious. If the Speaker is required to give every

decision on the floor of the House, it will become necessary to refer to every case in the House. This will result in enormous work for the Speaker and unnecessary wastage of the time of the House.

Discussion on Police Firing in S. Africa

One of the conditions regarding admissibility of notices of motions, resolutions etc. at the Centre is that the matter raised must involve the responsibility of the Government of India. During the last Budget Session certain notices were tabled by members regarding the police firing in South Africa. I observed in the House that *prima facie* the matter did not involve any responsibility of the Government of India but I did not have any objection if the Prime Minister wanted to make a statement. The Prime Minister agreed that the House should not discuss an internal matter within the jurisdiction of some other country. He, however, felt that sometimes situations did arise when the normal approaches and even normal rules and procedures were not always adequate to deal with them. He favoured a discussion on the subject in the House. I told the House that I did not want to stand on technicalities as the matter was of great concern to the whole humanity. Considering that it was a matter relating to Human Rights and keen interest was evinced by the House, I admitted a Government resolution condemning the police firing and expressing sympathy with the African people. It was discussed and adopted by the House.

Conventions re: Quorum

You are aware that Lok Sabha sits continuously from 11 A.M. to 5 P.M. and there is a convention that the House is not counted and no division takes place between 1 P.M. and 2.30 P.M. In the

last Budget Session the House agreed that within one hour of a count being taken, the question of lack of quorum will not be raised. Another convention established was that after the normal hours of adjourning at 5 P.M. members shall not raise the question of quorum unless a Division was sought. You will agree that for the proper transaction of business it is necessary to adopt such conventions even though they may not strictly be in accordance with the letter of the law. Otherwise, it will be extremely difficult for the House to deal with the ever increasing load of work it is required to handle these days.

No-Day-Yet-Named Motions

In my last Address at Hyderabad I mentioned that the No-Day-Yet-Named Motions had become very popular with the members as a means of raising discussion on matters of current topical interest in the House. The practice with respect to these motions hitherto had been that out of the admitted motions Government selected one or two for discussion every week in the House. Members felt that under this procedure some of the really important motions were never taken up in the House. In order, therefore, to ensure that the motions in which members evinced keen interest and which raised important matters of current interest got priority in the scheme of discussions, a sub-committee of the Business Advisory Committee was appointed during the last session under the chairmanship of the Deputy Speaker, on which all major groups in the House were represented. The sub-committee meets every week during the Session and selects a few motions according to the urgency and importance of the subject-matter. Out of these Government choose one or two

motions for discussion every week and provide time for the discussion in the House.

New Conventions relating to Questions

Some new conventions have been established with regard to Questions in Lok Sabha. When presiding over the House I noted that I had to call every day certain members in whose name questions appeared in the order paper even though they had asked for leave for the entire session or had gone abroad. I felt that when it was known that the members concerned would not be present in the House to ask their questions, there was no point in calling those questions for oral answer. Hence I have decided that questions of such members should be admitted for written answers only. The same decision applies to questions received from members under legal detention.

Then again, under the Rules of Procedure of Lok Sabha a question not reached for oral answers can be answered at the end of the Question Hour only where the Minister represents to me that the question is one of special public interest to which he desires to give a reply. There was no provision for out of turn priority being given otherwise to an important question. With a view to ensuring that a really important question appearing in the list of questions for a day is not passed over simply for want of time, I have decided that such a question might be taken up for answer a little before the close of the Question Hour, after ascertaining the general sense of the House.

Second Judgment in 'Searchlight Case'

In the field of privileges, since we last met, a Special Constitution Bench, con-

sisting of eight Judges of the Supreme Court, delivered a second judgment in the *Searchlight* case. You might recall that in the first judgment the Supreme Court had held that the provisions of Articles 105(3) and 194(3) of the Constitution were constitutional laws—not ordinary laws made by Parliament or State Legislatures—and were as supreme as the provisions relating to Fundamental Rights, and that, in consequence, the general right of freedom of speech and expression guaranteed in Article 19(1)(a) must be construed as subject to the special provisions of Articles 105 and 194. In the same judgment, the Supreme Court had also held that the Legislatures in India had the power to prohibit the publication of their entire proceedings, and, much more so, of those parts which had been directed by the Speaker to be expunged. In its second judgment in the *Searchlight* case, the Supreme Court declined to reopen its previous decision and also held that the validity of the proceedings inside the Legislature cannot be called in question on the allegation that the procedure laid down by the law had not been strictly followed, and that by virtue of Article 212 of the Constitution no court can go into questions falling within the special jurisdiction of the Legislature itself which has the power to conduct its own business.

You would have further noticed that in the same judgment, the Supreme Court has also held that it is for the House alone to decide whether a matter is recent enough to be taken serious notice of and whether any punishment to a person found guilty of breach of privilege is called for, and that the prerogation of a House does not debar the House from proceeding in respect of a breach of privilege committed in an earlier session.

Production of Parliamentary Documents in Courts

You will recall that the Committee of Privileges of the Second Lok Sabha had recommended in their First Report the procedure to be followed whenever any document in the custody of Parliament was required to be produced in a court of law. In pursuance of the recommendations of the Committee, the Minister in the Ministry of Home Affairs addressed a letter to the Law Ministers of all the States pointing out that the peremptory language used in the summonses in the ordinary form sent to the Speaker or Secretary of Parliament was not in keeping with the authority, status and dignity of Parliament and requesting them to discuss the matter with the Chief Justice of their respective High Courts for issue of suitable directions to the effect—

- (i) that when parliamentary records are required to be produced before courts of law, a letter of request in a proper form should be adopted;
- (ii) that in most cases it should be sufficient to call for only the certified copies of the documents, at any rate in the first instance, and that the original documents might be called for at a later stage if the parties insisted upon their strict proof; and
- (iii) that the courts should bear in mind the provisions of section 78(2) of the Indian Evidence Act, 1872, under which proceedings of the Legislatures can be proved by the production of authorised parliamentary publications, and ensure that Parliament is troubled

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only when unpublished documents in its custody are required in evidence.

I understand that so far the High Courts of Andhra Pradesh, Kerala, Madhya Pradesh, Orissa, Rajasthan and

Uttar Pradesh and the Judicial Commissioner of Manipur have issued the necessary instructions and adopted a form of letter of request to be addressed by courts to officers of Legislatures in this connection. I hope other High Courts will also follow suit in due course.

You may define democracy in a hundred ways but surely one of its definitions is self-discipline of the community. The less the imposed discipline and the more the self.

—JAWAHARLAL NEHRU in his speech
at the A.I.N.E.C., Sept. 18, 1952

Govind Ballabh Pant



On March 7, 1961, the country lost an elder statesman and one of the leaders of the freedom movement. At 8-50 A.M. on that day, the Union Home Minister, Pandit Govind Ballabh Pant—who, following an attack of cerebral thrombosis, had been in a state of coma for over a fortnight—passed away.

Moving tributes were paid to his memory in both Houses of Parliament. In a message to Lok Sabha the Prime Minister, Shri Jawaharlal Nehru, then in London, recalled his long-time association with him and spoke of him as a 'child of our beloved Himalayas carrying with him something of their calm and imperturbability'. In Lok Sabha, recounting the life of the late Home Minister the acting Leader of the House Shri Morarji Desai said that he was 'a tower of strength' and would be missed

always—in the House, the Government, the party and the country. Members from all sections of the House joined in paying their homage to one whose prestige transcended all party barriers. The Speaker, Shri M. Ananthasayanam Ayyangar said that in his death 'we have lost one of the main architects of India's freedom'. In the Rajya Sabha, the Chairman Dr. Radhakrishnan said that in Pandit Pant 'we have lost a great parliamentarian and a great national leader'.

Born in Almora on September 10, 1887, Pandit Pant had his higher education at Allahabad. He was enrolled as an advocate of the Allahabad High Court in 1909 and settled down for practice in Naini Tal.

Pandit Pant entered the legislative field in 1923 when on the newly formed Swaraj Party's ticket he was elected to the U.P. Legislative Council and made leader of the Opposition. In 1928, along with Pandit Nehru, he led a demonstration against the Simon Commission in Lucknow when he received injuries which left him with a permanent disability. He was twice imprisoned during the civil disobedience movement in 1930 and 1932.

In the year 1934, he was elected to the Central Assembly where he functioned as the Deputy Leader of the Opposition. During this period he established his reputation as a great parliamentarian by his composure, thoroughness and his invincible argument. When

the Congress formed governments under the 1935 Act he was elected to the U.P. Assembly and became the Chief Minister of the State, to remain so till the Party resigned office in all the States in 1939 over the War issue. When Gandhiji initiated individual satyagraha in 1940, he participated in it and was sent to prison for a year. Again he was arrested in August 1942 in connection with the Quit India movement and kept in detention until March 1945.

He was elected to the Constituent Assembly in 1946 and as a member on several of its committees was associated in the drafting of the country's Constitution.

After the War, he was elected in successive general elections to the U.P. Legislature and was the Chief Minister of the State for nearly ten years from April 1946 to January 1955. During this period, which was marked by far-

reaching tenancy reforms, he made his name as an administrator.

In January 1955, in response to a call from Pandit Nehru, he came over to the Centre as the Union Home Minister. The same year he became the leader of Rajya Sabha. His patience, his vast experience and his warm human qualities won for him a special place within the Party, in the government and in Parliament. The way he tackled the problems of States reorganisation and subsequently piloted the related legislation through Parliament are a tribute to his sagacity, perseverance and parliamentary skill. In 1957 he was awarded the *Bharat Ratna*, the highest civilian honour for distinguished service to the country.

Pandit Pant had been a rock of stability to whom everyone around him instinctively turned for security, for counsel, and for guidance. His death has left a void which it would be hard to fill.

Short Notes

Permanent Abode for Punjab Assembly

On March 6, 1961 the Punjab Vidhan Sabha moved to its new chamber built at a cost of Rs. 1.14 crore. The formal entry was preceded by prayers by a large gathering headed by the Governor Shri N. V. Gadgil. Seven legislators from all communities chanted quotations from the Upanishads, the Jajji, the Quran and the Bible to invoke the blessings of God.

Speaking to the prayer gathering the Governor said:

Let this magnificent structure create an atmosphere of magnificence not only here but all over Punjab. In our mind, let India be first, Punjab second and self always on the waiting list. Let the argument be free, but let us see that reason prevails. In our democracy, our loyalty is not, and cannot be, mortgaged to any individual, creed or dogma. Our endeavours should be at the service of the country and the community.

This House is the sacred source of law that will guide and control the lives of men and women in Punjab. Men may come and go, but this House shall go on for ever.

At the formal sitting, in a speech welcoming the members to the new building the Speaker appealed to the members not to 'fritter away their energies on argument and contradiction, on internecine conflicts and struggles' but let them 'converge on our development programmes'. He concluded with the words:

Let us all join together—all parties, whether in the Government or in the Opposition—in yet again resolving that

*L.S. Deb., 20-12-1960, c. 6381.

†L. S. Deb., 24-3-61.

we will all singly and together, do all we can for the prosperity and prestige of our great country. Let this new hall be a witness to our resolve and let its walls resound, boldly and eloquently, with our achievements.

Lok Sabha: Introduction of Members at the time of oath taking.

On December 20, 1960, when a member returned in a bye-election was about to take oath, the Speaker briefly introduced him to the House mentioning the constituency from which he was returned and the name of the member in whose vacancy he had been elected. The Speaker suggested that he would prefer if in future the Minister of Parliamentary Affairs introduced the members elected at bye-elections to the House*.

Accordingly, whenever a new member returned to Lok Sabha in a bye-election takes oath, he is now being introduced to the House by the Minister of Parliamentary Affairs†

The Dowry Prohibition Bill for Joint Sitting

In his address to both Houses of Parliament this year the President referred to the prospect of summoning a joint sitting of both Houses for the consideration of the Dowry Prohibition Bill, 1960.

A joint sitting of the Houses is envisaged in the Constitution to resolve any

stalemate when a Bill passed by one House is rejected by the other House, or the Houses have finally disagreed on the amendments to be made in the Bill or no action is taken by the other House for passing the Bill for more than six months from the date of reception of the Bill in that House. In such cases, Art. 108 of the Constitution provides that the President may, after notifying the Houses, by message if they are sitting or by public notification if they are not sitting, summon them to meet in a joint sitting for the consideration of the Bill. This procedure, however, does not apply to Money Bills, which may be introduced only in Lok Sabha and over which the other House has limited powers of recommendation which it cannot delay beyond fourteen days.*

In the case of the Dowry Prohibition Bill the deadlock is the result of the final disagreement between the two Houses of Parliament regarding the amendments to be made in the Bill. The Dowry Prohibition Bill was passed by Lok Sabha on December 9, 1959 and transmitted to Rajya Sabha for its concurrence. Rajya Sabha at its sitting held on December 16, passed the Bill with certain amendments and returned it to Lok Sabha. The amendments made were:

(i) insertion of the words 'either directly or indirectly' in clause 2 which widened the scope of the expression "dowry" so as to include any presents given even indirectly.

(ii) deletion of the first Explanation to clause 2 which declared that any presents made in the form of cash, ornaments, clothes, or other articles, unless given as consideration for the marriage, shall not be deemed to be dowry.

(iii) deletion of clause 4 which prescribed the penalty for demanding dowry.

*See Preamble to Art. 108(1) and Art. 109.

Lok Sabha did not agree to the above amendments when it considered them on February 11 and 23, 1960 and returned the Bill to Rajya Sabha after making a few further formal amendments therein. While agreeing to the formal amendments made by Lok Sabha at its sitting on November 30, 1960 Rajya Sabha insisted on its earlier amendments to which Lok Sabha had not agreed. A message to that effect was sent to Lok Sabha where it was reported and the Bill laid on the Table by the Secretary on December 13, 1960. This marked the stage of final disagreement of the two Houses on the Bill in terms of rule 102 of the Rules of Procedure and Conduct of Business in Lok Sabha.

When a joint sitting is called on the Dowry Prohibition Bill, that would be the first occasion since the commencement of the Constitution when this machinery would be put to use.

The British Statutes (Application to India) Repeal Act, 1960.

During the British rule while certain British statutes were expressly applicable to India, certain others were deemed to have been extended to India by necessary implication. Under the Indian Independence Act, 1947 (10 & 11 Geo. VI, c. 30) India became a Dominion with sovereign legislative power to affect or repeal all the existing British statutes which were thought to have been extended to India. Section 6 of that Act *inter alia* provided that no British statutes passed on or after the 15th August, 1947 was to extend to India of its own force and as regards the Acts of the British Parliament existing on that date it conferred on the Dominion Legislature of India the power to repeal or amend them in their applicability to India.

On the coming into force of the Constitution on the 26th January, 1950, the position as to the applicability of the British statutes passed prior to the 15th August, 1947 remained unaltered inasmuch as article 372(1) of the Constitution provided that 'all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority'.

Having regard to India's new and independent status as a Republic, it was but proper that the entire legal code of India should be purely Indian and if the subject-matter of any British statute be found to be still necessary for our purposes, that statute should be replaced by a corresponding Indian law, incorporating the necessary provisions of the British statute. Law Commission addressed itself to this task and in its Fifth Report¹ recommended *inter alia* the formal repeal of a large number of British statutes which are altogether obsolete and inapplicable to India at the present day. In pursuance of the recommendation of the Law Commission, the British Statutes (Application to India) Repeal Act, 1960 (Act No. 57 of 1960) was passed by Parliament repealing as many as 257 British enactments beginning with the Magna Carta of 1297 and ending with the Foreign Marriage Act of 1947.

There are certain British statutes (e.g., the Fugitive Offenders Act) which confer certain privileges on the Indian citizens and India as an erstwhile Dependency of the United Kingdom but do not impose any obligations. Section

3 of the British Statutes, (Application to India) Repeal Act, 1960, therefore, introduces a saving provision in order to make it clear that the repeal cannot possibly affect any right or privilege to which India and her citizens may be entitled under any statutes in its application to territories outside India. The result² is that even though an English statute is not now enforceable in an Indian court there is nothing to prevent India or Indian citizens from taking advantage of it in a British court, or in the courts of territories outside India to which the India (Consequential Provisions) Act, 1949 (12, & 14 Geo. VI, c.92) applies.³

Age Composition of Second Lok Sabha

A statistical analysis recently made of the age composition of the Second Lok Sabha presents interesting features.

Under the Constitution the minimum age prescribed for a person to be eligible for being chosen as a member of the Lok Sabha is 25 years. And, on the day of the first sitting of the Second Lok Sabha *viz.* May 10, 1957, the youngest member was 25 years 8 months old, and the eldest, 72 years 5 months. The average age of the whole House was 46 years 4 months, a figure slightly higher than that for the First Lok Sabha, which stood at 45 years 8 months.

In the membership of the Second Lok Sabha, new entrants numbered 263 registering among themselves an average of 42 years 4 months—that is, exactly four years lower than the average age of the entire House. Among the new entrants the largest number (60 members) belonged to the age-group 35-40 years.

1. Laid on the Table of Lok Sabha on 25-11-1957.

2. This was established by two leading cases, namely the English case *Re. Government of India & Mubarak Ali*, (1952) 1 All. E. R. 1060 and the Indian case *State of Madras v. Mani* (1955) 1 S.C.R. 270.

3. This Act extends to laws of, or of any part of the United Kingdom or its territory, and also, but so far only as concern law which cannot be amended by a law of the legislature thereof, to law of Southern Rhodesia or of any part thereof. [See 1(2)].

Looking at the distribution of members by age-groups, it is found that the age-group 35-40 claimed the maximum number in the Second Lok Sabha viz. 93 members; whereas in the First Lok Sabha the leading position was enjoyed by the age-group 50-55 years, with 93 members. The Minimum number in both —1 in the First Lok Sabha and 4

in the Second Lok Sabha—fell in the age group 70-75 years.

The detailed group-wise distribution of the members of the First Lok Sabha, the Second Lok Sabha, and the new entrants to the Second Lok Sabha is as follows:—

Age-Groups	No. of members		
	First Lok Sabha	Second Lok Sabha	New entrants to Second Lok Sabha
25—30 Yrs.	28	13	12
30—35 Yrs.	54	60	33
35—40 Yrs.	58	91	56
40—45 Yrs.	68	71	42
45—50 Yrs.	74	64	34
50—55 Yrs.	93	76	39
55—60 Yrs.	47	70	28
60—65 Yrs.	29	25	13
65—70 Yrs.	10	12	4
70—75 Yrs.	1	4	2
Total	462*	486*	263

*Information was available only for this number of Members in the *Who's Who* of the First and the Second Lok Sabha.

The Budget in Parliament—(1)

By

S. L. SHAKDHER

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[This is the first instalment of a talk delivered by Shri S. L. Shakhder as part of the Short Term Course on Budgeting conducted by the Indian Institute of Public Administration in September, 1959. A summary of the talk appeared in the IIPA publication "Budgeting in India".—Editor.]

The first thing to know about the budget is that the powers of Parliament in regard to public finance, i.e. taxation and expenditure, and the procedure that is to be followed in Parliament, are laid down in the Constitution itself. You may perhaps be surprised to learn that when the draft Constitution was first introduced in the Constituent Assembly by the Drafting Committee, it did not contain the fundamentals of financial principles or procedure. For instance, the major provision that no tax shall be levied or collected except by authority of law was not in the draft Constitution. Similarly there was no provision regarding Consolidated Fund, Vote on Account, Exceptional Grant, Appropriation Bill, Charged Expenditure, to quote a few more examples.

I remember the day in May 1949 when the financial clauses of the draft Constitution came for consideration in the Constituent Assembly. Dr. Ambedkar was somewhat uneasy about the matter. He felt that the draft Constitution was incomplete and defective in

this regard. He had a talk with the then Speaker, Shri Mavalankar, who after examining the relevant provisions of the draft Constitution advised Dr. Ambedkar to have their consideration postponed until the matter was thoroughly examined. Both Dr. Ambedkar and Shri Mavalankar asked Shri Kaul, then Secretary of Constituent Assembly (Legislative), now Secretary of Lok Sabha, to prepare a memorandum on the British financial procedure and to make his suggestions with regard to their applicability to India. There was argument whether we should adopt the British, American or the Continental system of financial procedure because essentially the three systems are quite different from one another. They differ in essentials as well as in details. After a good deal of discussion it was decided that we should continue to follow the British system as we had previously worked it and understand it better. You will thus see that our Constitution contains the main financial provisions identical with those existing in the United Kingdom. Having said this, it does not mean that we are following that procedure in all respects. The fundamentals, of course, we have taken from the British Parliament, but in many respects our procedure differs from the British procedure.

In order to understand our financial provisions and procedure, it is necessary to understand the British procedure first.

You must have all read that the British Constitution has in the main evolved as a result of long struggle between the Commons and the King over the power of the purse. You have to go to the earliest times, to the days of Magna Carta to find out the roots of the British Parliamentary control over the public finance. Chapter 12 of the Magna Carta lays down:

'No scutage nor aid shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the City of London.'

Of course, the Magna Carta did not give the people the right of control over taxation, but it laid foundations on which that right has been steadily built. In our text-books at school we have read mostly about the power of Parliament in regard to taxation: no tax without consent, no tax without representation of grievances and things like that. But if you read the financial history of England, you will observe that the people had also laid claim to control over expenditure as well as appropriations from the earliest times. The early resolutions of the Parliament from the 13th century onwards recorded in the rolls or proceedings of Parliament give in an embryonic form the present system. For instance, whenever money was voted the Commons stipulated that the proceeds of such and such tax shall be utilised for a specific purpose say, Napoleonic Wars only. There you see

the seeds of appropriations which we have today, i.e. whenever Parliament votes a grant it gives that grant for a specific purpose and Government cannot spend it on any purpose other than the one indicated by Parliament. Similarly if you examine the question of accountability to Parliament which we have today in a modern form, you will notice that it also dates back to the 13th or 14th century because after the money was spent, Parliament in certain cases called for an account from the King as to how the money was spent.

Mr. Paul Einzig in his book, *The Control of the Purse*, says: "It is an inescapable historical fact that the House of Commons owes its origin and early development almost entirely to its 'sordid' financial functions. Parliaments in most other countries originated as a culmination of movements aiming at political freedom—freedom of speech, freedom of the Press, independent administration of justice, freedom of religious worship, freedom from alien domination. The British Parliament, on the other hand, owed its origin and its existence during the vitally important formative period between the 13th and 17th centuries almost entirely to the Englishmen's age-old determination not to be taxed without his consent". Gladstone in a speech at Hastings on March 17, 1891, summed up the position as follows:

The finance of the country is ultimately associated with the liberties of the country. It is a powerful leverage by which English liberty has been gradually acquired. If the House of Commons by any possibility lose the power of the control of the grants of public money, depend upon it, your very liberty will be worth very little in comparison. That powerful leverage has been what is commonly known as the power of the purse—the control of the House of Commons over public expenditure.

The Budget in Parliament

The British financial procedure has undergone three fundamental phases. I am not talking of the details because the details have been changing almost every decade, but of the landmarks only. The first phase dates from the 13th century to 1688 and the second from 1688 to 1856 when Gladstone became the Chancellor of the Exchequer, and the third phase covers the period from 1856 to the present day. The procedure that exists to-day in England is essentially the same as that laid down in 1856 and after. Gladstone was a great reformer in the field of financial procedure. It was he who introduced the concept of a Public Accounts Committee. It was in his time that the office of the Comptroller and Auditor-General was created and the Exchequer and Audit Departments Bill of 1866 was passed. These institutions which are regarded as modern and a *sine qua non* of the British financial system are a little less than 100 years old.

We are to-day familiar with the terms like 'Money Bill,' 'Consolidated Fund,' 'Appropriation Bill,' 'Supplementary Grant,' 'Excess Grant,' 'Vote on Account' and so on. All these concepts were not evolved by any set of administrators or parliamentarians sitting in isolation or contemplating in abstract. They were all evolved in the course of centuries as and when concrete cases or difficulties arose and as a result of a continuous struggle between the ruled and the rulers. Hallam observes in his 'Constitutional History' that the subjects of Henry VII, who would have seen an innocent man led to prison or the scaffold with little attention, twice broke out into dangerous rebellions as a result of their grievances over taxation. To quote Paul Einzig again.

The Civil War did not have its origin in any despotic interference by Charles I with individual freedom and human rights but in his attempts to tax his subjects without their consent. John Hampden's refusal to pay an unlawfully imposed tax played the same part in the English Revolution... And the final victory of the House of Commons over the House of Lords..... was fought and won not over the vetoing of Bills dealing with religion, abstract constitutional rights or other fundamental political issues but over the vetoing of a Finance Bill.

British financial procedure rests to-day mostly on conventions and practices, resolutions of the House of Commons and certain Acts of Parliament such as the Parliament Act of 1911, the Exchequer and Audit Departments Act of 1866, as amended from time to time, etc. We have got all the concepts of the British financial system in our Constitution. Of course, in certain cases where basic principles only have been enunciated in our Constitution, the details have been left to be regulated by Acts of Parliament or the Rules of Procedure and Conduct of Business in Lok Sabha. So, whenever we want to understand the basic provisions in our Constitution, we have to look to the British procedure and study the historical evolution of that procedure, the strength of its usage and the need for it in modern times. Of course, we are free to make our own changes within the limits laid down by our Constitution and our Parliament has made changes in many respects. I shall have occasion to refer to some of the differences between the British and our systems later in my lecture today.

The most important, I should say the cardinal principle, of the British financial procedure is that no proposal, whether relating to a tax or expenditure, is brought before the House of

Commons unless it is accompanied by a recommendation from the Crown. This vital part of the procedure is based on an ancient resolution of the House of Commons passed in 1707. The Resolution which is embodied in Standing Order 78 of the House of Commons reads as follows:

This House will receive no petition for any sum relating to public service or proceed upon any motion for a grant or charge upon the public revenue, whether payable out of the Consolidated Fund or out of the money to be provided by Parliament, unless recommended from the Crown.

I may say that this is the foundation-stone on which the whole super-structure has been built because the Resolution or the Standing Order vests the initiative entirely in the Government to bring financial proposals before the House of Commons and the private Member has absolutely no right of initiative in this matter. The significance of this becomes all the more important when we turn our attention to the United States of America or Europe. In America or the Continental countries any Member can introduce any proposal, having financial implications, without restriction and we see that very often the proposals of the Government are substantially reduced or altered by the House on the initiative of private Members. Situations have arisen in those countries when Governments have found it difficult to manage the financial affairs of their States with reasonable efficiency in these circumstances and quite often the Governments have had a fall because of their tussle with the private Members over the size of the estimates to be voted by Parliament. On the contrary, such is the strict hold of the Government in the U.K. on the limits of estimates of Government expenditure that for the last 36 years, the House of Commons has approved

the annual estimates in precisely the same form in which Governments have presented them to the House. Of course, our Parliament follows the same procedure. Our Constitution makes ample provision that no proposal involving a taxation measure or expenditure can be brought before Lok Sabha unless it is recommended by the President, i.e., unless Government has considered and decided to submit it for the approval of Lok Sabha.

Now, I come to the second important Resolution of the House of Commons which was passed in 1707 and is now embodied in Standing Order 79 of the House of Commons:

This House will not proceed upon any petition, motion or bill, for granting any money, or for releasing or compounding any sum of money owing to the Crown, but in a committee of the whole House.

Although this is another important part of the British financial procedure, we have departed from this in our Lok Sabha. We have no Committee of the Whole House. I shall briefly explain why this Resolution has not been embodied in our Constitution.

In the United Kingdom, as you must have all read, in the olden days the Speaker used to be the King's nominee or the King's friend. It was he who was required by the King to facilitate passage of his taxation and expenditure proposals in the House of Commons. The Commons, therefore, always suspected the Speaker of his loyalty to the King and their inability to discuss in his presence freely and frankly the issues involved. The Commons in those days regarded the Speaker as an enemy of the House and they gradually resolved to discuss financial matters in his absence. This lack of trust and confidence in the Speaker led the Commons gradually to move each time when proposals for the grant of supplies were

taken up that 'the Speaker do leave the Chair'. Having thus got him out, the House proceeded with the consideration of their financial business in an atmosphere of freedom. Through the centuries the role of the Speaker has entirely changed. He is no longer the King's nominee. He is elected by the House of Commons from amongst themselves. He is the spokesman of the House. He occupies a position of utmost trust and confidence. He is regarded as an impartial umpire whose rulings have to be accepted without question. But the Commons still get him out of the Chair whenever they consider any financial business. The historical fiction is still maintained. On the motion that 'the Speaker do leave the Chair' having been passed, the House resolves into a Committee and the Government submits its estimates of expenditure and proposals for taxation to the Committee.

At the beginning of each session the Commons appoint two Committees, *viz.*, the Committee of Ways and Means and the Committee of Supply. These Committees are nothing but the whole House itself. They are Committees of the whole House without the Speaker. It is, however, not the House but a Committee over which one of the Members, called the Chairman, Ways & Means, presides. All the budgetary proposals are introduced, discussed and voted in these two Committees. The decisions of the Committees in the form of Resolutions are later on reported to the House. The main work is done in the Committees and the House gives its formal approval.

But we have departed from this procedure because, to our thinking, it was absolutely unnecessary to be a slave to a meaningless ritual. We are a new democracy and our Speaker did not

start as a friend of the King or of the Government. He is an independent member. He has inherited all the powers and prestige of any Speaker of any independent Parliament of the world. Therefore, as we did not feel that the House would be influenced in any way in the discharge of its duties in the presence of the Speaker, we have not considered it necessary to have a Committee of the whole House. Our Budget is presented to the House and the House considers, discusses and passes it without going through a Committee of the Whole House.

In the United Kingdom, the first intimation of the presentation of the estimates and introduction of financial proposals in the House of Commons is contained in the Queen's speech which she delivers at the commencement of a new session of the Houses of Parliament. The speech includes a short paragraph which is addressed specifically to the Members of the House of Commons. The paragraph runs as follows:

"Members of the House of Commons:

Estimates for the public services will be laid before you in due course."

This is the first intimation that is given to the House of Commons. Immediately after the commencement of the session, the House of Commons appoints on a motion two Committees of the Whole House, as I told you before,—the Committee of Ways and Means and the Committee of Supply. The Government present their estimates of expenditure to the Committee of Supply sometime in late January or early February. All the estimates are not submitted at once. They are submitted piecemeal as and when ready upto the end of March. The

taxation proposals are submitted to the Committee of Ways and Means sometime in April. No date is fixed for the submission of these proposals—Government choose any date between the 6th April and 6th May. They make their choice depending upon the Easter Holidays and other considerations. In India all the proposals, both relating to estimates of expenditure and taxation are introduced at the same time on the fixed date at the fixed time. By practice and convention, the last working day in February has been fixed for the presentation of the Budget. The date is not binding and the President can make a change if he so likes. The Finance Minister begins his speech at 5 P.M. and at the end of his speech he presents a statement of estimated receipts and expenditure of the Government of India, called the Annual Financial Statement. The estimates of expenditure show separately the sums required to meet the charged expenditure as well as other estimates of expenditure proposed to be met from the Consolidated Fund of India. The estimates also distinguish expenditure on revenue account from other expenditure. The Finance Minister also introduces a Bill to give effect to the financial proposals contained in his speech. It is commonly called 'the Finance Bill'.

While in the United Kingdom the taxes become effective under the Provisional Collection of Taxes Act after the Committee of Ways and Means has passed the necessary Resolutions based on the proposals contained in the speech of the Chancellor of the Exchequer immediately after his speech, in India, the taxes become effective immediately on the introduction of the Finance Bill because our Provisional Collection of Taxes Act provides that if a declaration has been embodied in such a Bill, the taxes shall become effective immediately

and shall remain in force for two months, unless, in the meanwhile, the Bill has been passed. In the United Kingdom, on the other hand, the taxes can be provisionally collected for four months under the terms of their Provisional Collection of Taxes Act. Here again, we have departed from the procedure of the House of Commons. We do not have the system of money resolution as it obtains there. In the House of Commons the drafting of the money resolutions has become complex because if they are narrowly worded, then in practice they create difficulties. On the other hand, if they are too broadly worded, the House of Commons is averse to impose taxes in general terms. Here in India it was considered that it would be much simpler and more precise if the Finance Bill which had textual evactitude was introduced and taxes were provisionally collected within the limits of the provisions of that Bill.

The Provisional Collection of Taxes Act governs the time-table that should be adopted for the completion of financial business both in the House of Commons and in India. In the U.K., the House of Commons gets nearly six months to consider the estimates of expenditure, and four months to consider the taxation proposals. In India, Parliament gets only two months to consider both the estimates of expenditure and the Finance Bill. The Budget is introduced on the last day of February and it must be passed a few days before the end of April.

The Financial Year begins on the 1st of April and all the previous supplies which have been granted upto 31st March lapse on that day. Therefore, in order to carry on the Government in the beginning of the new year until the estimates have been passed by the House

The Budget in Parliament

and the Appropriation Bill assented to by the President, the House passes a vote on account. This vote is approximately one-twelfth of what the Government have asked for in the estimates for the whole year. The vote on account is passed without discussion except to the extent of seeking elucidation of any extraordinary provision. For instance, if the Government have asked for more than 1/12th under any head and the explanation is not satisfactory, any Member may ask for an explanation and if he is not satisfied, ask for a debate which is usually granted. In India, a vote on account is for one month whereas in the United Kingdom the vote on account is for four months for obvious reasons.

The time-table for the completion of financial business in Lok Sabha is proposed by the Government and is considered and approved by the Business Advisory Committee of the House. Under the Rules the Speaker has the power to allot time for the completion of any financial business and if a doubt arises on the classification of any business as financial business, the decision of the Speaker is final. The Speaker, however, in practice, accepts the advice of the Business Advisory Committee of which he himself is the Chairman. The time-table is announced to the House in advance and is also intimated to the Ministries.

There is no discussion of the Budget on the day it is presented to the House. After a few days of the presentation of the Budget, Lok Sabha discusses the Budget in full, i.e., both the expenditure as well as taxation proposals. No motion is moved nor is the Budget submitted to the vote of the House at that stage. It is a general discussion which

may be termed as discussion on economic and financial policy of the Government. The Finance Minister makes a general reply at the end of the discussion. The discussion lasts 4 to 5 days in Lok Sabha.

Unlike the Parliament in the U.K., the Budget, although it is presented to the Lok Sabha, is simultaneously laid on the Table of the Rajya Sabha at the end of the Finance Minister's speech in Lok Sabha. In the United Kingdom the Budget is presented to the House of Commons only and the House of Lords has nothing to do with it. Therefore, the Lords do not discuss the Budget as such although they discuss on an independent motion the financial policy of the Government or any other matter of importance arising from the Budget. The only time that they discuss the Budget directly is on the Appropriation and the Finance Bills. The House of Lords is required to pass within one month a Bill which is certified as a Money Bill by the Speaker of the House of Commons. If the House of Lords does not pass such Bill within the time limit, it is presumed that that House has concurred in the Bill and it is then submitted to the Queen for her assent.

There are some variations so far as India is concerned. As I said before, the Budget is laid on the Table of Rajya Sabha. The Rajya Sabha has a general discussion of the Budget for two or three days and the Finance and Appropriation Bills are sent to Rajya Sabha after they have been passed by Lok Sabha. The Rajya Sabha discusses these Bills within the time schedule proposed by the Government and in any case that House has to discuss and return the Bills within 14 days of the date of receipt by them and if they do not return the Bills within that period, Lok Sabha assumes that the Rajya Sabha has concurred in

the Bills and presents them to the President for his assent. Rajya Sabha has no right of making amendments to the Money Bills. They can only make recommendations to Lok Sabha and it is for the Lok Sabha to accept or not to accept these recommendations and if they accept the recommendations they may amend the Bill accordingly and send it to the President for his assent.

After the discussion on the Budget in both Houses, Lok Sabha then proceeds to examine the estimates Ministry-wise. Rajya Sabha does not do any detailed examination of estimates because it has no such power under the Constitution. Lok Sabha examines the estimates thoroughly and much of the time of Lok Sabha is taken on the discussion of the estimates. The Demands for Grants are presented Ministry-wise and, therefore, it is easy for the House to consider the Demands Ministry-wise. Along with the Budget papers, Explanatory Memoranda are supplied by the Government as a matter of course. Also Annual Reports for each Ministry are presented to the House. These Reports describe the working of the Ministry during the past year, their important achievements, their proposals and programmes for the next year and justification in broad terms for the additional monies asked for. The Annual Reports of the Ministries are being submitted to the House since 1951. Prior to that no such reports were presented. Similar reports are not presented in the U.K. These reports are very helpful to Members and it is on the basis of these Reports as well as the Reports of the Public Accounts Committee and the Estimates Committee that they make criticisms.

During the discussion Members move cut motions. The idea behind the cut

motions is that Members should specify the points on which they wish to focus attention during the discussion.

✓
Cut motions are of three kinds. One is Disapproval of Policy Cut, the second is Economy Cut and the third is the Token Cut. There are prescribed forms in which the three cut motions are moved. Whenever a Disapproval of Policy Cut has to be moved, the motion is, "that the amount of the demand be reduced to Re. 1". Whenever an Economy Cut is moved the motion is, "that the amount of the demand be reduced by a specified amount" and with regard to Token Cut, the form of the motion is, "that the amount of the demand be reduced by Rs. 100." Each motion specifies the points in precise terms which a Member wants to discuss, e.g., when the discussion is on a Policy Cut, a Member can advocate an alternative policy. So far as Economy Cut is concerned, the speech is confined to the discussion as to how economy can be effected. As regards Token Cut, the discussion is confined to the particular grievances specified in the motion. The Speaker decides on the admissibility of each cut motion according to rules and practices before he puts it to the vote of the House. The point, however, to remember is that in Lok Sabha we have hundreds of cut motions on the various Ministries. Not all these cut motions are discussed. A few are moved and a fewer still are ultimately put to the vote of the House. Historically speaking, when the Government was not responsible to the Legislature, nationalist opposition made much use of cut motions in order to ventilate their grievances, to attack the policy of the Government and to indicate the lines along which economy could be effected. This was, therefore, a very effective weapon in

their hands when the Budget was under discussion. There is a case in which, I remember, a cut motion moved by the opposition was passed by the House, and the Government, though they were not bound by the vote of the House on financial matters, did accept in this particular case the decision of the Central Assembly, and, in order to give effect to that decision, the Departments which were affected by the cut motion disappeared overnight because no money was voted for their continued existence. The historical hangover still persists and although the Members of the Congress Party do not move any cut motions because the Party has issued directions to its Members not to bring cut motions as that would mean disapproving the policy of their own Government, nevertheless, Members of the Opposition do table hundreds of cut motions. Although these cut motions tend to increase the work both in the Secretariat of the House as well as in the various Ministries which are required to prepare briefs for the Ministers, to look into hundreds of local grievances, to collect data, facts and other material for the use of the Ministers at short notice, the cut motions generally do serve a very useful purpose. They bring to light many of the defects that might go unnoticed because in the vast administration of this country, it cannot be said that the whole administrative machinery is efficient, unbiassed and responsive to the grievances of the public. Members who come from all parts of the country and have intimate contacts with the public do gather cases of mal-administration, inefficiency and the like and when they bring them on the floor of the House, the grievances do receive consideration in the highest quarters at the hands of Ministers and senior officials of the Ministry. Dr. John Mathai, when he was Finance Minister, often said that

by means of questions tabled by Members and during discussions on the Budget, he gathered such a lot of information about the working of the Departments that he was able to locate defects and take such remedial action as was possible. He said that, but for such parliamentary opportunity, he might never have come to know of the numerous details.

↳ If a cut motion is carried in the House, it has a serious consequence on the fate of the Government. A defeat on a financial measure is a major defeat for the Government and that Government will have to consider seriously whether it should continue in office. Normally, it will resign.

You may be surprised to know that in the United Kingdom nowadays cut motions are rare. The explanation is mostly psychological and political. In the present-day developing society there is need for more expenditure so that the nation-building processes may continue at a rapid rate. Members, therefore, plead during discussions that more money should be found for this service or that service. Members feel that if they gave notices of cut motions or moved such cut motions, a story might go round their constituencies that the Members were not pressing the Government for allotting more money for works in their areas but instead that they were asking for cuts. Such a psychological effect on the constituents would be dangerous for the Member's position in his constituency. In their speeches in the House, however, Members do indicate alternative policies or possible economies that could be enforced and also represent their grievances. The only change now is that a formal cut motion is not as a rule moved. I am sure that when our own electorate becomes more educated and takes more interest in par-

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liamentary procedure, the Members may follow the same practice as in the U.K. As it is, Members of the Congress Party follow the same procedure. They do not

move cut motions, but they do speak on the demands when they bring forth their grievances as well as suggest possible economies.

(To be continued).

Parliamentary Committees on the Draft Third Five Year Plan

By

B. K. MUKERJEE

Under Secretary, Lok Sabha Secretariat

The draft outline of the Third Five Year Plan was released for publication in June, 1960 and a copy thereof was laid on the Table of the Lok Sabha on August 1, 1960. A discussion on the draft Plan was held in the Lok Sabha for five days from August 22 to 26, 1960. The Rajya Sabha discussed the Plan for two days on September 5 and 6, 1960.

Announcement by Speaker

On September 6, 1960, the Speaker made the following announcement in the Lok Sabha:

Hon'ble Members are aware that last time when the Second Five Year Plan was placed before the House in advance, I appointed four Committees of the House.¹ I appointed a sub-committee of the Business Advisory Committee to divide the subjects dealt with in the Plan and put them into four groups. I requested hon. Members to intimate to me or to the office the groups in which they wanted to serve, in the order of their preference—1, 2, 3 and so on,—so that I might assign all Members to one or other of those groups. Now I intend constituting similar groups for considering the Third Five Year Plan. The first meeting of these groups will be held on the 8th. Thereafter, as soon as the House meets next time, they will go on meeting from day to day. Tomorrow is 7th. I would request hon. Members to intimate to me before the 8th their order of preference, so that I might announce

the committees and they may have a sitting on the 8th. A bulletin will issue....

The names of these committees and the subjects tentatively are: Committee A—Policy, Resources and Allocations; Committee B—Industry, Power and Transport; Committee C—Agriculture and Rural Economy; and Committee D—Social Services, Technical Man-power and Scientific Research. If a large number of people want to serve in Committee D, I would like to divide it into Committees D and E—Committee D—Social Services, and Committee E—Technical Man-power and Scientific Research....

After the names are received, I will appoint the Chairmen. The proceedings of the Committees will be placed in the Parliament Library as was done last time."

Constitution of Committees

In pursuance of the announcement made by the Speaker, a paragraph was published in the Lok Sabha Bulletin²—Part II dated the September 6, 1960 requesting members desirous of serving on any one or more of the five Committees to be set up to give their names by 15 hours on Thursday, September 8, 1960, indicating the name of the Committee or Committees on which they wished to serve.

¹The procedure for discussion of the Draft Plan by Parliamentary Committees was first adopted in 1956 when four Parliamentary Committees were set up for discussion of the Draft Second Five Year Plan. For an account of these Committees, see article entitled 'Discussion of Draft Second Five Year Plan by Parliamentary Committees' in JPI, Vol. II No. 2, pp. 200—204.

²L. S. Bn. II) 69 1960, para 4129/

By a letter¹ dated September 7, 1960, the Secretary, Lok Sabha requested the Secretary, Rajya Sabha to furnish the names of the members of the Rajya Sabha who would like to serve on the Committees that were being set up in pursuance of the announcement made by the Speaker in the Lok Sabha on the previous day.

Members of the Rajya Sabha were informed about the formation of the five Committees to discuss the Draft Third Five Year Plan by a paragraph published in the Rajya Sabha Bulletin²—Part II on September 7, 1960. Members desirous of serving on any one or more of the five Committees were requested to give their names to the Rajya Sabha

Notice Office by 15 hours on Thursday, September 8, 1960.

A list of the members from both the Houses who had communicated their willingness to serve on any one or more of the Committees was prepared (Committee-wise) after 15 hours on September 8, 1960 and put up to the Speaker, who nominated from amongst the names received the Chairman and the Panel of Chairmen for all the five Committees³.

The Speaker also directed that a meeting of the Chairman of the five Committees and the Members of Panel of Chairmen might be held on the 9th September, 1960 to consider the programme of meetings and to formulate the procedure.

¹Letter No. F. 19/1/60/T dated Sep. 7, 1960.

²R.S.Bn. (II) 7-9-1960, para 8301.

³The following were appointed as Chairmen and members of the Panel of Chairmen for the five Committees:

Committee-A (Policy, Resources & Allocations)

Chairman

1. Shri K. Santhanam (R. S.)

Panel of Chairman

2. Shri N. R. Ghosh (L.S.)
3. Shri G. D. Somani (L.S.)
4. Shri N. R. Muniswamy (L.S.)

Committee-B (Industry, Power and Transport)

Chairman

1. Shri Jairamdas Daultaram (R.S.)

Panel of Chairman

2. Shri Ajit Singh Sarhadi* (L.S.)
3. Shri G. D. Somani (L.S.)
4. Shri K. R. Achar (L.S.)
5. Shri T. Subramanyam (L.S.)

*Resigned from the Panel of Chairmen on November 8, 1960.

Committee-C (Agriculture and Rural Economy)

Chairman

1. Dr. Ram Subhag Singh (L.S.)

Panel of Chairman

2. Shri Mahavir Tyagi (L.S.)
3. Shri Raghbir Sahai (L.S.)
4. Shri S. N. Dwivedi (L.S.)
5. Shri T. S. Avinashilingam Chettiar (R.S.)

Committee-D (Social Services)

Chairman

1. Shri Mahavir Tyagi (L.S.)

Panel of Chairman

2. Shri T. S. Avinashilingam Chettiar (R.S.)
3. Dr. Raghbir Singh (R.S.)
4. Shri M. Govinda Reddy (R.S.)

Committee-E (Technical Manpower and Scientific Research)

Chairman

1. Shri T. S. Avinashilingam Chettiar

Panel of Chairman

2. Shri M. S. Gurupadaswamy (R.S.)
3. Shri S. Supakar (L.S.)

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All the Members of the five Committees were informed by means of a Circular about the appointment of the Chairmen and the Panel of Chairmen. A paragraph was also issued in the Lok Sabha Bulletin—Part III¹.

Meeting of the Committee of Chairmen

A preliminary meeting of the Chairmen and Panel of Chairmen of the five Committees was held on September 9, 1960 to discuss the programme of work² and the procedure to be followed. The Minister of Planning, Shri Gulzari Lal Nanda, was in the Chair. The following main decisions were arrived at:—

- (i) The same procedure might be adopted for the working of the Committees as was done

at the time of considering the Draft Second Five Year Plan.

- (ii) The *verbatim* proceedings of the Committees might be recorded and a limited number of copies might be made available to the Members for reference.
- (iii) The Synopsis of the proceedings of each Committee might be laid on the Table of the Lok Sabha and Rajya Sabha by the respective Chairmen.
- (iv) The Committees might meet three days before the commencement of the ensuing session and work more or less simultaneously as per the programme³ drawn up.

¹ L. S. Bu. (III) 12-9-1960, para 3538.

² Vide L. S. Bu. (III) 12-9-1960, para 3539.

³ The programme of the Committees was as under:—

	10-11-60	11-11-60	12-11-60	Total hrs.
Committee 'A'	09.00 to 13.00 hrs	09.00 to 13.00 hrs	09.00 to 13.00 hrs	} 21 hrs.
	15.00 to 18.00 hrs	15.00 to 18.00 hrs	15.00 to 18.00 hrs	
Committee 'B'	11.00 to 13.00 hrs	09.00 to 13.00 hrs	09.00 to 13.00 hrs	} 19 hrs.
	15.00 to 18.00 hrs	15.00 to 18.00 hrs	15.00 to 18.00 hrs	
Committee 'C'	15.00 to 18.00 hrs	09.00 to 13.00 hrs	09.00 to 13.00 hrs	} 17 hrs.
		15.00 to 18.00 hrs	15.00 to 18.00 hrs	
Committee 'D'		09.00 to 13.00 hrs	09.00 to 13.00 hrs	} 14 hrs.
		15.00 to 18.00 hrs	15.00 to 18.00 hrs	
Committee 'E'		11.00 to 13.00 hrs	09.00 to 13.00 hrs	} 12 hrs.
		15.00 to 18.00 hrs	15.00 to 18.00 hrs	

³ Subsequently on the initiative of the Chairman, Committee 'E', a joint sitting of this Committee with Committee 'A' was arranged on the forenoon of the 10th November, 1960. The first sitting of Committee 'E' was fixed at 14.30 hours on the 10th November, 1960.

- (v) The members of the Committees might be requested to send their suggestions and points for discussion to serve as basis for discussion.
- (vi) The time for joining the Committees might be extended by a fortnight and members of both the Houses might be intimated accordingly through a para in the Bulletin.

An informal meeting of the Committee of Chairmen was again held on Thursday, November 10, 1960 from 08.45 to 09.00 hours. The Minister of Planning presided. It was agreed that the subjects set down for discussion might be discussed *in extenso* during the days allotted for the respective Committees. If any topic was left over it might be considered on Sunday, November 13, 1960.

Follow-up Action

In accordance with the decisions reached at the meetings of the Committee of Chairmen, paragraphs were issued in Lok Sabha Bulletin¹ and Rajya Sabha Bulletin²—Part II extending the time limit upto 13.30 hours on September 24, 1960 for receipt of names from members of both Houses for serving on any one or more of these Committees. The minutes of the meetings of the Committee of Chairmen were circulated to the members of the Committees for information. The members were also requested to send their suggestions and points for discussion, for consideration by the Chairmen of the Committees concerned.

The names of even those members who had given their names for inclusion in one or more of the five Committees after the expiry of the dead-line date set, namely, September 24, 1960, were included in the respective Committees. The final strength of the Committees was as under:—

- (i) Committee 'A' .. 107 Members
- (ii) Committee 'B' .. 136 Members
- (iii) Committee 'C' .. 158 Members
- (iv) Committee 'D' .. 85 Members
- (v) Committee 'E' .. 34 Members

Secretarial Work

In order to render secretarial assistance to the Committees and to make arrangements for their simultaneous sittings a small *ad hoc* unit³ was set up within the Lok Sabha Secretariat. This unit functioned in close co-operation and co-ordination with the Planning Commission and the Rajya Sabha Secretariat. The work of this Unit comprised *inter alia* the following:—

- (i) Preparation of bibliographies, background notes and memoranda in connection with the various topics to be discussed by the respective Committees.
- (ii) Collection of reports and other publications required in connection with the work of the Committees from the Planning Commission and the concerned Ministries.
- (iii) Circulation of notes, memoranda and points or suggestions received from the

¹L.S. Bn. (II) 14-9-1960, para 4148.

²R.S. Bn. (II) 16-9-1960, para 8331.

³The unit consisted of 3 Research Officers, 1 Assistant Research Officer, 1 Research Assistant, 2 Stenographers and 1 messenger.

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members of various Committees.

- (iv) Preparation of an up-to-date list of members and making arrangements for sittings of the Committees, including such items of work as reservation of committee rooms; sound and microphone arrangements; seating arrangements; serving of light refreshments for members, etc.
- (v) Circulation of speeches of members for correction and incorporation of corrected speeches in the verbatim proceedings.

In order to record the verbatim proceedings of the Committees, the services of a team of 34 Reporters/Stenographers (23 from the Lok Sabha Secretariat, 9 from the Rajya Sabha Secretariat and 2 from the Ministry of Home Affairs) were utilised. In all seven typed copies^a of the verbatim proceedings of each sitting were prepared for the use of the Committees. Five Branch Officers were designated as Table Officers to attend the sittings of five Committees. This was considered necessary as the sittings of the Committees were held simultaneously.

The material received or prepared for circulation to the Committees was listed serially and distinguished by distinctive

symbols. For instance, the material received from the Planning Commission was marked thus: PC1(A), PC1(B), PC1(C), PC1(D) and PC1(E) and so on—(the numeral representing the serial number of the list and the alphabet within brackets indicating the particular Committee to which the material pertained). Similarly, the material prepared by the Lok Sabha Secretariat for the use of the Committees was distinguished by the symbols LSS1(A), LSS1(B), etc. The points/suggestions and memoranda received from Members were simply marked thus:—1(A), 1(B) and so on.

Work of the Committees

A list of the topics to be considered by each Committee was finalised by the respective Chairman in consultation with the Planning Commission (See Annexure). The lists were circulated to the members in advance. Material on some of the points included in the list of topics was furnished by the Planning Commission. They were also circulated.

Seven days before the commencement of the sittings, the members were informed by means of a circular letter about the programme and venue of the sittings^b

Committee 'A' met on November 10, 1960. The Chairmen of all the Committees were present at the time of the

^aThese were utilised thus under : (a) Planning Commission—1 set; (b) Parliament Library—3 sets; for sending speeches to members for corrections—2 sets; and (d) for editing and preparation of synopses—1 set.

^bThe Committees met in the Parliament House as under:—

Committee 'A'—in Room No. 50

Committee 'B'—in Room No. 63

Committee 'C'—in Central Hall

Committee 'D'—in Committee Room No. 63

Committee 'E'—in Committee Room No. 53

commencement of the sitting of the Committee. The Minister of Planning made a statement on Plan Policy, Resources and Allocations. The first three sittings were devoted to a discussion of the Plan Policy. In the next three sittings, Resources and Allocations were discussed together. In the last sitting on the 13th morning the Minister of Planning replied to the points raised by the members in the debate and finally answered questions put by them. During the debate many members wanted that specific recommendations summing up the results of discussion might be made so that Government could implement them. The Chairman, however, pointed out that "it would not be possible to put forward specific recommendations on behalf of the Committee, unless they were reduced to specific proposals clothed in precise language and voted upon". He, however, undertook to put in a note* containing the most important observations and suggestions on which there was a large measure of agreement.

Committee 'B' met on November 10, 11 and 12, 1960 and discussed Industries and Minerals, Village and Small Industries, Power and Transport, and Communications including Broadcasting. The Committee was assisted in their deliberations by two Members of the Planning Commission, Shri T. N. Singh and Shri C. M. Trivedi. The Chairman in his concluding speech on November 12, 1960 made the following suggestions:—

- (i) Before the Planning Commission had approved the draft outline of the Plan, the Parliamentary Committees might be given an abridged outline

of the proposal which the Planning Commission had to consider, so that on the basis of that abridged outline the Parliamentary Committees could discuss and give suggestions. In the light of this discussion, the Planning Commission could decide what should be the draft outline of the Plan to be put before Parliament; and

- (ii) At the end of one year after the Third Plan had been implemented there should be an opportunity to Parliamentary Committees to give to the Planning Commission their views as to how things had shaped or what new circumstances in various areas necessitated readjustment of proposals here and there."

Committee 'C' met on November 10, 11 and 12, 1960 as scheduled and discussed *inter alia* the Effect of Planning on Rural Economy, Financial Allocations, Irrigation, Agricultural Price Policy, Rural Electrification, Animal Husbandry, Dairying and Fisheries, Co-operatives and Community Development, Rural Man-power, and Land Reforms. The Committee were assisted in their deliberations by Shri Shriman Narayan, Member, Planning Commission.

Committee 'D' met on November 11 and 12, 1960 and discussed Education, Health, Housing, Welfare of Backward Classes, and Social Defence problems. The Committee were assisted by Dr. A. N. Khosla, Member, Planning

*This note was included as Introduction to the Synopsis of proceedings of Committee 'A'.

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Commission and Shri M. R. Kothandaraman, Adviser (Social Services), Planning Commission.

Committee 'E' sat jointly with Committee 'A' on the forenoon of November 10, 1960 and later held a separate sitting in the afternoon of the same day. During the five sittings the Committee discussed, among others, Progress, Requirement and Programme of Training of Engineering, Agricultural and Scientific Personnel, Vijnan Mandirs, Utilisation of the Results of Scientific Research and Science Education at the Elementary and Secondary stages. The Committee were assisted in their deliberations by Dr. A. N. Khosla, Member, Planning Commission.

Synopsis of Proceedings

After the synopsis of proceedings of each Committee was approved by the respective Chairman it was printed. Copies of the Synopses of Proceedings were then laid simultaneously on the Table of the Lok Sabha and the Rajya Sabha on the 23rd December, 1960 by the Chairmen or members on the Panel of Chairmen of the Committees.¹

Immediately after the Synopses of Proceedings of the Committees were

laid on the Table of the Lok Sabha a request was made to the Speaker by a member that the *verbatim* proceedings might also be printed. The Speaker, however, did not agree to the suggestion in view of the bulk of the material involved and suggested that Members might refer to the proceedings in the Parliament Library, where they would be kept for reference by Members.² Three sets of verbatim proceedings were accordingly placed in the Parliament Library.

Distribution of Copies

Printed copies of the Synopses of Proceedings were made available to the members of the Lok Sabha through the Publications Counter and those who did not collect their copies from the Counter were supplied copies at their residences. Two hundred and fifty copies of the Synopsis of Proceedings of each Committee were supplied to the Rajya Sabha Secretariat for distribution to the members of the Rajya Sabha. Fifty copies were made available to the Planning Commission for their use. A limited number of copies were put on sale to the public at the Sales Counter of the Lok Sabha Secretariat.

¹The following Chairman/members of the Panel of Chairmen laid the copies of the Synopses on the Table of the two Houses:—

In Lok Sabha

- Committee 'A'—Shri N. R. Ghosh (Panel of Chairmen)
- Committee 'B'—Shri K. R. Achar (Panel of Chairmen)
- Committee 'C'—Dr. Ram Subhag Singh (Chairman)
- Committee 'D'—Shri Mahavir Tyagi (Chairman)
- Committee 'E'—Shri S. Sengupta (Panel of Chairmen)

In Rajya Sabha

- Committee 'A'—Shri K. Senthanam (Chairman)
- Committee 'B'—Shri Jairamdas Dandekar (Chairman)
- Committee 'C'—Shri T. S. Avinashilingam Chettiar (Panel of Chairmen)
- Committee 'D'—Dr. Raghubir Singh (Panel of Chairmen)
- Committee 'E'—Shri T. S. Avinashilingam Chettiar (Chairman)

²Members were informed of this by a para in Bulletin—Vide L. S. No. (III) 29-22-1960, para 9776.

ANNEXURE

Lists of Topics for the Consideration of the Committees on the Draft Third Five Year Plan

1

COMMITTEE A' ON POLICY, RESOURCES AND ALLOCATIONS

A. POLICY

I. Progress towards socialist pattern of society:

1. General criteria.
2. Applications of these criteria to:
 - (a) Industries and minerals.
 - (b) Power.
 - (c) Transport and Communications.
 - (d) Trade and commerce.
 - (e) Agriculture.
 - (f) Social Services.

***II. National, State and Local Development:**

1. National Development.
2. State Plans.
3. Plans at the district, block and village level.

III. Approach to the Third Plan:

1. Objectives.
2. Priorities.
3. Public and private sectors.

IV. Problems of Policy and Organisation:

- *1. Price policy.
- *2. Development of exports.
3. Employment and utilization of manpower.

4. Balanced regional growth.

*5. Relative impact of the Plan on the urban and rural population.

6. Administrative efficiency and economy.

B. RESOURCES

I. General scheme of finance for the public and private sectors.

*II. Financing of State plans.

*III. Contribution of local bodies to the financing of development.

IV. Additional taxation.

V. Loans and small savings.

VI. Deficit financing.

VII. External resources.

C. ALLOCATIONS

I. Distribution of outlay and investment in the public sector.

II. Distribution of outlay in the public sector between the Centre and the States.

*III. Relative proportion of investment and current expenditure under different heads of development.

*IV. Physical targets in relation to allocations and methods of progressing and scrutiny.

*V. Investment in the private sector—how far regulation is feasible and by what methods.

*Notes were required to be furnished by the Planning Commission on these items.

COMMITTEE 'B' ON INDUSTRY,
TRANSPORT AND POWER

I. *Industries and Minerals:*

1. Priorities in industrial development.

2. Relative contribution of the public and private sectors in the Third Plan.

3. Public sector programmes in the major industries.

4. Programme in the private sector.

5. Finance of private industry.

II. *Village and Small Industries:*

1. Review of progress.

*2. Rural industries.

*3. Small-scale industries and industrial estates.

III. *Transport:*

1. Railways.

2. Roads.

3. Road transport.

4. Shipping.

5. Ports and harbours.

6. Other transport.

7. Communications.

8. Tourism.

9. Broadcasting.

IV. *Power:*

1. Progress in the First and Second Plans.

*2. Estimates of requirements, targets and programmes.

*3. Rural electrification.

COMMITTEE 'C' ON AGRICULTURE
AND RURAL ECONOMY

I. *Agricultural production*

1. Targets of agricultural production for foodgrains and other crops.

2. Financial allocations.

3. Programmes

(i) Minor irrigation.

(ii) Factors relating to the utilisation of irrigation.

(iii) Programmes for unirrigated areas—

(a) soil conservation for agricultural lands and dry farming;

(b) land reclamation, anti-waterlogging and drainage.

(iv) Fertilisers and manures.

(v) Seed multiplication and distribution.

(vi) Improved agricultural implements.

(vii) Intensive agricultural district programme.

4. Securing greater popular participation in the agricultural effort, specially in minor irrigation and soil conservation and obligations of the village community and of beneficiaries.

5. District, block and village agricultural plans.

6. Agricultural price policy.

7. Rural electrification.

*Notes were required to be furnished by the Planning Commission on these items.

II. Animal Husbandry, Dairying and Fisheries

III. Forests and Soil Conservation

IV. Co-operation

1. Place of co-operation in the Plan.
2. Programme for co-operative credit.
3. Programme for co-operative farming.
4. Co-operative marketing and processing.
5. Consumers' co-operation.
6. Training of officials and non-officials in co-operation.

V. Community Development

1. Priorities in community development.
2. Block as the unit of planning and development.
3. Role of democratic institutions at the village, block and district levels.
4. Policy and measures relating to the welfare of the under-privileged sections of the rural population.

VI. Works programmes for utilisation of rural manpower

VII. Implementation of land reform programmes in the Third Plan

4

COMMITTEE 'D' ON SOCIAL SERVICES

I. Education@

1. Free and compulsory education for age-group 6—11 years.
2. Development of basic education.

3. Secondary education programmes.
4. Social education.
5. Programmes for improving quality of university education.

II. Health@

1. Rural water supply.
2. Urban water supply.
3. Family Planning.
4. Primary health units.

III. Housing@

1. Housing programmes for urban areas.
2. Slum clearance and improvement.
3. Rural housing and sites for agricultural workers.
4. Housing finance.

IV. Welfare of Backward Classes@

1. Scheduled Tribes.
2. Scheduled Castes.
3. Denotified tribes and other backward classes.

V. Social Welfare Programmes@

1. Organisations functioning in the Centre and in the various States (parallel to the Social Welfare Board) and their activities.
2. Bharat Sevak Samaj and its activities.
3. Youth Programmes.

5

COMMITTEE 'E' ON TECHNICAL MANPOWER AND SCIENTIFIC RESEARCH

1. Review of progress of requirements and programmes for training in respect of—
 1. Engineering personnel.

@Notes were required to be furnished by Planning Commission in respect of all these above items as also statistics about the allocations made for each of the items individually.

Parliamentary Committees on the Draft Third Five Year Plan

2. Craftsmen.
3. Agriculture and allied fields.
4. Co-operation and Community Development.
5. Village and small industries, including village artisans.
6. Education—Teaching personnel for Elementary, Secondary and University Education.
7. Health.
8. Social Welfare.
9. Statistics.
10. Scientific personnel.
11. Administration.

II. General issues regarding training programmes.

1. Shortage of teaching personnel in technical and medical institutions.
2. Role of industry in technical training.

3. Methods of reducing costs of development, e.g., in engineering education, medical education, etc.

4. Methods of reducing wastage.

5. Scholarships and other assistance for students.

6. Training of non-officials (Co-operation and Community Development).

7. Questions concerning higher technical personnel seeking employment outside the country.

III. Scientific Research

1. Progress in regard to scientific instruments.

2. Vijnan Mandirs.

3. Utilisation of the results of scientific research, including consideration of the National Research Development Corporation.

4. Science education at the elementary and secondary stage.

5. Attracting talent for science.

The Searchlight Case*

The Searchlight Case arose out of the publication in the *Searchlight* (an English daily newspaper of Patna), dated May 31, 1957, of certain portions of the proceedings of the Bihar Legislative Assembly dated May 30, 1957, which had been expunged by the Speaker. On a question of breach of privilege being raised by a member on June 10, 1957, the Bihar Assembly referred the matter to its Committee of Privileges.

On August 18, 1958 Shri M. S. M. Sharma, the editor of the *Searchlight*, was served with a notice by the Secretary, Bihar Legislative Assembly, calling upon him to show cause why appropriate action be not taken against him for a breach of privilege of the Assembly arising out of the said publication.

WRIT PETITION

The editor of the *Searchlight*, thereupon, filed a writ petition in the Supreme Court against Shri Sri Krishna Sinha (Chief Minister of Bihar and Chairman of the Committee of Privileges), the Committee of Privileges, and the Secretary of the Bihar Legislative Assembly, under Art. 32 of the Constitution, impugning the validity of the proceedings before the Committee of Privileges and praying for restraining the respondents from proceeding against him. The petitioner contended that the proposed action by the Committee of

Privileges was in violation of the petitioner's fundamental rights to freedom of speech and expression under Art. 19(1)(a) and to the protection of his personal liberty under Art. 21 of the Constitution.

SUPREME COURT JUDGMENT

The Constitution Bench of the Supreme Court by a majority judgment† dismissed the petition and enunciated the following propositions of constitutional and legal import in their judgment dated December 12, 1958:

Art. 19(1) (a) subject to Art. 194(3)

(i) The provisions of of Art. 105(3) and Art. 194(3) are constitutional laws and not ordinary laws made by Parliament or the State Legislature and, therefore, they are as supreme as the provisions of articles relating to Fundamental Rights in Part III of the Constitution. Art. 19(1)(a) and Art. 194(3) have to be reconciled and the only way of reconciling the same is to read Art. 19(1)(a) as subject to the latter part of Art. 194(3). In the words of the Supreme Court:

(It is true that a law made by Parliament in pursuance of the earlier part of Art. 105(3) or by the State Legislature in pursuance of the earlier part of Art. 194(3) will not be a law made in exercise of constituent power like the law which was

* Prepared by Committee Branch I, Lok Sabha Secretariat.

† *M.S.M. Sharma v. Sri Krishna Sinha and others*, A.I.R. (1959) S.C. 395—423

considered in *Sankari Prasad Singh Deo v. Union of India*,^{*} but will be one made in exercise of its ordinary legislative powers under Art. 246 read with the entries referred to above and that consequently if such a law takes away or abridges any of the fundamental rights it will contravene the peremptory provisions of Art. 13(2) and will be void to the extent of such contravention and it may well be that that is precisely the reason why our Parliament and the State Legislatures have not made any law defining the powers, privileges and immunities just as the Australian Parliament had not made any under s. 49 of their Constitution corresponding to Art. 194(3) upto 1955 when the case of *The Queen v. Richard*[†] was decided.

(It does not, however, follow that if the powers, privileges or immunities conferred by the latter part of those Articles are repugnant to the fundamental rights, they must also be void to the extent of such repugnancy. It must not be overlooked that the provisions of Art. 105(3) and Art. 194(3) are constitutional laws and not ordinary laws made by Parliament or the State Legislatures and that, therefore, they are as supreme as the provisions of Part III.) Further, quite conceivably our Constitution makers, not knowing what powers, privileges and immunities Parliament or the Legislature of a State may arrogate and claim for its Houses, members, or Committee, thought fit not to take any risk and accordingly made such laws subject to the provisions of Article 13; but that knowing and being satisfied with the reasonableness of the powers, privileges and immunities of the House of Commons, at the commencement of the Constitution, they did not, in their wisdom, think fit to make such powers, privileges and immunities subject to the fundamental right conferred by Article 19(1)(a).

Article 19(1)(a) and Article 194(3) have to be reconciled and the only way of reconciling the same is to read Article 19(1)(a) as subject to the latter part of Article 194(3).

(In our judgment the principle of harmonious construction must be adopted and so construed, the provisions of Article 19(1)(a), which are general, must yield to Article 194(3) and the latter part of its clause (3) which are special.)

* (1952) S.C.R. 59,90.

† (1955) 92 C.L.R. 57 (*Bushell v. Observer Case*).

Right of Legislature to prohibit publication of its proceedings

(ii) A House of Parliament/State Legislature in India has the privilege, under Art. 105(3)/194(3) of the Constitution, to prohibit the publication of its entire proceedings or that part of its entire proceedings or that part of the proceedings which has been directed by the Speaker to be expunged. As stated by the Supreme Court:

....the House of Commons had at the commencement of our Constitution the power or privilege of prohibiting the publication of even a true and faithful report of the debates or proceedings that take place within the House. A fortiori the House had at the relevant time the power or privilege of prohibiting the publication of an inaccurate or garbled version of such debates or proceedings. The latter part of Art. 194(3) confers all these powers, privileges and immunities on the House of the Legislature of the States, as Art. 105(3) does on the Houses of Parliament. It is said that the conditions that prevailed in the dark days of British History, which led to the Houses of Parliament to claim their powers, privileges and immunities, do not now prevail either in the United Kingdom or in our country and that there is, therefore, no reason why we should adopt them in these democratic days. (Our Constitution clearly provides that until Parliament or the State Legislature, as the case may be, makes a law defining the powers, privileges and immunities of the House, its members and Committees, they shall have all the powers, privileges and immunities of the House of Commons as at the date of the commencement of our Constitution and yet to deny them those powers, privileges and immunities, after finding that the House of Commons had them at the relevant time, will be not to interpret the Constitution but to remake it. Nor do we share the view that it will not be right to entrust our Houses with those powers, privileges and immunities, for we are well persuaded that our Houses, like the House of Commons, will appreciate the benefit of publicity and will not exercise the powers, privileges and immunities except in gross cases.)

Punishment by Legislature Not Breach of Fundamental Right

(iii) If a person is deprived of his personal liberty as a result of the proceedings before the Committee of Privileges, such deprivation will be in accordance with the procedure established by law and it would not, therefore, involve a breach of the fundamental right under Article 21. The Supreme Court observed:

....The Legislative Assembly claims that under Art. 194(3) it has all the powers, privileges and immunities enjoyed by the British House of Commons at the commencement of our Constitution. If it has those powers, privileges and immunities, then it can certainly enforce the same, as the House of Commons can do. Article 194(3) confers on the Legislative Assembly those powers, privileges and immunities and Art. 208 confers power on it to frame rules. The Bihar Legislative Assembly has framed rules in exercise of its powers under that Article. It follows, therefore, that Art. 194(3) read with the rules so framed has laid down the procedure for enforcing its powers, privileges and immunities. If, therefore, the Legislative Assembly has the powers, privileges and immunities of the House of Commons and if the petitioner is eventually deprived of his personal liberty as a result of the proceedings before the Committee of Privileges, such deprivation will be in accordance with procedure established by law and the petitioner cannot complain of the breach, actual or threatened, of his fundamental right under Art. 21.

Legislature Sole Judge of its Privileges

(iv) A House of Parliament/State Legislature is the sole judge of whether there has been any breach of its privileges in a particular case. The Supreme Court observed:

We prefer to express no opinion as to whether there has, in fact, been any breach of the privilege of the House, for of that the House alone is the judge.

....If the Legislative Assembly of Bihar has the powers and privileges it claims and is entitled to take proceedings for breach thereof, as we hold it is, then it must be left to the House itself to determine whether there has, in fact, been any breach of its privilege. Thus, it will be for the House on the advice of its Committee of Privileges to consider the true effect of the Speaker's directions that certain portions of the proceedings be expunged and whether the publication of the speech, if it has included the portion which had been so directed to be expunged, is, in the eye of the law, tantamount to publishing something which had not been said and, whether such a publication cannot be claimed to be a publication of an accurate and faithful report of the speech. It will again be for the House to determine whether the Speaker's ruling, made distinctly and audibly that a portion of the proceedings be expunged amount to a direction to the Press reporters not to publish the same, and whether the publication of the speech, if it has included the portion directed to be so expunged, is or is not a violation of the order of the Speaker and a breach of the privilege of the House amounting to a contempt of the Speaker and the House.]

SECOND WRIT PETITION

The editor of the *Searchlight* filed another petition before the Supreme Court consequent upon his being served with a fresh notice on the 24th November, 1959, issued by the Secretary, Bihar Legislative Assembly.

Validity of Proceedings inside Legislature Not Open to Question

A Special Constitution Bench of the Supreme Court consisting of eight Judges, however, declined to re-open its previous decision on the ground of *res judicata* and also held that the validity of the proceedings in the Legislature of a State could not be called in question on the allegation that the procedure laid down by the law had not been strictly followed. The Supreme Court declared:

....the validity of the proceedings inside the Legislature of a State cannot be

The Searchlight Case

called in question on the allegation that the procedure laid down by the law had not been strictly followed. Art. 212 of the Constitution is a complete answer to this part of the contention raised on behalf of the petitioner. No court can go into those questions which are within the special

jurisdiction of the Legislature itself, which has the power to conduct its own business Mere non-compliance with rules of procedure cannot be a ground for issuing a writ under Art. 32 of the Constitution.

(A.I.R. 1960, S.C. 1186).

Liberty is the negation of tyranny but not the negation of the State. The State under modern conditions must at many points 'interfere' with the liberty of some but only in the interest of the liberties of all.

—NATHANIEL MICKLEM *in the Idea of Liberal Democracy.*

Estimates Committee of Lok Sabha

—A REVIEW OF REPORTS PRESENTED BY THE COMMITTEE
DURING 1950-57*—¹

[The end of the First Lok Sabha marks the first phase in the existence of the Estimates Committee of the House which was first constituted in the year 1950. The Reports presented to Parliament by the Committee during the seven-year period (1950 to 1957) were the subject of a review recently made to assess the contribution of the Committee to the efficient working of the Government. We publish here the opening portion of the study which falls under six broad heads: Economy and Efficiency; financial Matters; Staff; Stores; Certain Important Matters including Policy; and Miscellaneous.—Editor.]

I. Introduction

The Estimates Committee of Lok Sabha was first set up in April, 1950, following a memorandum by Shri M. N. Kaul, then Secretary of the Constituent Assembly (Legislative) and commended for adoption by the then Speaker, Shri G. V. Mavalankar. The Committee held its first sitting on the 18th April, 1950 and since then has become one of the most important Committees of Parliament.

The Committee has been based on the model of the Select Committee on Estimates of the House of Commons in the U.K. It is a representative committee consisting of thirty members of the Lok Sabha and the members are elected by the House by a system of proportional representation.

Functions

The functions¹ of the Estimates Committee are—

- (a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with policy underlying the estimates, may be effected;
- (b) to suggest alternative policies in order to bring about efficiency and economy in administration;
- (c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
- (d) to suggest the form in which the estimates shall be presented to Parliament.

The Committee has been able to exert a healthy influence on Government expenditure in two directions, firstly, the suggestions and criticisms which the committee makes give useful direction and guidance to the Government in the matter of formulation and regulation of policy and in regard to the regulation of expenditure. Secondly, the fact that the expenditure of Government is being examined in detail by an independent

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

¹ See Rule 310 of the Rules of Procedure and Conduct of Business in Lok Sabha (3rd Edition).

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authority set up by Parliament, acts as a deterrent to extravagance in public expenditure.

Dr. John Mathai preferred to consider the Committee as "an Economy Committee sitting, so to speak, continuously." Its functions are, however, not to effect a direct economy in expenditure entailing a reduction of the current year's budget. Government can of course implement the Committee's recommendations soon after a Report has been presented and effect economies during the current year's spending. The real importance of the Committee's recommendations is that they will be a guide to the Ministry of Finance and the Ministry concerned with regard to the basis on which proposals should be framed for future years. The Committee influences Government's long term thinking and plans.

Relation with Government

To have a clear understanding of the role of the Estimates Committee, it is important to realise the Committee's relation with the Executive Government. This was succinctly described by Shri Balvantray Gopaljee Mehta, Chairman of the Committee, at a sitting of the committee as follows¹:

We have taken up our work in the spirit of trying to help the Government and with the same objective or view as Government, the objective being the efficient management of certain affairs of each Department of the Government. The object of the Estimates Committee has been to see that the money voted by Parliament from the public treasury is used properly and yields the best results. For that purpose, we even try to go into the policy behind the estimates and also the principles and programmes adopted for carrying out the whole policy. In our endeavour to find the best way the money

allotted by Parliament is spent, we sometimes even suggest some alternative policies or even modifications of programmes. All that is not with a view to find fault but with a view to see that the common objective of both the Government and Parliament is fully achieved.

On another occasion also Shri Mehta spoke of this matter—

It is not that we (the Committee and the Government) are going to work at cross purposes; because there have been all sorts of reports and misunderstandings going round. I would like to remove at the outset any misunderstanding on the part of anybody. We are trying to help in every possible way. It is 'our' Government. Naturally it is. All of us, whether we belong to one party or the other, are interested in seeing that the Governmental machinery functions smoothly, harmoniously and effectively. It is our business, as members of Parliament, belonging to this important Committee to help the Government in bringing to its notice the public opinion, informed opinion. If there is any, and give constructive suggestions for the improvement of the Governmental machinery. The machinery is not bad it is quite good and it has worked well but there may be scope—as there is scope in every human activity—especially in our country, for improvement. Therefore we can help the Government and we shall feel satisfied when we do it. That is the spirit in which we have started this work and hope our work will be taken in that light.²

Dr. B. V. Keshkar, Minister for Information and Broadcasting, speaking in the Lok Sabha on March 11, 1955 also made the same point while referring to the Twelfth Report of the Committee. He said—

I might express here my appreciation of the way the Estimates Committee has gone into the matter, and I am also grateful for its appreciation of the working of A.I.R. in general. It is the duty of the Committee to suggest improvements. Improvement is a continuous process. And even after carrying out the improvements suggested there would be room for improvement still. All these improvements will continuously go on. Therefore

¹ Address at the first sitting of the Estimates Committee held on April 18, 1950.

² See Progs. of the Committee for October 22nd, 1956.

³ See Progs. of the Committee for October 17, 1955.

It should not be taken when the Estimates Committee suggests improvements, in the A.I.R. or in any other Department that it condemns the working of that Department. I think it is a wrong way of interpreting its recommendations and a wrong way of considering the functions of the Estimates Committee.

The recommendations of the Estimates Committee are treated with great respect by Government and every endeavour is made to implement them. The Speaker, in a letter⁵ to the Minister for Parliamentary Affairs, in 1956, wrote "that although technically the recommendations of a Parliamentary Committee are not formally described as directions by the House they are in practice, regarded as such, by convention." It would, however, not be strictly correct to say that the recommendations are binding on Government. Where Government are unable to implement a recommendation their views are placed before the Committee. The Committee reconsiders these views and may either accept what Government have said or may express disagreement with them and reiterate their recommendation in a report presented to the House. It would thereafter be left to the House itself or individual Members to press for particular recommendations made by the Committee and which have not been accepted by Government. As far as the Committee itself is concerned, it has done with them.

Method of examination

The Committee's method of approach to the examination of the estimates is not to analyse the figures comprising the estimates under each head of account and enquire as to how far they can be justified. The function of the Commit-

tee is not to economise in rupees merely for the sake of economy. A narrow view of this kind would prevent the growth of many activities for which government is responsible.

Since the estimates represent the various activities of the Ministry or Department the Committee concern themselves with those activities alone and in doing so, exercise their scrutiny from the following points of view:—

- (a) whether modern and economical methods of working have been employed;
- (b) whether persons of requisite calibre on proper wages in right numbers have been put on the job and whether proper amenities have been given to them;
- (c) whether duplication of work exists, whether proper coordination takes place, whether delays and losses occur, and whether defective contracts have been avoided;
- (d) whether proper planning and right consultation has preceded the examination of a job; and
- (e) whether the final product is worth the money spent on it.

During its comparatively small life so far, the Estimates Committee has come to play a very important role in the Parliamentary System as is evident from the tributes which have been paid to its work both in India and abroad, by Ministers, the Press and by individuals.

⁵D. O. Letter No. 579/CI/56 dated December 18, 1956 from Shri M. Ananthasayanam Ayyangar to Shri S. N. Staha.

A review of the Reports of the Estimates Committee from 1950 to 1957, till the end of the First Lok Sabha, will be published in serial form in this Journal. During these eight years, the Committee presented 68 Reports, out of which 11⁶ were Reports on Action taken by Government on the Reports of the Estimates Committee. Out of the 57 original Reports, 11 Reports⁷ relate to public undertakings and these have been excluded from the present review as they will form the subject of a separate review later. The review is divided into six broad headings as shown below:—

1. Economy and Efficiency
2. Financial Matters
3. Staff
4. Stores
5. Certain important matters including Policy
6. Miscellaneous.

II. Economy and Efficiency

A. ECONOMY IN EXPENDITURE

One of the main tasks of the Committee is to report what economies can be effected in Governmental spending and how efficiency can be improved. The approach of the Committee to the various activities implied in the estimates of any Ministry is therefore two-fold. It seeks to find out first whether the functions and tasks entrusted to the Government can be carried out equally efficiently at a less cost and second, whether a greater degree of efficiency can be obtained with the same cost. The Committee have in their various reports consistently stressed the need for economy both in regard to staff employed

and in regard to other items of expenditure. They have focussed attention on a number of matters where economy was possible and have recommended administrative changes to effect reduction in staff, fixation of work quotas based on scientific job analysis and elimination of wasteful methods of work. The Committee have pointed out several cases of losses, delays and wastages and have suggested specific remedies for avoiding them in future. They have repeatedly stressed the necessity of avoiding cumbersome procedures and delegating powers to subordinate authorities to expedite disposal of work. The Committee's efforts have always been directed towards finding out the underlying causes of waste in Government expenditure and suggesting measures for eliminating them.

Some of the important recommendations of the Committee directed towards achieving economy in Governmental expenditure and the results of the action taken on them, where intimated by Government, are given below.

Reduction of posts in I&S Ministry

In their First Report the Committee made several recommendations for economy in the Ministry of Industry and Supply and its Attached and Subordinate offices amounting to Rs. 2,13,72,000. They recommended the reduction of one Joint Secretary, 2 Deputy Secretaries, 4 Under Secretaries, 15 Superintendents, 90 Assistants, 90 clerks, 6 Stenographers and 84 Class IV servants in the Ministry itself.⁸ Writing of the senior officers in the Ministry the Committee stated—

We feel that the functions assigned to the Ministry can be performed equally well, or rather more efficiently, if there

⁶The 35th, 36th, 37th, 44th, 49th, 50th, 52nd, 53rd, 57th 58th and 66th Reports.

⁷The 8th, 13th, 14th, 15th, 16th, 22nd, 27th, 39th, 41st, 43rd and 67th Reports.

⁸1st Report (December 1950) paras 8—12, pp. 4-5.

is a division of work between the Secretary and the Joint Secretary and proper division of duties amongst other Officers. The Joint Secretary is comparatively a very senior official and should normally be appointed for an independent charge which may be lower than that of a Secretary but the system of placing a Joint Secretary under the supervision of a Secretary seems to us most uneconomical. We therefore think that the functions assigned to the Ministry of Industry and Supply should be divided between the Secretary and one of the Joint Secretaries the second post of Joint Secretary which, we understand, is at present vacant being abolished. We tentatively consider that the Joint Secretary may look to the work relating to purchases, textiles, coal, iron and steel and the Secretary may be responsible for items like industries, planning, budget and establishment. The Secretary may be assisted by two Deputy Secretaries, five Assistant Secretaries and the Joint Secretary may be assisted by one Deputy Secretary and three Assistant Secretaries.⁹

Scale of work of Assistants

The Committee found¹⁰ that the scale of work of Assistant in the Ministry was fixed at 1250 receipts per annum or about five receipts per day, taking 260 days as working days in a year. Out of these 5 receipts, 50% were of a routine nature such as acknowledgements, reminders, interim replies etc. The Committee felt that this scale was "very liberal" and suggested that "it has to be seen whether each man has a complete day's work before him. The Committee suggested¹¹ a scale "of at least five important receipts and ten ordinary receipts per Assistant which means an average of 15 receipts a day". The Committee also felt that number of posts of Superintendents should be on the basis of one Superintendent for every ten Assistants.

Reduction of number of stenographers and class IV staff

The Committee found that the number of stenographers, Personal Assistants and Class IV servants was very large compared to the number of officers and other staff. In this connection, the Committee made the following observations:—

At present there are 24 Stenographers as against 20 Officers, and 168 Class IV servants against 344 Officers and other staff. It is thought that a pool of smaller number of Stenographers should be formed for all Junior Officers and at least 50 per cent. of the Class IV strength should be progressively reduced. In this connection, we have been informed that the Prime Minister has issued several directives to the Ministries to reduce Class IV servants to a sizeable strength and to devise ways and means whereby their methods of work could be improved, so that armies of peons and other Class IV servants that are at present in the employ of each Ministry are considerably reduced. It is our earnest hope that Government will give due attention to these directives of the Prime Minister and devise measures whereby expenditure on Class IV servants is kept to the absolute minimum.¹²

Large number of Branches

While examining the working of the Ministry, the Committee noticed that existence of a large number of Branches tended towards overlapping, duplication, giving conflicting opinions and other difficulties. They commented¹³ as follows on this matter:—

If a smaller number of self-contained Branches is created, it is likely to lead to better co-ordination. Co-ordination will lead to unified policy behind any measure and better planning. This can be realised if there is a revision in the scales of work and also amalgamation of large number of

⁹ 1st Report (December, 1950). para 8, page 4.

¹⁰ *Ibid* para 9, page 4.

¹¹ *Ibid* para 10, pages 4-5.

¹² *Ibid* para 12, page 5.

¹³ *Ibid* para 13-14 pages 5-6.

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identical duties in one Branch. Considerable reduction of manpower will be effected if revised scales of work are laid down and decentralisation of responsibility is enforced. It would also lead to greater efficiency and better organisation of work. If people have sufficient work to do, it will mean that they would apply their mind to the problems better, think precisely and have little time for gossip. Furthermore, handling of a large number of receipts by an individual would mean that a large number of aspects of a particular subject are handled by him and not by different persons with the result that he would have a better hang of the problem, and there would be unified mind behind the various proposals and policies. Decentralisation of responsibility will enable Officers to develop their initiative and to take decisions. Centralisation on the contrary makes them timid, indecisive, let alone the cost in manpower and delay.

Office of D.G., I&S.

The Committee made similar recommendation in regard to the office of the Director of Industrial Statistics which they recommended should be reduced by 50% into a small Directorate and placed under the D.G., Industry and Supply. In the Directorate General of Industry and Supply and its regional offices the Committee recommended¹⁴ that 3 Deputy Directors General, 5 Directors and 5 Deputy Directors should be retrenched and 25% reduction effected in other gazetted and non-gazetted staff.

Tours of Secretariat Officers

Besides reduction in the staff, the Committee had also recommended¹⁵ that tours of Secretariat Officers should be curtailed and expenditure on T.A. reduced by 50%; service postage and

telegram charges should be reduced by 25%; and residential telephones should be given only to Senior Key Officers. They also recommended that internal telephone system should be installed in Ministries instead of having direct telephone lines which were costlier. In their Second Report also the Committee reiterated¹⁷ their recommendation about economy in the use of telephones.

Government's reply

Government in their reply regarding these recommendations stated¹⁸—

It was at first the intention of Government that a drastic percentage cut should be prescribed and applied uniformly to all Ministries in the Assistant's grade, with consequential reductions in the higher grades. An examination showed, however, that the volume and nature of work differ from Ministry to Ministry and hence it was not practicable to apply a uniform percentage cut. At the same time it was not possible to dispense with a substantial basis of uniformity in carrying out reductions since ad hoc reductions made in one or two Ministries without reference to a general basis on which staff is allowed to other Ministries will not lead to any appreciable and lasting results. The Government, therefore, decided to conduct a critical review of the existing standards of work obtaining in the Secretariat, which will provide a revised basis for the assessment of the strength of the various Ministries.

Government also stated that the staff in several Ministries had been reviewed and fixed after an objective examination of staff requirements had been made by a team of specially qualified senior officers. The recommendations of the team of officers envisaged several organisational changes besides reduc-

¹⁴ 1st Report (December 1950) para 21, pages 9-10.

¹⁵ *Ibid* paras 21-25, page 10.

¹⁶ *Ibid* paras 15-16, pages 6-7.

¹⁷ 21st Report (February 1951) on the Reorganisation of the Secretariat and Departments of the Government of India, para 21, pages 11-12.

¹⁸ 35th Report (December 1956) pages 19-21.

tion in staff. Considerable economy was effected as a result of this.

As regards travelling allowances¹⁹ Government revised the then existing orders on the subject which resulted in some economy in expenditure to Government. These measures included revision of rates for incidental expenses and restrictions on air travel. Expenditure on travelling allowances was also subjected to an overall cut of 25%, and in 1950-51 alone such a cut was expected to yield a saving of Rs. 50 lakhs.

As regards economy in the service postage and telegram charges, Government²⁰ reduced considerably the contingent allotment to which such items are debited and in 1950-51 alone this was expected to yield a saving of Rs. 1 crore and 25 lakhs.

Government²¹ accepted the idea of internal telephone exchange system and installed it in several Ministries. The Committee were assured that residential telephones were curtailed to the minimum and were limited to such cases where they were required in the interest of public service.

Abolition of post of Additional Secretary

In their Second Report the Committee quoted²² an observation made by Sri Gopalaswami Ayyangar in his "report on the Reorganisation of the Machinery of the Government" where he had stated that "the post of Addition-

al Secretary is unnecessary and should be abolished". The Committee endorsed this observation and recommended the abolition of the post in the Ministries. Government accepted²³ this recommendation and all posts of Additional Secretaries were abolished in 1951. This question was however reconsidered later in April, 1954 by the Administrative Organisation Committee of the Cabinet and it was decided that in special circumstances, and particularly in cases of appointment to administrative posts of persons who did not belong to any service but had attained eminence in their particular field of activity, it might be necessary or useful to confer the status of Additional Secretary, and as such the grade need not be formally abolished. The Committee accepted this decision of Government.

Senior supervisory posts

The Committee also came across a number of higher supervisory posts like Joint Secretary and Deputy Director-General which in their opinion were unnecessary. They observed as follows²⁴:—

There are at present a number of higher supervisory posts in the Secretariat which in the opinion of the Committee are not necessary. Such posts are that of Additional Secretary, Joint Secretary, Deputy Director General and the like... Steps should be taken to abolish such posts and if under exceptional circumstances it is necessary to appoint a Joint Secretary, he should be given independent charge of work and made finally responsible for it. He should not be as an Assistant to Secretary on a supervisory job. Before the War, such posts were created very rarely. During the War, however, on account of dilution of manpower, the practice of creating these

¹⁹ *Ibid* pages 21—23 and 38-39.

²⁰ *Ibid* page 42.9

²¹ *Ibid*, pages 42-43 and 36th Report (December 1956), pages 35—37 and 53.

²² 2nd Report, para 3, page 1.

²³ 36th Report, pages 14—16.

²⁴ 2nd Report, para 3, page 1.

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supervisory posts came into existence and they are almost out of number now. We find that many of these senior officers are being wasted on comparatively minor jobs of lesser responsibility. The position has now almost become such that what the Deputy Secretary used to do in the pre-war days, is now being handled by a Joint Secretary and even in some cases by the Secretary. Similarly the work done by an Under Secretary in the olden days is now being handled by a Deputy Secretary and so on. In the opinion of the Committee, this is due to the fact that there have been unduly quick promotions with the result that an officer who was doing a particular work as Deputy Secretary is doing the same work as Joint Secretary in many cases. The Committee consider that a Deputy Secretary should take all the responsibility in respect of the work done in the Branches or Divisions under his control. The aspiration in the Secretaryat regarding promotions seems to have gone high. Previously an officer had to render certain number of years of service before being promoted to a higher post. Now it is not uncommon to promote an officer as soon as he has completed a year or so in a particular post because the creation of higher posts is unrestricted. The Committee, therefore, urge that the whole matter should be thoroughly investigated and firm policy laid down in regard to the creation of posts of Joint Secretaries or equivalent rank and above. Incidentally it is being frequently said that there is shortage of trained and experienced manpower, and various causes are given for this. It is however forgotten that a potential cause of these shortages is the continued employment of officers in superfluous and unnecessary jobs. There is no doubt that if the creation of these higher posts is restricted, a large number of senior officers would become available for more pressing duties both at the Centre and in the States.

Government in their reply²⁵ stated that the staff requirements including that of Joint Secretaries of each Ministry were being examined by a Team of Officers and reductions of posts were

made in accordance with the recommendations made by this team²⁶.

Voluntary Surrender of Salaries above Rs. 3,000.

In their Second Report the Committee also recommended that Officers drawing salaries above Rs. 3,000 might be induced to surrender from their salaries voluntarily all excesses over Rs. 3,000. They wrote as follows:—

It has been admitted that the maximum salary of an official under the Government of India should be Rs. 3,000. On account of the assurances that were given at the time of transfer of power certain officers are at present drawing salaries above Rs. 3,000. While the Committee do not want to go into the detailed and legal aspects of the matter they feel that in the interest of the country as a whole and in view of the present financial situation, the officers might be induced to surrender voluntarily all excesses over Rs. 3,000. This will create the necessary psychological atmosphere in the minds of the public at large that the officers who hold the highest posts in the Government are willing to contribute their bit to the general welfare of the country. The Committee appreciate that a step towards this direction was taken last year and the officers willingly surrendered part of their salary, but in order to bring it up to the level of the recommendations of the Pay Commission which Government have accepted, it is desirable that a further reduction is effected.²⁶

Government in their reply stated that officers who were not holding statutory appointments were subject to compulsory cut in pay ranging between Rs. 250/- and Rs. 500/- p.m. Having regard to this and the rising cost of living as well as the fact that the number involved was very small, Government stated that it would not be altogether

²⁵ 36th Report, page 15.

²⁶ 2nd Report, para 5, page 3.

²⁷ 36th Report, page 17.

equitable to expect them to make further surrenders from their pay. The Committee accepted this view.

Ministerial staff in the Secretariat

Commenting on the Ministerial staff in the Secretariat, the Committee stated²⁸ that they had found that much of the clerical work on cases involving routine disposals was being done by Assistants. This they felt was a waste. The Committee wrote—

It is essential that while pay should be commensurate with the responsibilities and duties attaching to the post, the duties expected of a Government servant should also be commensurate with the pay that he is receiving. . . . The Assistants of to-day are not doing the same amount and quality of work as in the pre-war days. This class of government servants which forms the real backbone of the Government of India has suffered considerable dilution. Today the position is that the number of Assistants has risen to more than five times the number in the pre-war days and the quality of work has greatly deteriorated. Various officers of the Ministries who appeared before us admitted that the standard of an Assistant had fallen and he was not turning out the same quality of work as used to be done previously. The Committee feel strongly that effective measures should be taken to re-introduce the previous system of recruitment and promotion to these posts. The Committee also consider that a thorough review of the duties of Assistants in each Ministry should be undertaken forthwith and all routine work which can be handled by a person of a grade lower than that of an Assistant should not be entrusted to them. For this purpose the Committee recommend that the grade of Second Division Clerks be re-introduced and these less important duties entrusted to them.

Stenographers and class IV staff in the Secretariat

The Committee also recommended²⁹ the introduction of the Messenger

System thereby considerably reducing the number of Class IV servants, fixing a minimum educational standard for class IV servants and creation³⁰ of a pool of stenographers or steno-typists for every two or three officers. In regard to stenographers the Committee wrote that while they "did not object to the employment of stenographers, as in their opinion it is conducive to efficiency and quick disposal of work, they strongly feel that such stenographers should not merely be appointed as ornaments to officers."

Government accepted³¹ all these recommendations which were implemented to a great extent resulting in considerable economy. In regard to the introduction of a Messenger system, experiments were made in two Ministries but they did not prove a success. However, reduction in class IV staff was made and scale of peons was fixed. The Special Reorganisation Team had (as in 1953) recommended the reduction of 258 class IV staff in 4 Ministries. Educational standards were also fixed for peons, jamadars, daftries and record sorters. A ban was also imposed on fresh recruitment of class IV staff.

Reorganisation of C & I Ministry

In their Third Report on the Ministry of Commerce the Committee made several recommendations for reorganisation of the work of the Ministry and consequent reduction of various categories of posts of Officers and Staff and reduction of office expenditure. The economy measures suggested³² in the Ministry and its various Attached and Subordinate Officers amounted to Rs. 23,76,000.

²⁸ 2nd Report, paras 5-6, pages 3-4.

²⁹ *Ibid* para 9, pages 4-5.

³⁰ *Ibid* para 10, pages 5-6.

³¹ 36th Report, pages 8 and 17-23.

³² 3rd Report (March 1951), paras 1-11 pages 1-4

One of the important recommendations³³ made by the Committee was that the work relating to "Shipping" and "Insurance" should be transferred to the Ministries of Transport and Finance respectively and the reduced Ministry amalgamated with the Ministry of Industry and Supply.

Government implemented³⁴ most of these recommendations. The Ministry of Commerce and the Ministry of Industry and Supply were amalgamated and staff of the new Ministry of Commerce and Industry was fixed on the basis of actual requirements. Government also intimated that considerable economy had been effected in office expenses and expenditure had been reduced to the barest minimum.

Merging of Import and Export Control Organisations

The Committee also recommended³⁵ the merging of the Import and Export Control Organisations. They wrote as follows:—

We have considered the organisation of the Import and Export Control and find that while at the ports there is a combined organisation for both export and import, separate offices exist at the Centre. We recommend that in view of the present import and export position, the two organisations should be amalgamated under one head who may be designated as Chief Controller of Imports and Exports. By merging the two offices under one head and by a reshuffling of functions, considerable economy can, we feel, be effected in the establishment. We strongly urge upon Government to effect this amalgamation of the two offices as early as possible and secure a reduction of at least 25 per cent in their expenditure.

This recommendation³⁶ was accepted by Government and the two organisations were merged. The staff requirements were objectively examined and reduction of strength effected. The work of issue of licences was decentralised to a great extent in accordance with the Committee's recommendations and extra demands for establishments in the ports were met from within the sanctioned strength, thereby avoiding the necessity of having to create additional posts. Implementation of the Committee's recommendation therefore effected not only considerable economy but also brought about greater efficiency for the organisation as a result of the decentralisation of the work.

Concentration of all statistical units in one place

In their Third Report, the Committee also recommended³⁷ that all the statistical units under the Ministry of Commerce scattered in different offices of the Ministry should be concentrated at one place *i.e.* in the office of the Director General of Commercial Intelligence and Statistics. The Committee stated that there should be a reshuffling of duties and all avenues should be explored for achieving economy in work and staff. The Committee also recommended³⁸ that the Central Statistical Organisation under the Cabinet Secretariat should take over all the functions relating to Statistics which were performed by the various Ministries and till this was effected the Ministry of

³³ *Ibid* para 12, page 5.

³⁴ 37th Report (December 1956), pages 2—4.

³⁵ 3rd Report, para 42, page 18.

³⁶ 37th Report, pages 29—31.

³⁷ 3rd Report, para 52, pages 22-23.

³⁸ *Ibid* para 61, page 27.

Commerce should centralise³⁹ their own statistical activities.

There were three offices collecting and compiling commercial and industrial statistics, viz., the Offices of the Director General of Commercial Intelligence and Statistics, Calcutta, the Director of Industrial Statistics, Simla and the Economic Adviser in Delhi.

As a result⁴⁰ of the Committee's recommendation the first two offices were amalgamated and placed under one officer at Calcutta and the budget was combined from the year 1954. This merger resulted in considerable economy and the centralisation of work eliminated duplication of work and led to greater efficiency.

As regards the office⁴¹ of the Economic Adviser, Government decided that it was not in the public interest to transfer the office from Delhi to Calcutta. Some of their Statistical publications were however transferred to the Cabinet Secretariat and the work relating to the analysis of balance sheets and compilation of indices of industrial profits were transferred to the Ministry of Finance.

Comments of "Indian Finance"

Commenting on the Reports of the Committee showing action taken by Government on their first three reports, the "Indian Finance" wrote⁴² as follows:—

The reports testify to the significant contribution this body has been making to the scrutiny of Central Government

expenditure, to the detection of waste and irregularities and the scope for economy. to the refashioning of policies and to the revision of outlook on certain fundamental principles of administration.....It is doubtful if all the salutary changes in administrative policy and details and the economies achieved during the past five years would have been possible but for the relentless scrutiny of the Estimates Committee.

.....It need hardly be said that the Estimates Committee has accepted as its motto 'Where one officer will do, two shall not grow'. The axe falls either as one hefty stroke or small chippings here and there.....In a number of cases, the Ministries have attempted to comply, but when they have argued that the volume of work has been increasing, in certain sections to as much as six to eight times, the Committee is disabled from pressing any more.....In all reports the list of items on which it thinks its suggestions have not received sufficiently effective consideration, the Ministry is chased further.

Reorganisation of work in Estate Office

In their Fourth Report the Committee made several recommendations⁴³ for the reorganisation of work in the Estate Office and consequent reduction of staff. They also recommended that the Estate Office should be merged as a separate unit in the C.P.W.D. and the post of Estate Officer abolished. They made recommendations for an economy of Rs. 3,71,000 in the Estate Office.

"The Estate Office"⁴⁴ was examined by the Special Reorganisation Unit of the Ministry of Finance and staff requirements were fixed on the basis of the recommendations of this Unit. The Estate Office was formerly part of the C.P.W.D. and was separated in 1944. Government felt that re-amalgamating

³⁹ *Ibid* para 52, pages 22-23.

⁴⁰ 37th Report, pages 32-33.

⁴¹ *Ibid* pages 33-35.

⁴² "Indian Finance", dated December 29, 1956.

⁴³ 4th Report (March 1951), para 17-20, pages 10-11

⁴⁴ 44th Report (December, 1956) pages 22-27.

it with the C.P.W.D. would neither lead to economy nor efficiency. The Estate Office was, instead, integrated with the Secretariat resulting in considerable saving. As a result of the Committee's recommendations, two sections in the Secretariat dealing with the Estate Office work were abolished and the work transferred to the Estate Office, and the Estate Officer granted *ex-officio* Under Secretary's status to deal with cases direct.

Purchase of lands and construction of buildings by C.P.W.D.

In their Fourth Report the Committee stressed the necessity⁴⁵ for economy in the matter of purchase of lands and construction of buildings by the C.P.W.D. The Committee were also critical of the fact that a good portion of money allocated for development work was spent on the construction of buildings, to the detriment of facilities for training or purchase of equipment. The Committee quoted a directive from the Prime Minister stating that "usually a lot of money is spent on brick and mortar and nothing or very little is left for equipment and for running the institution". In this connection the Committee made the following observations:—

It is urged that before acquiring land from private individuals or bodies at high prices for construction of buildings, Government should satisfy themselves that waste lands which can be made use of are not available in the vicinity. The C.P.W.D. or the Ministries concerned should also, before constructing new buildings, investigate whether any surplus buildings belonging to the Defence or other Government Departments are available to serve the purpose. The Committee feel that at present there is lack of

coordination in this regard and in order that public funds are not wasted it is essential that Government should make maximum use of the existing buildings and cheaper lands. . . . There is reason to believe that much of the money sanctioned for development programmes is being spent on buildings alone and the Committee have in mind the various constructions that are taking place in connection with the various laboratories that are being put up. Solid, attractive and luxurious buildings can be built any time when adequate funds are available but our immediate need today is to harness the resources of the country for better and more production in all fields of activity. The Committee would therefore like that a substantial percentage of the capital amount sanctioned for any development scheme should be utilised towards, equipment, training of personnel and other factors which are necessary for increased and efficient production. The Ministries of Works, Mines and Power and Finance should specially see that when any development schemes are formulated expenditure for construction operations is limited to the absolute minimum consistent with the requirements of the scheme and that the major portion of the funds is utilised towards other matters.

Contractors Profits

The Committee also noticed⁴⁶ that out of an expenditure of Rs. 14.22 crores on C.P.W.D. works outlay in 1950-51, a sum of Rs. 1.14 crores represented the contractors' profit. The Committee commented as follows on this matter—

The Committee note with great concern that a sum of Rs. 1.14 crores goes out to the contractor as their profit. They recommend that a Committee consisting of the representatives of the Works, Mines and Power and the Finance Ministries be set up to consider how far it is practicable for the C.P.W.D. to execute the works under Departmental arrangements so that such a margin of profit is utilised by the State for its own purpose.

⁴⁵ 4th Report paras 81—83, pages 39-40.

⁴⁶ 4th Report, para 63, page 30.

This matter was examined⁴⁷ by a Committee under the Chairmanship of Shri Kasturbhai Lalbhai who went into the question of the organisational set-up and efficiency check in the C.P.W.D. That Committee was of the opinion that departmental execution, except in respect of works of small size, was not likely to be economical and suggested that the present procedure under which all important construction work was given out on contract should therefore continue. They considered it very important, however, that contracts should more and more be awarded only to contractors who have the requisite qualified staff for supervising the work and who employ such staff on a permanent basis. This recommendation was implemented by Government and necessary provision included in the Enlistment Rules.

Reorganisation of C.W.P.C.

While dealing with the Central Water and Power Commission in their Fifth Report, the Committee recommended⁴⁸ a reorganisation of the various branches of the Commission, which, if implemented, could result in reduction in the number of Directors, Deputy Directors and Assistant Directors in the Commission. The Committee wrote as follows:—

The Commission is at present assisted by nine Directors, each in-charge of a Branch. The pay of a Director ranges from Rs. 1,800 to Rs. 2,000 p.m. In view of the scope of functions under our proposals being of a limited character confined mainly to surveying, planning and coordinating, the Committee are of the opinion that the various Branches of the Commission should be reorganised. The functions of Navigation, Hydrology and Water-ways Branch should be entrusted to one Director. A second Director may

be in-charge of Irrigation. One Director each for Designs, Organisation and Research may be entrusted with the duties of the respective Branches. All work relating to hydro-electricity and thermal Director. The Branch dealing with Stores power should be centralised under the and Equipment will no longer be required if the Construction work is taken away from the Commission. The function of the Statistics and Publication Branch is mainly to collect information from the various State Governments, and other sources. The Committee do not find any justification for entrusting this work to a Director. The Committee recommend that the post of Director of this Branch should be abolished and it should be placed under the charge of a Deputy Director. To sum up it may be stated that if the recommendations set out above are accepted the number of Directors would be reduced from nine to five, with a corresponding reduction in the ranks of Deputy, Assistant and Extra Assistant Directors.

The Committee also observed⁴⁹ that as investigations into certain River Valley Projects were being stopped on financial considerations and as prospects of construction of new projects in the near future were very remote, the following gazetted and non-gazetted establishment would be rendered surplus:—

Class I	31
Class II	29
Class III	440
Class IV	139

The Committee recommended that a Committee consisting of the representatives of the Ministries of Finance, Home Affairs and Natural Resources and Scientific Research should be set up to examine in detail the reorganisation of the Commission and to explore what economies in expenditure could be effected consequent on the overall re-

⁴⁷44th Report (December, 1956) page 37.
⁴⁸5th Report (March 1952) para 17 page 10.
⁴⁹*Ibid* para 19-20, pages 11-12.

duction in work mentioned above. The Committee also recommended that—

the staff requirements of the reorganised office should be commensurate with the work remaining to be handled by it. In the meantime no new posts, either in the gazetted or non-gazetted cadre should be created or filled up.

The staff position of the Central Water and Power Commission was examined in detail by the S.R.U. which made several recommendations in regard to the reduction of strength in various grades⁵⁰. The posts abolished included 3 posts of Directors, 3 posts of D. D/Ex. Engineers, 11 posts of A.D/A.E.Es., 17 posts of Assistant Engineers and several other technical and clerical posts. The net saving involved as a result of this reduction was placed at Rs. 6,03,108 per annum.

Reduction of posts in F. & A. Ministry

In their Sixth Report relating to the Ministry of Food and Agriculture, the Committee made several recommendations relating to economy. One of the recommendations⁵¹ made was that the post of Bone Meal Adviser should be abolished. This post⁵² was abolished as suggested by the Committee.

Forest Research Institute

While dealing with the Forest Research Institute and Colleges in the same Report, the Committee observed⁵³ that the building for the Ranger's College (meant for second year students only) at the Forest Research Institute was sufficient to accommodate both the first and second year classes. The first year class was in Dehra Dun City and

the only reason for retaining it there was the paucity of hostel accommodation at the F. R. I. The Committee wrote as follows regarding this matter:—

The arrangement of having both the classes at one place would result in increased efficiency in the training and in better supervision besides considerable economy in recurring expenses. The building in Dehra Dun city can be utilised for some other purpose either by the Forest Department or by other Government Departments, or can be disposed of at a good price. The Committee, therefore, recommend that the First Year Class be shifted from Dehra Dun city to the Forest Research Institute and additional hostel accommodation, if necessary, may be provided for.

Government in their reply⁵⁴ stated that the Committee's recommendation had been accepted and that a building to provide additional hostel accommodation was being constructed at the Forest Research Institute so that both the classes might be held at one place.

Central Tractor Organisation

Dealing with the Central Tractor Organisation in their Seventh Report, the Committee referred⁵⁵ to the heavy losses sustained by the C. T. O. Among many administrative and organisational changes recommended by the Committee in order to prevent these losses, one related to reduction of staff at the headquarters of the Organisation. The Committee wrote as follows:—

A thorough pruning of the existing headquarters staff should be undertaken and on the basis of the minimum requirements of the staff, the surplus posts should be abolished.

⁵⁰ 49th Report (March 1957) pages 37—40 and 65-66.

⁵¹ 6th Report (November 1953) para 6(iii) pages 7-8.

⁵² 52nd Report (March 1957) page 30.

⁵³ 6th Report para 29 page 17.

⁵⁴ 52nd Report pages 6-7.

⁵⁵ 7th Report (May 1954), para 30, page 14.

Government in their reply⁵⁶ stated that the Special Reorganisation Unit of the Ministries of Home Affairs and Finance examined the C. T. O., and their recommendations in regard to the reduction of staff were accepted. The monetary effect of the S. R. U.'s recommendations was a saving of about Rs. 8·89 lakhs per annum.

Directorate of Plant Protection, Quarantine and Storage

In their Seventh Report the Committee also dealt with the Directorate of Plant Protection, Quarantine and Storage and recommended⁵⁷ that a review should be undertaken of the existing staff position at the Headquarters office with a view to fixing the strength of the administration personnel.

Government in their reply⁵⁸ stated that the Directorate was examined by the Special Reorganisation Unit and the following staff reduced:

- 2 Assistants.
- 3 L.D.Cs.
- 7 Peons.
- 1 Senior A.O.
- 1 Technical Officer.
- 1 Stenographer.

1 Accountant. } at the locust
1 Office Supervisor. } sub-station,
Jodhpur.

*Indian Dairy Research Institute,
Bangalore*

In their Tenth Report the Committee, while dealing with the Indian Dairy Re-

search Institute, Bangalore, observed⁵⁹ that the Special Reorganisation Unit of the Ministries of Finance and Home Affairs which went into the details of the organisation of the Institute had made several recommendations relating to reduction in staff. The Committee endorsed the S. R. U.'s recommendations and wrote that they should be implemented.

The recommendations were—

- “(a) Class I—The four posts of Heads of Division should be held by two officers on the special scale and two on the usual Class I scale. The post of Second Dairy Chemist should be converted into a Class II appointment.
- (b) Class II—The posts of Assistant Dairy Husbandry Officer and Dairy Engineer are not at present required to be filled and may be abolished.
- (c) Class III—The Central Office should be reorganised. A Veterinary Officer should be appointed and the number of Research/Technical Assistants reduced from 16 to 13.
- (d) Class IV—The strength of Class IV staff should be reduced from 166 to 149.”

The Committee also felt that there was scope for reduction in the employment of daily labour.

⁵⁶ 53rd Report (March 1957), pages 35-36.

⁵⁷ 7th Report, para 39, page 25.

⁵⁸ 53rd Report, pages 97-98.

⁵⁹ 10th Report (Sept. 1954), para 47, pages 21-22.

Government in their reply⁶⁰ stated that all these recommendations had been accepted and implemented resulting in considerable economy.

Reduction of expenditure in Publications Division

While dealing with the Publications Division in their Eleventh Report, the Committee made several recommendations relating to reduction of expenditure in the Division. One⁶¹ of the recommendations related to the maintenance of separate Photo Sections in the Publications Division and in the Press Information Bureau. The Committee wrote—

The Committee envisage that if the two Photo Sections are amalgamated there will be an annual saving of about Rs. 39,000 in respect of staff and equipment and that there would be an increase of efficiency.

Government in their reply⁶² stated that the recommendation of the Committee would be taken up for implementation as soon as the requisite accommodation became available.

Cases of duplication of work in All India Radio

Two almost identical cases of duplication were pointed out by the Committee in their Twelfth Report relating to All India Radio. The first⁶³ case related to AIR's Services at Simla and the Monitoring unit in Delhi were both mainly for the purpose of serving the News Services Division of the All India Radio. The Simla Unit was connected

by teleprinter to the News Services Division. The Committee found that the same stations were monitored both at Delhi and Simla and hence there was duplication of work. The Committee recommended that "this matter should be examined and either the monitoring unit at Delhi should be closed down and the teleprinter service made more efficient or the teleprinter service and the consequent staff at Simla should be abolished."

Government⁶⁴ appointed a Committee to enquire into this matter and the Committee felt that the two services supplemented each other and there was no wasteful duplication. That Committee was also of the opinion that it would not be practicable under the existing circumstances and the requirements of service, to close down the unit at Delhi and suggested that the two services (News Services Division and Monitoring Services, Simla) should be brought under a unified control. Government also felt that the teleprinter lines between Delhi and Simla were not reliable and as such it would not be safe to close down the unit at Delhi. The Committee, however, did not accept this view and reiterated their recommendation stating—

While the Committee realise that the technical difficulties stand in the way of their recommendation being implemented, they would like to point out their overlapping and duplication of efforts are wasteful and would therefore urge that steps be taken at early date to eliminate the duplication.

The Second case⁶⁵ related to the existence of four different libraries in

⁶⁰ 58th Report (March 1957), pages 11-12.

⁶¹ 11th Report (September 1954) para 94, p. 31.

⁶² 66th Report (March 1957), p. 29.

⁶³ 12th Report (February 1955) para 108 p. 35.

⁶⁴ 31st Report (Second Lok Sabha) (October 1958), para 3, pages 2-3.

⁶⁵ 12th Report, para 178, pages 58-59

the A. I. R. building at New Delhi. These libraries belonged to the Directorate, the External Services Division, the News Services Division and the Delhi Station. This involved apparently unnecessary expenditure on the purchase of the same books and periodicals by different libraries and the concomitant limitation of purchases because of the fixed amounts available with each of the libraries and also the employment of four different sets of staff. The Committee recommended that "these four libraries should be combined into one unit under the charge of a competent librarian". Similarly, there were two different gramophone record libraries in the same building, one belonging to the External Services Division and one to the Delhi Station⁶⁷. In this case also duplication of expenditure arose on account of purchase of the same records and maintenance of two different sets of staff for the two libraries.

The Committee recommended the amalgamation of the two libraries. The Committee's recommendations⁶⁷ were implemented by Government and the four libraries and the two gramophone record libraries were combined into one unit each.

Remodelling of Railway Stations

In their Reports relating to the Railways the Committee made several recommendations relating to economy. In their Eighteenth Report on the Five Year Plans of the Railways, the Committee suggested⁶⁸ that the programme of remodelling of Railway Station

buildings should be slowed down and the amount diverted to other basic amenities without reducing the overall allocation under this item.

Government⁶⁹ accepted this recommendation and stated—

Each proposal for the complete remodelling of a station building would be carefully verified against the number of additions and alterations to provide the basic passenger amenities and a decision taken on the merits, complete remodelling of the station building being decided on when it would be more advantageous and cheaper to do so. The Railways have further been asked to ensure that the remodelling of station buildings where decided on is carried out as economically as possible.

The subject of reducing expenditure on prestige buildings was also referred to by Shri Jagjivan Ram, Minister of Railways, in his speech on the Railway Budget in the Lok Sabha on the 19th July, 1957. He said⁷⁰—

I am trying to cut down certain expenditure and save some money. As the House is aware, I have stopped the construction of prestige buildings. I have stopped the use of iron and steel and also cement in appreciable quantity for the construction of platforms and waiting halls, thereby trying to save money and material. If I find that I have saved some money, I will see that some additional mileage in addition to what has been provided in the Second Five Year Plan is also undertaken. Whenever it has been possible to stop the construction, I have stopped it. I have stopped the construction of buildings even if they have come up to the plinth.

Abolition of post of Director of Rail Movement

In their Nineteenth Report the Committee recommended⁷¹ that the post of Director of Rail Movement, Calcutta,

⁶⁶ *Ibid* para 179, page 59.

⁶⁷ 31st Report (S.L.S.) pages 44-45.

⁶⁸ 18th Report (December 1955) para 21(13), page 18-19.

⁶⁹ 7th Report (Second Lok Sabha) (March, 1958), pages 10-11.

⁷⁰ L.S.S. Debates dt. 19-7-57, col. 4288.

⁷¹ 19th Report (January 1956) para 44, page 29.

should be abolished. They wrote as follows:—

With the bifurcation of the Eastern Railway into two Railways, workloads on the bifurcated railways have reduced considerably and the Committee feel that there is no justification for continuing this post (Director of Rail Movement, Calcutta). They, therefore, recommend the abolition of this post.

Government, however⁷² felt, that it was necessary to continue the post as long as the present transport difficulties remained. The Director was however given additional work of coordinating and planning the movement of imported cement, steel and machinery through the ports of Calcutta, Bombay, Madras and Vishakapatnam. In the light of the additional responsibilities entrusted to this officer, the Committee accepted Government's view.

Steel for Railways

In their Twenty-first Report the Committee while dealing with the problem of steel for the Indian Railways recommended⁷³ the use of Thomas Quality Steel which was cheaper. They observed as follows:—

As steel of Thomas Quality is cheaper and is reported to be available in good quantity, the Committee consider that the cost of imports would be less if the Railways could also accept Thomas Quality Steel.

The Railway Board agreed⁷⁴ in principle to extend the use of Thomas Quality Steel to meet the requirements of the Railways. In 1957-58, 31.9% of the total orders for steel placed by the Railway Board were in respect of Thomas Quality Steel.

Job analysis of Railway Staff

In their Twenty-fourth⁷⁵ Report on Staff Matters on the Railways the Committee recommended the introduction of proper machinery for job analysis of Railway staff to ensure that there was no surplus staff and that each man did a full day's useful work. The Committee wrote as follows:—

In a Government department, job-analysis is usually thought of when some economy has to be effected by reducing a number of posts. Due to this association of job-analysis with retrenchment, the idea is usually disliked by the workers. The Committee would, therefore, like to make it clear, that it is not their intention to suggest any retrenchment of staff by recommending the job-analysis. They as a matter of fact, envisage considerable additional recruitment for the implementation of the Second Plan. They are, however, extremely anxious to see that there is no wastage of man-power and that every man gives a full day's useful work to the Administration. They, therefore, recommend that a proper machinery of job-analysis should be introduced on each Railway. While discussing the question of training, they have recommended that the training to be given particularly to Class IV staff should not be confined merely to one particular job, but should also include training in one or two allied jobs. This will facilitate useful employment of every employee for a full day's work. This will improve the general tone of efficiency also, because lack of sufficient physical and/or mental occupation has a corroding influence on the efficiency of an individual.

Government in their reply⁷⁶ stated that various measures had been introduced in the Ministry of Railways and on a number of Railways as part of the Central Secretariat Organisation and Methods drive. These measures involved continuous inspection of work done in the branches in order to ensure

⁷² 18th Report (Second Lok Sabha) (April 1958), pages 19-20.

⁷³ 21st Report (February 1956), para 33, page 11.

⁷⁴ 27th Report (Second Lok Sabha) (September 1958) pages 7-8.

⁷⁵ 24th Report (March 1956), para 111, page 39.

⁷⁶ 29th Report (Second Lok Sabha) (September 1958), pages 22-23.

maximum output without deterioration in quality. Further, a pilot scheme designed to examine ways and means of rationalising work by eliminating infructuous or superfluous correspondence, noting, returns etc., at various levels had also been instituted. Government stated further as follows:—

After these investigations are over, detailed job-analysis can be tackled as by that time the Railways would have completed the extensive programme of expansion envisaged under the Second Plan and there would be less risk of incorrectly low norms being fixed on the basis of the present output of staff, of whom a large proportion are new and inexperienced.

Passenger amenities in the Railways

In their Twenty-fifth Report on Passenger Amenities in the Railways, the Committee stressed⁷⁷ the need for economy in the construction of latrines, urinals and bathrooms in Railway stations. They wrote as follows:—

The Committee note that on the Central Railway for the construction of 64 latrines, urinals and bath-rooms, Rs. 2:90 lakhs have been spent. The expenditure appears to be somewhat on the high side, considering the standard of amenities provided. The Committee suggest that a closer check should be exercised to keep the expenditure to the minimum on such items, so that the facilities may be provided at a greater number of stations within the allotted amount. So far as the roadside stations are concerned, the Committee recommend that cheaper type of latrines may be evolved in consultation with the All India Institute of Hygiene and Public Health. The ultimate aim should be to provide flush system everywhere.

Government⁷⁸ in their reply stated that the Railway Administrations had been instructed to implement the recommendation.

Staff in Lost Property Office in Eastern Railway

In their Twenty-sixth Report on commercial matters of the Railways the Committee recommended⁷⁹ a job analysis of the staff in the Lost Property Office in the Eastern Railway, which the Committee felt was on the high side. The Committee wrote as follows:—

The Committee feel that even after making allowance for the volume of work involved, the strength in the Lost Property Office of the Eastern Railway appears to be considerably higher and recommend that a detailed job analysis should be done with a view to reducing the strength suitably. Feasibility of laying down uniform and specific standards for providing the staff in the Lost Property Offices might be examined.

Government in their reply⁸⁰ stated that the recommendation had been accepted and that investigations had been taken in hand as recommended.

Reduction in fuel expenditure of Railways

While dealing with the consumption of coal in the Railways, the Committee in their 30th Report commented⁸¹ that on the basis of assessment made by the Fuel Economy Enquiry Committee, the economy in the Railways on fuel, that could be achieved by the various measures recommended by them would be about 20%. Two years had passed since that Committee had reported and since that committee's recommendations had not been implemented, the excess expenditure in the two years was of the

⁷⁷ 25th Report (March 1956), para 32-33, page 13.

⁷⁸ 30th Report (Second Lok Sabha) (September 1958), page 57.

⁷⁹ 26th Report (April 1956), para 99, pages 27-28.

⁸⁰ 32 Report (Second Lok Sabha) (December 1958), page 57.

⁸¹ 30th Report (March 1956) paras 16-17, page 7.

order of Rs. 6 crores. The Committee commented as follows on this matter:—

The break up of this under the three categories of the economy measures referred to above already would be as follows:—

- (1) Measures beyond the control of the Railway Ministry 2.2 crores.
- (2) Long term measures to be introduced by the Railway Board—1.9 crores.
- (3) Measures that could have been introduced in two or three years.—1.9 crores.

Since the Driver Committee Report was presented only in March 1953, even if the third category of these measures had been instituted immediately thereafter, full results could not, perhaps, have been expected in 1953-54, but some economy could have been effected in 1954-55. It must, therefore, be considered that a substantial portion of the amount of Rupees 1.9 crores could have been saved in 1954-55 had more vigorous steps been taken to institute the measures advocated by the Driver Committee.

Government in their reply⁴² stated that several measures had been taken to obtain economy in fuel consumption, and to improve supply conditions and locomotive operation and performance. Government however felt that—

the maximum fuel saving is not expected to exceed 10 to 12 per cent even if all the fuel economy measures are adopted, supply conditions are rationalised and there is no further deterioration in the quality of coal used in locomotives.

Production Cost of Locomotives

While dealing with the cost of the locomotives produced in the Chittaranjan Locomotive Works, the Committee urged⁴³ that efforts should be made to reduce the cost. The Committee stated—

With the increased target of annual production of 300, efforts should be made to

reduce the cost of production (exclusive of interest charges on capital-at-charge) to bring it to the level of the estimated landed cost of U.K. and Japanese W.G. locomotive under T.C.M. If this is achieved, it would result in an approximate annual saving of Rs. 1,41,00,000 on the basis of the average actual cost of a Chittaranjan locomotive during 1954-55.

Government in their reply⁴⁴ stated that the target of annual production had been reduced to 240 average size locomotive units per year. The cost of locomotives had come down from Rs. 7.94 lakhs in 1952-53 to Rs. 4.60 lakhs (including dividend) in 1957-58. This compared favourably with the average landed cost of W.P. engine of about Rs. 5.04 lakhs (Austria and Poland). Government also stated that every effort would be made to achieve further reduction in the cost of production.

Expenditure in Regional Tourist Organisations

In their Thirty-fourth Report on Tourism the Committee observed⁴⁵ that the cost of establishment and publicity including other charges, of the Regional Tourist Organisations both in India and abroad had been rather on the high side, possibly due, *inter alia* to the higher scales of pay given to the R.T.Os., the exorbitant rent for the buildings occupied by the offices, etc., and recommended that steps should be taken to bring down the cost of administration in relation to the amounts spent directly for promoting tourism.

Government in their reply⁴⁶ stated that the utmost was being done to economise expenditure and that the

⁴² 50th Report (Second Lok Sabha) (March 1959), pages 6-8.

⁴³ 32nd Report (May 1956), para 36, page 8.

⁴⁴ 74th Report (Second Lok Sabha March 1960) page (14).

⁴⁵ 34th Report (October 1956), para 39, page 12.

⁴⁶ 52nd Report (Second Lok Sabha), (March 1959), pages 41-42.

observations of the Committee had been noted and would be duly kept in mind as a guiding principle.

Cheaper buildings for tourist offices

The Committee also observed⁸⁷ that rents paid for buildings accommodating tourist offices both in India and abroad were rather exorbitant and urged the need for economy in this matter. They wrote as follows:—

The Committee appreciate that the difficulty of accommodation in Government-owned buildings is not peculiar to the tourist organisation alone and that it exists equally in respect of many permanent departments which are still occupying rented buildings either due to the difficulty in securing the required land or due to the limitation of availability of capital funds. They, however, suggest that the feasibility of utilising numerous buildings like the bungalows and palaces of former Indian princes which are lying vacant should be carefully examined. The Committee also suggest that an attempt should be made to construct, as far as possible, Government-owned buildings rather than paying heavy rents, as this will be more economical in the long run. The Ministry should analyse the rents that are being paid by the tourist offices both in India and abroad and chalk out a plan by which the Government have not to spend as much as it is spending on rents now.

Government in their reply⁸⁸ stated that the feasibility of utilising the buildings of former Indian Princes was examined but it was found that none of the buildings was suitable for Tourist Offices. Government buildings would be constructed for locating tourist offices subject to availability of funds. Government also stated that in regard to premises in India, the rent was usually paid after obtaining a certificate from the P.W.D. as to the non-availability of suitable Government

accommodation and the reasonableness of the rent.

Community Projects Administration

In their Reports on the Ministry of Community Development, the Committee had stressed the need for economy and the necessity of obtaining the maximum benefit for the expenditure incurred. Commenting on the Budget figures⁸⁹ of the Community Projects Administration for 1952-53 to 1956-57 the Committee wrote in their Thirty Eighth Report—

The Committee observe that the expenditure has been progressively increasing and recommend that a strict watch should be kept to arrest this trend. It is noticed that there is a sudden and steep rise in the revised estimates for 1955-56 under the heading "Other Charges". This was explained to be due to the provision made for adjustment of expenditure on film units, station and hand cameras obtained through the T.C.M., Service Postage, telephones, adjournment of cost of staff car, preparation of documentary film "Road to New India", books and publications, furniture, purchase of type-writers, hot and cold weather charges, administrative intelligence seminars, cart and coolie hire etc.

The Committee also observe that the expenditure under "Allowances and Honoraria" is on the high side. Budget estimates for 1956-57 indicate that expenditure under this head is expected to rise further. The Committee suggest that the position should be reviewed carefully by the Ministry to see whether this expenditure cannot be reduced and brought down to the level of the Revised Estimates for 1955-56 for the same item.

Government in their reply⁹⁰ stated that as a result of the recommendations made by the Special Reorganisation Unit of the Ministry of Finance several posts were abolished in September, 1959. Government also stated that the

⁸⁷ 34th Report, para 220, pages 61-62.

⁸⁸ 52nd Report (Second Lok Sabha) pages 74-75.

⁸⁹ 38th Report (December 1956) paras 39-40 pages 15-16.

⁹⁰ 63rd Report (Second Lok Sabha) (October 1959) pages 2:23.

increase in expenditure was due to the appointment of a number of technical and Secretariat Officers and staff to cope up with the increased workload in the Ministry and grant of increments to staff annually.

Lands, Hiring and Disposals Organisation

In their Forty-sixth Report on Lands and Cantonments the Committee recommended⁹¹ the abolition of the Lands, Hirings and Disposals Organisation. This Organisation had been created in 1944 and was made responsible for all hirings, requisitions (as well as surrenders and derequisitions) of lands and buildings required by the Armed Forces and for settlement or payment of claims arising therefrom. The Committee wrote as follows regarding this matter:

During emergencies there might be a need for the Defence Ministry to take over lands and buildings. Necessary powers are granted to requisition or acquire properties and occupy them at very short notice. But when the emergency is over there is undue slackness about restoring the properties to the owner or to take them over on payment of due compensation. The Committee feel that any element of arbitrariness should be completely eliminated from this process. Strict rules and regulations should be laid down to make the de-requisitioning and de-hirings of properties and payment of compensation reasonably prompt, after the emergency is over. There is no justification for an organisation like the Lands, Hirings and Disposals service, which was created specifically for an emergency, to continue to exist so long after the war ended. The Committee feel that unless stringent regulations are made and enforced, such matters have a tendency to drag on indefinitely adding both to the discontent among the public and to the drain on the exchequer. The Committee, therefore, recommend that a review should

be made immediately of the present position and practical steps taken to reach decisions on all outstanding cases. The Lands Hirings and Disposals service should be wound up at a very early date and in any case not later than March, 1958 when the Requisitioning and Acquisition of Immovable Property Act, 1952 will expire.

O.&M. Division for Ordnance Factories

While dealing with the organisation and finance of Ordnance Factories in their Fifty-fourth report, the Committee recommended⁹² the opening of an Organisation and Methods Division in the Offices of the Controller General of Defence Production and the Director General of Ordnance Factories to examine constantly the question of staff strength, increase in paper work etc.

In the same report the Committee expressed⁹³ doubts regarding the necessity of having a Chief Security Officer and a Chief Medical Officer in the Headquarters Office of the D.G.O.F. They wondered whether at the factory level, the respective functions could not be performed by Local Military or Civil Officers. The Committee recommended that the question of retention of these two posts should be examined afresh in the light of the Committee's remarks.

Overtime bonus in spite of surplus labour

In their Fifty-fifth Report on staff matters in Ordnance Factories, the Committee observed⁹⁴ that in 1952-53, 1953-54 and 1954-55, Rs. 14.17 lakhs, Rs. 8.72 lakhs and Rs. 20.58 lakhs had been paid as overtime bonus to staff. These large amounts were paid as overtime in spite of the existence of surplus labour in the factories. The

⁹¹ 46th Report (March 1957) para, 104, pages 49-50.

⁹² 54th Report (March 1957), para 38, page 18.

⁹³ *Ibid* para 39, page 18.

⁹⁴ 55th Report (March 1957), para 32, page 15.

Committee found "this situation as very anomalous". They commented as follows regarding this matter:—

The Committee appreciate that overtime is perhaps necessitated by the sudden rush of orders on particular shops, particularly in bottleneck sections, requiring early completion and cannot therefore be entirely eliminated. However, particularly in 1954-55, the Committee feel that the same could be minimised considerably by a careful planning in placing extracts on Ordnance Factories and training of workers on a variety of jobs so that they could be employed in other shops during emergencies.

Government in their reply⁹⁵ stated that working of overtime in factories was rigidly regulated and only in cases where it was absolutely inescapable that overtime was permitted. As regards training of workers in alternate trades, Government stated that this had been tried by encouraging workers to learn alternate trades after working hours but this experiment had not proved successful.

Large clerical staff in Ordnance Factories

The Committee also found⁹⁶ that the expenditure on industrial staff had been rising out of proportion with the outturn in the Ordnance Factories. Worse still, the strength and expenditure on clerical staff had increased at a more rapid pace than that of the industrial staff. The expenditure on industrial staff was approximately same in 1951-52 and 1955-56, while the clerical staff in the latter year was over 22% more than in the former year. The Committee commented as follows on this matter—

It was explained to the Committee that paper work had increased in the organisation of the Ordnance Factories in recent years due to hundreds of returns being

asked for by various authorities. While they consider this unfortunate in a defence industry, they see a welcome decrease in the number of clerical staff in 1956-57. However, they suggest that practical steps should be constantly devised and introduced to keep paper work and red-tape to the minimum in the organisation of the Ordnance Factories..... The Committee feel that whatever be the difficulties in laying down a uniform yardstick for the employment of various categories of staff in Ordnance Factories, an attempt should be made to do so particularly as at present, the staff in the Ordnance Factories is definitely on the high side and a streamlining is necessary. It should be realised that these Ordnance Factories are industrial unity and that they should be run on business principles as far as possible. The Committee, therefore, recommend that steps should be initiated at an early date to determine on as far a scientific basis as possible the norms and work-loads for the various categories of staff in the Ordnance Factories and to fix their strength on that basis.

Government in their reply⁹⁷ while noting the recommendation regarding reduction of paper work and red-tape to the minimum stated that production in the Ordnance Factories varied both in quality and quantity from time to time at short notice and as such it was difficult to fix yardsticks for work. Government felt that the variety of work and widely varying and fluctuating requirements of the Services would make not only the application of norms to all items very costly but almost impracticable.

High expenditure on care and custody of Stores

In their Sixty-Eighth Report on the stores, plant and machinery and production of Ordnance Stores, the Committee commented⁹⁸ on the expenditure incurred on the care and custody of stores.

⁹⁵ 42nd Report (Second Lok Sabha), (March 1959), pages 11-12.

⁹⁶ 55th Report, paras 36 & 39, pages 17-18.

⁹⁷ 42nd Report, Second Lok Sabha, pages 13, 32-33.

⁹⁸ 68th Report (March 1957) paras 35-37, pages 10-11.

The expenditure ratio between expenditure on custody and value of material at the end of the year had increased from 1.9 % in 1952-53 to 2.3% in 1954-55. The Committee felt that this expenditure was on the high side and observed as follows:—

The Committee feel that the staff employed on the care and custody of stores is on the high side and that there is scope for reduction in stores keeping establishments, even on the basis of present holdings. This was corroborated by the representatives of the Ministry of Defence also when they admitted the employment of surplus staff on cleaning the stores. They have also suggested elsewhere an examination of the feasibility of bringing down the stock holdings in the Ordnance Factories as well as of maintaining central stocks. The Committee, therefore, recommend that the feasibility of reducing the expenditure on care and custody of stores should be considered.

Government in their reply⁹⁹ stated that this item of expenditure had been cut down resulting in significant reduction of stores indirect charges in the factories.

Observations of "Eastern Economist"

Concerning the Reports of the following Committee on Ordnance Factories, the Observations of the *Eastern Economist*¹⁰⁰ are worthy of note:—

It is difficult to exaggerate the value of the periodical reports of Parliament's Estimates and Public Accounts Committees even in normal circumstances. But they assume still greater importance in the current moves for austerity and economy in administration. Government have recently set up special economy units in different Ministries to suggest ways and means of curtailing expenditure. However, the reports of Parliament's standing Committees abounding in instances of waste and extravagance should serve economy and plug every source of wastage and infructuous expenditure. . . . The

Report of the Committee on Ordnance Factories, especially in regard to stores, plants and machinery and production, shows how if one goes meticulously into details, substantial savings can be made in several ways with much benefit to the Exchequer. The Committee has made a number of useful suggestions.

Increasing cost of administering the Central Road Fund

While dealing with the Central Road Fund the Committee observed,¹⁰¹ in their Fifty-Ninth Report, that the cost of administering the Fund had shot up by 41 times during the past eight years. The Committee recommended that all possible steps should be taken to bring this expenditure to the minimum so that the money so made available might be utilised in the actual execution of additional projects.

Government in their reply¹⁰² stated that in 1946 a decision was taken to contribute Rs. 1 lakh from the Central Road Fund to the cost of administration. In 1951 this figure was raised to Rs. 4.5 lakhs. This represented Rs. 3 lakhs (at 1% of the annual credit to the Fund which then stood at Rs. 3 crores) for administering the Fund and Rs. 1.5 lakhs towards the work of research, intelligence and special enquiries which Branches of the Roads Wing were undertaking namely standards, statistical and Bridge Branches. The annual credit of the Fund at present stood at Rs. 4 crores. On the basis of 1% the cost of administration comes to Rs. 4 lakhs. The activities of the Roads Wing for research, dissemination of information and technical advice had also expanded. Government therefore considered that the present contribution

⁹⁹ 56th Report (Second Lok Sabha) (April 1959), pages 26-27.

¹⁰⁰ The "Eastern Economist" dated 5th July, 1957.

¹⁰¹ 59th Report, para 149, page 41.

¹⁰² 66th Report (2 LS) (October 1959), pages 29-31.3

of Rs. 4.5 lakhs from the Central Road Fund did not admit of any reduction. The Committee accepted this view.

Reduction of Staff in Defence Training Institutions

In their Sixty Third Report while dealing with the training institutions under the Ministry of Defence the Committee had occasion to make several recommendations in regard to economy. The Committee found¹⁰³ that the Military Training Directorate was over-staffed. In 1954 the Armed Forces Reorganisation Committee had reported that when training in the army was centralised, it would result in economy of staff but actually there had been an increase after reorganisation. The Committee recommended that the feasibility of reducing the establishment of the Directorate should be examined again.

Government¹⁰⁴ in their reply stated that compared to the situation which obtained in 1952 when the Armed Forces Reorganisation Committee submitted its Report, the commitments of the Military Training Directorate had considerably increased. Government stated that the establishments of the various Directorates of the Service Headquarters were periodically reviewed and the strengths determined after taking into account their functions, work-load and various other aspects. The Establishment of the Military

Training Directorate was reviewed in 1956 and again in 1958. Some reduction in the clerical establishment of the Directorate had been made since the recommendation of the AFRC. Government added that the existing establishment appeared to be fully justified taking into consideration the present work-load and the responsibilities of the Directorate of Military Training.

In the same Report the Committee suggested¹⁰⁵ that there was scope for reducing the staff in the National Defence Academy and the Defence Services Staff College and recommended that the feasibility of effecting such a reduction might be examined.

Government in their reply¹⁰⁶ stated as follows:—

The establishment of the National Defence Academy was examined on the spot in December, 1957 by JS(G) and Additional FA II Officers of the Defence Ministry and the Ministry of Finance (Defence) with a view to effecting economy in expenditure. Some reductions in staff were made and certain principles were made for the review of the establishment.

On the basis of the above review the following reductions in the Establishment of the NDA have been effected:—

	Per cent.
Service Officers ..	7.5
Civilian Academic Staff ..	26.5
JCOs ..	13.5
Other Ranks ..	34.0
Civilians Class III ..	11.0
Civilians Class IV ..	31.0

(To be continued)

¹⁰³ 63rd Report (March 1957), para 4, pages 1-2.

¹⁰⁴ 107th Report (2 LS) (January, 1961), pages 18-19.

¹⁰⁵ 63rd Report para 106, page 27.

¹⁰⁶ 107th Report (2 LS), page 52.

Some Parliamentary Activities

PROCEDURAL MATTERS

Payment and Appropriation of Money by Ordinance.

On February 21, 1961, the Orissa State Legislative Assembly was adjourned *sine die* following a statement in the Assembly by the Chief Minister of the State announcing the intention of the Council of Ministers to resign. The Assembly was prorogued by the Governor of Orissa on February 22, 1961. On February 23, 1961, the Governor of Orissa promulgated an Ordinance (Orissa Ordinance No. 3 of 1961) authorising payment and appropriation of certain supplementary sums amounting in the aggregate to Rs. 4,40,48,815 from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1960-61. On February 25, 1961, the President on receipt of a report from the Governor of the State of Orissa issued a Proclamation under Art. 356 of the Constitution assuming to himself the functions of the Government of that State.

On March 4, 1961, the propriety of the Governor's action in issuing the Ordinance was sought to be raised through notice of the adjournment motion in Lok Sabha. It was pointed out by certain members that it was not constitutional on the part of the Governor to have authorised payment and appropriation of supplementary expenditure by the Ordinance without placing

the demands before the House and their consideration and passing by the House.

The Home Minister (Shri Lal Bahadur Shastri) explained that the Ordinance was not valid under the Constitution and no money had been drawn under the Ordinance. The Minister further informed the House that Government would soon bring up the Supplementary Demands for Grants in respect of Orissa before the Parliament for discussion and voting. In view of the statement made by the Home Minister, the Speaker withheld his consent to the moving of the adjournment motion.

On March 6, 1961 the Finance Minister presented to Lok Sabha a statement regarding Supplementary Demands for Grants for 1960-61 in respect of the State of Orissa.

On March 9, 1961 during the discussion on the Supplementary Demands for Grants 1960-61 in respect of Orissa, a member pointed out that the Ordinance promulgated by the Governor under the powers vested in him by Art. 213 of the Constitution was valid in law so long as it was not declared void or inoperative by any competent court of law. He stated that merely because the Home Minister had stated that the Ordinance was invalid, the Ordinance

did not cease to operate. In his view the House was not competent to proceed with the Supplementary Demands for Grants in respect of Orissa unless the Ordinance was first withdrawn. The Minister of State in the Ministry of Home Affairs (Shri B. N. Datar) explained that the Ordinance promulgated by the Governor had not been given effect to and no money had been drawn under its authority. He added that the question as to whether it was necessary to withdraw the Ordinance or to lay it on the Table of the House was being considered by the Government. The Supplementary Demands were, however, voted by the House on March 9, 1961.

On March 10, 1961, when the Minister of Finance (Shri Morarji Desai) sought to move for leave to introduce the Orissa Appropriation Bill to authorise the appropriation of moneys in respect of the Demands for Grants already voted by the House on the previous day, the motion was opposed on the ground that it would be against constitutional propriety to introduce the Bill without first withdrawing the Ordinance. Upholding the objection, the Speaker observed:

The point is that we have to pass legislation with respect to a matter on which there is already a piece of legislation as legislation passed by this House.....Yesterday the Supplementary Demands were passed but unless an Appropriation Bill is passed, not a pie can be drawn. Merely because the Supplementary Demands have been passed, the hon. Finance Minister cannot appropriate the money.

Introduction of the Bill was accordingly held over on that day.

On March 13, 1961 the Minister of State in the Ministry of Home Affairs laid on the Table a copy of the Orissa Appropriation Ordinance, 1961 (Orissa Ordinance No. 3 of 1961) and a copy of the President's Order, dated March 10, 1961, published in Notification No. G.S.R. 343, dated the 10th March, 1961 withdrawing that Ordinance. Thereafter, the Minister of Finance introduced the Orissa Appropriation Bill, which was passed on March 14, 1961.

* * * *

Lok Sabha : Ratification of treaties involving financial obligations

On November 14, 1960, when the Minister of Irrigation and Power laid on the Table of the House a copy of the Indus Waters Treaty, 1960 which had already been ratified by Government, a point of order was raised to the effect that since the treaty involved a financial commitment of £ 62,060,000 its ratification by the Government amounted to an encroachment upon the financial powers of the House. In the U.K., the member submitted, all treaty-making power was in the Crown but wherever any financial implications were involved, the ratifying authority was Parliament. According to him, the power in regard to ratification in such cases resided in Parliament and the Government could not, by itself, ratify the treaty.

Relying on the provisions of Articles 253, 246(1) and entry 14 of List I (Union List) of the Seventh Schedule to the Constitution†, it was urged by

†These provisions run as follows:

"253. Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

Some Parliamentary Activities

another member that Parliament's power in regard to treaties with foreign countries was absolute. Yet another member, admitting the right of the Government to enter into treaties and ratify them, argued that payment of money in consequence of the treaty before the Government came to the Houses with a Demand for Grant would be a violation of Art. 266(3)† of the Constitution.

The Minister of Law (Shri A. K. Sen) was of the view that the question of financial appropriation was a separate matter and that it had nothing to do with the ratification of the argument by the Government.

Ruling out the point of order the Speaker observed:

The provision for entering into treaties is contained in entry 14 of List I . . . Article 253 is an enabling provision. Wherever the Government enters into a treaty—Parliament may or may not agree—the primary right under the Constitution is with the Government to enter into a treaty. . . . We cannot now take away powers which have been vested in the Government under the Constitution. This follows the English practice where no treaties are placed for ratification normally, unless the Government itself wants to do so. Here, it is open to the Government to bring it or not. There will be an occasion for hon. Members to say anything they like at the time when this House will be called upon to vote (the money involved). Not a single pie out of the Consolidated Fund can be paid to anybody without the sanction of this House. . . .

"246. (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List")."

"Entry 14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and convention with foreign countries."

†Art. 266(3) runs as follows:

"No moneys out of the Consolidated Fund of India or the Consolidated Fund of a State shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution."

So, there is no point of order so far as I am able to see. . . .

In accordance with previous practice, it is not obligatory on the Government to place treaties before this House for ratification unless, as constituent parts of those treaties, the respective Governments have agreed to place them before Parliament and obtain their ratification. I do not find any such thing here. It is open to Government to accept and ratify, which they have done. So far as money is concerned, I am not called upon to give any advice now. When the matter comes up, we will know what is to be done.†

Lok Sabha: Constitutional Requirements of a Bill brought up under Art. 3 of the Constitution

The Acquired Territories (Merger) Bill, 1960 sought to provide for the merger into the States of Assam, Punjab and West Bengal of territories acquired pursuant of certain agreement entered into between the Governments of India and Pakistan during the years 1958—1960 and to make all the other necessary supplemental and incidental provisions. The concluding para of the Statement of Objects and Reasons of the Bill, which was dated December 12, 1960, read as follows:

As required by the proviso to article 3 of the Constitution, this Bill was referred by the President to the Legislatures of the States of Assam, Punjab and West Bengal who have expressed their views thereon.

On December 16, 1960 when the Prime Minister moved the motion for leave to introduce the Bill, a member, on a point of order, submitted that the aforesaid statement under date December 12, 1960 was not correct inasmuch as, to his knowledge, the concerned State Legislatures had not expressed their views and, at any rate, the West Bengal Council had not expressed its opinion, as according to newspaper reports when the Bill was placed before the Council on December 14, 1960 there was pandemonium and the House adjourned. Under Art. 3* of the Constitution, the member argued, it was incumbent on the President to ascertain the views of the concerned legislatures prior to recommending the Bill for introduction and since this mandatory provision had not been complied with in the case on hand, the President's recommendation for introduction of the Bill was not in order and the Bill was void *ab initio* and should not be allowed to be introduced.

As to the facts of the case the Prime Minister informed the House that of the concerned State Legislatures the Assam and Punjab Legislatures had expressed their views within the time specified in the reference by the President and even in the case of the West Bengal Legislature the Bill was placed before the Assembly, when various objections were raised. Only the West Bengal Legislative Council could not express its views, owing to disturbance in the House, in spite of the extended time allowed to them upto December 15, 1960.

To make the position clear the Prime Minister offered to vary suitably the Statement of Objects and Reasons and also alter the date from December 12, 1960 (which was the date of printing of the Bill in advance) to December 16, 1960, which was the actual date on which the Bill was being introduced in the House.

Turning them to the requirements of the law in such cases, the Prime Minister declared, they were three: firstly, there must be a recommendation of the President to such a piece of legislation; secondly, the President must refer the Bill to the State Legislatures concerned for expressing their views thereon; and thirdly, the period specified in the reference or any further period that may be allowed has to expire. All the three conditions, he said, had been complied with. In regard to the last particularly, *viz.* reference by the President, he stressed that what was necessary was not the consent of the Legislatures or even the fact that they had considered it, but only that they should be given an opportunity to consider it and the period given to them should have expired; and if a particular Assembly or Council did not take advantage of the reference within the stated period, it did not vitiate any proceeding in Parliament.

As for the suggestion that the President should have given his recommendation to the Bill only after ascertaining the views of the State Legislatures con-

*Under art 3 of the Constitution, Parliament may by law form a new State, or may increase or diminish the area or alter the name or boundaries of any State and under the proviso to that article—

no 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 may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.'

cerned, the Prime Minister pointed out that the President's approval had no relation to the opinions of the Legislatures.

Agreeing with the views expressed by the Prime Minister, the Speaker ruled out the point of order and observed:

The Constitution says that the Bill must only be referred to them (the concerned State Legislatures) to express their views, but if they do not do so, we ought not to wait indefinitely for them to express their views. They need not express their consent.... The Bill was sent to the West Bengal Assembly and the West Bengal Legislative Council, that is, to the West Bengal Legislature.... Therefore, the terms of article 3 have been complied with....

The only other point is that by a mistake the copy of the Bill which had been printed earlier and has been circulated to hon. Members bears the date 12th December. But the Bill has been introduced only after the 15th December.... That is, after the lapse of the period prescribed by the President. Therefore, there is no irregularity.... It is only a technical one. The Prime Minister is now prepared to correct it. I request hon. Members to treat the 12th December as 16th December in the copies that have been given. There is no point of order.*

The Prime Minister substituted the following for the last para of the Statement of Objects and Reasons and changed the date to December 16, 1960:

As required by the proviso to article 3 of the Constitution, this Bill was referred by the President to the Legislatures of the States of Assam Punjab and West Bengal for expressing their views thereon within a stated period and the period so specified or allowed has expired.

A corrigendum to the Statement of Objects and Reasons was also circulated on the following day to the members and others concerned.

* * * *

Lok Sabha: Statements by Ministers on Policy Matters

On December 23, 1960 the Parliamentary Secretary to the Minister of Steel, Mines and Fuel made a statement in response to a 'calling attention notice' regarding the plans and the estimated cost of construction of an oil refinery in Gujarat and of laying pipelines from Gujarat to Bombay. Thereupon, a point of order was raised by a member that the statement did not give the information asked for, although the Minister of Mines and Oil had given recently full facts about the proposed refinery to the members of the Legislative Assembly of Gujarat. This, the member submitted, was not in keeping with the Speaker's observation that while the House was in session policy statements should not be made by Ministers outside the House.

Clarifying the position, the Minister of Steel, Mines and Fuel stated that while it was a fact that the Minister of Mines and Oil had made a statement before the legislators of Gujarat it was equally true that no decision had till then been taken regarding the size of the refinery, the production pattern and the cost involved; and as such, it was not correct to say that any information had been withheld from the House.

The Speaker, thereupon, observed:

I am afraid there is some misunderstanding relating to what I said, so far as policy statements are concerned. Let it be clearly understood that it is only with regard to major policy statements or when there is a change or revision of the policy which has already been accepted by Parliament or when a new policy is being enunciated. The details about locating the refinery here or there is not a matter of policy.

..... While the House is in session I said that as a matter of courtesy to

*See L.S. Deb. 16/12/1960, cc. 5983-6001

the House all enunciations of policy or change of policy or enunciations of new policy must first be brought to the notice of the House before they are announced to the others. But whether a particular thing is a matter of policy or of detail, we are not here to go on giving advice to the Minister. I am sure the hon. Minister himself is competent to decide whether it is a matter of policy or not.*

* * * *

Lok Sabha: Speeches by Members without Chair's Permission: Expunction ordered

On December 7, 1960, when a member put a supplementary on a starred question despite the Speaker declining to call him, the Speaker directed that not a word of what the hon. Member had said shall go on record or be published by the newspapers.

When a member enquired of the Speaker whether his direction in the present instance was in accordance with the rules, the Speaker observed:

I have not made any change in the rules. Any unparliamentary expression can be expunged. That is one thing. The other thing is that no hon. Member can speak or ask questions without my consent—without my calling upon him to do so.....The remarks made by the hon. Member in question are irrelevant, because I had not called him. So, I directed that they would not form part of the record.

I am here to see that the proceedings of the House are recorded. It is not a public meeting where it is open to the press to report or not to report. Outside, the Press can be present, hon. Members may make speeches and they may report or may not report. As part of the proceedings of this House, I would not allow the Press to report the expunged portions†

*L.S. Deb. 23-12-1960, cc. 7330-35.

†L.S. Deb. 7-12-1960, cc. 4340-46.

‡L.S. Deb. 8-12-1960, c. 4578.

§L.S. Deb. 2-12-1960, cc. 6675-76.

When again on the next day a member proceeded to make certain remarks without the Chair's permission, soon after the Prime Minister had made a statement on a 'calling attention notice', the Speaker ordered expunction of all that was spoken by the member, adding that 'the member ought not to have spoken without being called' by him‡.

* * * *

Right of a Minister who is not a member of the House to speak in his personal capacity

While commencing his speech on the motion relating to the situation in Assam the Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir) stated in the Lok Sabha on September 2, 1960 that he was speaking not as a member of the Government but in his personal capacity. Immediately, a point was raised whether the Minister could address the House in his personal capacity when he was not a member of the Lok Sabha.

The Chairman (Dr. Sushila Nayar) ruled:

He is an hon. Minister and he would be speaking as such.

When the Prime Minister (Shri Jawaharlal Nehru) said that he was unable to follow the objection since it was a common occurrence for a Minister to express his personal views on any matter, the Chairman by way of clarification observed:

The hon. Minister is not a member of this House. He is a member of the Rajya Sabha. He can speak here only in his capacity as a Minister and in no other capacity.§

* * * *

Some Parliamentary Activities

REFERENCES ON PARLIAMEN- TARY PRACTICE

Committee on Government Assurances: Extent of its purview

Q. Whether the Committee on Government Assurances scrutinises only assurances, promises, undertakings etc. given orally on the floor of the House or whether assurances contained in written replies such as answers to unstarred questions, and to starred and short notice questions not reached for

oral answer, also come within the purview of the Committee?

Ans. The Committee on Government Assurances of Lok Sabha makes no distinction between assurances given orally on the floor of the House and those contained in written replies to unstarred questions, and to starred and short notice questions not reached for oral answer. As such, all government assurances come within the purview of the Committee.

If the history of civilization has any lesson to teach it is this: there is one supreme condition of mental and moral progress which it is completely within the power of man himself to secure, and that is perfect liberty of thought and discussion. The establishment of this liberty may be considered the most valuable achievement of modern civilization, and as a condition of social progress it should be deemed fundamental.

—Bury in *A History of
Freedom of Thought.*

Constitutional Matters

The Constitution* (Ninth Amendment) Act, 1960 and the Acquired Territories (Merger) Act, 1960

With a view to resolving some of their border disputes the Governments of India and Pakistan entered into certain agreements on September 10, 1958, October 23, 1959 and January 11, 1960, and under these agreements certain territories were to be transferred to, and certain others acquired from, Pakistan, the States affected being Assam, Punjab and West Bengal and the Union territory of Tripura.

Under Art. 3 of the Constitution Parliament may, after allowing the affected States an opportunity to express their views, by law *inter alia* increase or diminish the area, or alter the name or the boundaries, of any State, and under Art. 4 any such law shall contain provisions as may be necessary for the amendment of the First and Fourth Schedules to the Constitution but shall not for that reason be deemed to be an amendment of the Constitution within the meaning of Art. 368. However, the Supreme Court held† provision the official would not cover cases of cession of territory to a foreign State, which could only be effected by amendment of the Constitution in terms of article 368 of the Constitution.

Accordingly, two Bills were brought forward by Government to give effect to the agreements—one, the Acquired

Territories (Merger) Bill, 1960 to provide for the merger into the States of Assam, Punjab and West Bengal of the territories acquired by the Government of India under the agreements; and the other, the Constitution (Ninth Amendment) Bill, 1960 to further amend the Constitution of India to give effect to the transfer of the territories to Pakistan, under the agreements. These Bills were passed by both Houses of Parliament and assented to by the President on December 28, 1960.

Both these measures contain provisions* for the amendment of the First Schedule to the Constitution for incorporating the necessary changes in the description of the territories of the States of Assam, Punjab and West Bengal and the Union territory of Tripura. The relevant portion of the Schedule as amended would now read as follows:

I. THE STATES

Name	Territories
2. Assam	The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951 and the territories referred to in Part I of the First Schedule to the Constitution (Ninth Amendment) Act, 1960.

*See Sec. 4 of the Acquired Territories (Merger) Act, 1960 and Sec. 3 of the Constitution (Ninth Amendment) Act, 1960.

†See Advisory Opinion of the Supreme Court in Special Reference No. 1 of 1958.

Constitutional Matters

11. Punjab : The territories specified in section 11 of the States Reorganisation Act, 1956, and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960 but excluding the territories referred to in Part II of the First Schedule to the Constitution (Ninth Amendment) Act, 1960.

14. West Bengal The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954, and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960, but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960.

II THE UNION TERRITORIES

- | Name | Extent |
|------------|---|
| 4. Tripura | The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura but excluding the territories referred to in Part IV of the First Schedule to the Constitution (Ninth Amendment) Act, 1960. |

The Constitution of the Republic of Ghana

[The proposals for a republican Constitution for Ghana were published as a White Paper in Accra on March 6, 1960. The draft Constitution was approved by the National Assembly on March 15 after a two-day debate. The Constitution was then approved

in a plebiscite held on April 19, 23, and 27. The presidential election held simultaneously resulted in the election of Dr. Kwame Nkrumah as the first President of the Republic, in respect of whom the Constitution contains certain special provisions. Ghana became a republic on July 1, 1960.

Some of the main provisions of the Constitution are reproduced below.]

PREAMBLE

WE THE PEOPLE OF GHANA, by our Representatives gathered in this our Constituent Assembly,

IN EXERCISE of our undoubted right to appoint for ourselves the means whereby we shall be governed,

IN SYMPATHY with and loyalty to our fellow-countrymen of Africa,

IN THE HOPE that we may by our actions this day help to further the development of a Union of African States, and

IN A SPIRIT of friendship and peace with all other peoples of the World,

DO HEREBY ENACT and give to ourselves this Constitution.

This Constitution is enacted on this twenty-ninth day of June, 1960 and shall come into operation on the first day of July, 1960.

POWERS OF THE PEOPLE

1. Powers of the People.—The powers of the State derive from the people, by whom certain of those powers are now

conferred on the institutions established by this Constitution and who shall have the right to exercise the remainder of those powers, and to choose their representatives in the Parliament now established, in accordance with the following principle—

That, without distinction of sex, race, religion or political belief, every person who, being by law a citizen of Ghana, has attained the age of twenty-one years and is not disqualified by law on grounds of absence, infirmity of mind or criminality, shall be entitled to one vote, to be cast in freedom and secrecy.

2. Realisation of African Unity.—In the confident expectation of an early surrender of sovereignty to a union of African states and territories, the people now confer on Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana.

3. Powers of the People entrench.—The power to repeal or alter this Part of the Constitution is reserved to the people.

THE REPUBLIC

4. Declaration of Republic.—(1) Ghana is a sovereign unitary Republic.

(2) Subject to the provisions of Article Two of the Constitution, the power to provide a form of government for Ghana other than that of a republic or for the form of the Republic to be other than unitary is reserved to the people.

THE PRESIDENT AND HIS MINISTERS *Head of the State*

8. Head of the State.—(1) There shall be a President of Ghana, who shall

be the Head of the State and responsible to the people.

(2) Subject to the provisions of the Constitution, the executive power of the State is conferred upon the President.

(3) The President shall be the Commander-in-Chief of the Armed Forces and the Fount of Honour.

(4) Except as may be otherwise provided by law, in the exercise of his functions the President shall act in his own discretion and shall not be obliged to follow advice tendered by any other person.

(5) The power to repeal or alter this Article is reserved to the people.

First President

10. First President.—KWAME NKRUMAH is hereby appointed first President of Ghana, having been chosen as such before the enactment of the Constitution in a Plebiscite conducted in accordance with the principle set out in Article One of the Constitution.

Election of President and Assumption of Office

11. Election of President.—(1) An election of a President shall be held whenever one of the following events occurs, that is to say—

- (a) the National Assembly is dissolved. or
- (b) the President dies, or
- (c) the President resigns his office.

(2) Provision shall be made by law for regulating the election of a President, and shall be so made in accordance with the following principles—

- (a) any citizen of Ghana shall be qualified for election as Presi-

Constitutional Matters

dent if he has attained the age of thirty-five years;

- (b) the returning officer for the election shall be the Chief Justice;
- (c) if contested, an election held by reason of a dissolution of the National Assembly shall be decided by preferences given before the General Election by persons subsequently returned as Members of Parliament, or, if no candidate for election as President obtains more than one-half of the preferences so given, by secret ballot of the Members of the new Parliament;
- (d) if contested, an election held by reason of the death or resignation of the President shall be decided by secret ballot of the Members of Parliament.

(3) If an election is to be decided by balloting among the Members of Parliament and a President has not been declared elected after five ballots the National Assembly shall be deemed to be dissolved at the conclusion of the fifth ballot.

(4) Where a person has been declared by the Chief Justice to be elected as President his election shall not be questioned in any court.

13. *Declaration of Fundamental Principles.*—(1) Immediately after his assumption of office the President shall make the following solemn declaration before the people —

On accepting the call of the people to the high office of President of Ghana I

solemnly declare my adherence to the following fundamental principles—

That the powers of Government spring from the will of the people and should be exercised in accordance therewith.

That freedom and justice should be honoured and maintained.

That the union of Africa should be striven for by every lawful means and, when attained, should be faithfully preserved.

That the Independence of Ghana should not be surrendered or diminished on any grounds other than the furtherance of African unity.

That no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief.

That Chieftaincy in Ghana should be guaranteed and preserved.

That every citizen of Ghana should receive his fair share of the produce yielded by the development of the country.

That subject to such restrictions as may be necessary for preserving public order, morality or health, no person should be deprived of freedom of religion or speech, of the right to move and assemble without hindrance or of the right of access to courts of law.

That no person should be deprived of his property save where the public interest so requires and the law so provides.

(2) The power to repeal this Article, or to alter its provisions otherwise than by the addition of further paragraphs to the declaration, is reserved to the people.

Ministers and Cabinet

15. *Appointment of Ministers.*—(1) The President shall from time to time appoint by instrument under the Presidential Seal persons from among the Members of Parliament, who shall be styled Ministers of Ghana, to assist him in his exercise of the executive power and to take charge under his direction of such departments of State as he may assign to them.

(2) The power to repeal or alter this Article is reserved to the people.

16. *The Cabinet.*—(1) There shall be a Cabinet consisting of the President and not less than eight Ministers of Ghana appointed as members of the Cabinet by the President.

(2) Subject to the powers of the President, the Cabinet is charged with the general direction and control of the Government of Ghana.

(3) The appointment of a Minister as a member of the Cabinet may at any time be revoked by the President.

(4) The power to repeal or alter this Article is reserved to the people.

PARLIAMENT

20. *The Sovereign Parliament.*—

(1) There shall be a Parliament consisting of the President and the National Assembly.

(2) So much of the legislative power of the State as is not reserved by the Constitution to the people is conferred on Parliament; and any portion of the remainder of the legislative power of the State may be conferred on Parliament at any future time by the decision of a majority of the electors voting in a referendum ordered by the President and conducted in accordance with the

principle set out in Article One of the Constitution:

Provided that the only power to alter the Constitution (whether expressly or by implication) which is or may as aforesaid be conferred on Parliament is a power to alter it by an Act expressed to be an Act to amend the Constitution and containing only provisions effecting the alteration thereof.

(3) Subject to the provisions of Article Two of the Constitution, Parliament cannot divest itself of any of its legislative powers:

Provided that if by any amendment to the Constitution the power to repeal or alter any existing or future provision of the Constitution is reserved to the people, section (2) of this Article shall apply in relation to that provision as if the power to repeal or alter it had originally been reserved to the people.

(4) No Act passed in exercise of a legislative power expressed by the Constitution to be reserved to the people shall take effect unless the Speaker has certified that power to pass the Act has been conferred on Parliament in the manner provided by section (2) of this Article; and a certificate so given shall be conclusive.

(5) No person or body other than Parliament shall have power to make provisions having the force of law except under authority conferred by Act of Parliament.

(6) Apart from the limitations referred to in the preceding provisions of this

Article, the power of Parliament to make laws shall be under no limitation whatsoever.

(7) The power to repeal or alter this Article is reserved to the people.

21. *The National Assembly.*—(1) The National Assembly shall consist of the Speaker and not less than one hundred and four Members, to be known as Members of Parliament.

(2) The Members shall be elected in the manner provided by a law framed in accordance with the principle set out in Article One of the Constitution, and the Speaker shall be elected by the Members.

(3) There shall be freedom of speech, debate and proceedings in the National Assembly and that freedom shall not be impeached or questioned in any court or place out of the Assembly.

(4) The President may attend any sitting of the National Assembly.

(5) The power to repeal or alter this Article is reserved to the people.

22. *Sessions of the Assembly.*—(1) There shall be a new session of the National Assembly once at least in every year, so that a period of twelve months shall not elapse between the last sitting of the Assembly in one session and the first sitting thereof in the next session.

(2) The President may at any time by proclamation summon or prorogue the National Assembly.

(3) The power to repeal or alter this Article is reserved to the people.

23. *Dissolution of the Assembly.*—(1) The President may at any time by proclamation dissolve the National Assembly.

(2) The President shall in any case dissolve the National Assembly on the expiration of the period of five years from the first sitting of the Assembly after the previous General Election.

(3) If an emergency arises or exists when the National Assembly stands dissolved, the President may by proclamation summon an assembly of the persons who were Members of Parliament immediately before the dissolution and, until the majority of results have been declared in the General Election following the dissolution, the assembly shall be deemed to be the National Assembly.

(4) The power to repeal or alter this Article is reserved to the people.

24. *Legislation.*—(1) Every Bill passed by the National Assembly shall be presented to the President who shall—

(a) signify his assent to the Bill, or

(b) signify his assent to a part only of the Bill and his refusal of assent to the remainder, or

(c) signify his refusal of assent to the Bill.

(2) On the signifying by the President of his assent to a Bill passed by the National Assembly or to a part thereof, the Bill or that part thereof, as the case may be, shall become an Act of Parliament.

PUBLIC REVENUE AND EXPENDITURE

Taxation

26. *Restriction on Taxation.*—(1) No taxation shall be imposed otherwise than under the authority of an Act of Parliament.

(2) The power to repeal or alter this Article is reserved to the people.

Custody of Public Money

27. *Public Funds.*—There shall be a Consolidated Fund and a Contingencies Fund, together with such other public funds as may be provided by law.

28. *Public Revenue.*—(1) The produce of taxation, receipts of capital and interest in respect of public loans, and all other public revenue shall be paid into the Consolidated Fund unless required or permitted by law to be paid into any other fund or account.

(2) The President may, in relation to any department of State, direct that a separate public account be established for the department and that the revenue of the department be paid into that account.

Moneys granted by Vote of the National Assembly

31. *Moneys Granted on the Annual Estimates.*—(1) The President shall cause to be prepared annually under heads for each public service estimates of expenditure, other than expenditure charged by law on a public fund or on the general revenues and assets of Ghana, which will be required to be incurred for the public services during the following financial year; and, when approved by the Cabinet, the estimates so prepared (which shall be known as "the annual estimates") shall be laid before the National Assembly.

(2) Each head of the annual estimates shall be submitted to the vote of the National Assembly but no amendment of the estimates shall be moved.

(3) A vote of the National Assembly approving a head of the annual estimates shall constitute a grant by the Assembly of moneys not exceeding the amount specified in that head to be applied within the financial year in question for the service to which the head relates.

Audit of Public Accounts

38. *The Auditor-General.*—(1) There shall be an Auditor-General, who shall be appointed by the President and who shall not be removable except by the President in pursuance of a resolution of the National Assembly supported by the votes of at least two-thirds of the total number of Members of Parliament and passed on the ground of stated misbehaviour or of infirmity of body or mind.

(2) The Auditor-General shall retire from office on attaining the age of fifty-five years or such higher age as may be prescribed by law.

(3) The Auditor-General may resign his office by writing under his hand addressed to the President.

(4) The salary of the Auditor-General shall be determined by the National Assembly, is hereby charged on the Consolidated Fund and shall not be diminished during his term of office.

LAW AND JUSTICE

41. *Superior and Inferior Courts.*—There shall be a Supreme Court and a High Court, which shall be the superior courts of Ghana.

(2) Subject to the provisions of the Constitution, the judicial power of the State is conferred on the Supreme Court and the High Court, and on such inferior courts as may be provided by law.

Constitutional Matters

(3) The power to repeal or alter this Article is reserved to the people.

Provisions as to Superior Courts

42. *Jurisdiction.*—(1) The Supreme Court shall be the final court of appeal, with such appellate and other jurisdiction as may be provided for by law.

(2) The Supreme Court shall have original jurisdiction in all matters where a question arises whether an enactment was made in excess of the powers conferred on Parliament by or under the Constitution, and if any such question arises in the High Court or an inferior court, the hearing shall be adjourned and the question referred to the Supreme Court for decision.

(3) Subject to section (2) of this Article, the High Court shall have such original and appellate jurisdiction as may be provided for by law.

(4) The Supreme Court shall in principle be bound to follow its own previous decisions on questions of law, and the High Court shall be bound to follow previous decisions of the Supreme Court on such questions, but neither court shall be otherwise bound to follow the previous decisions of any court on questions of law.

Attorney-General

47. *Attorney-General.*—(1) There shall be an Attorney-General, who shall be a Minister of Ghana or other person appointed by the President.

(2) Subject to the directions of the President, there shall be vested in the Attorney-General responsibility for the initiation, conduct and discontinuance of civil proceedings by the Republic and prosecutions for criminal offences,

and for the defence of civil proceedings brought against the Republic.

(3) The office of the Attorney-General shall become vacant—

- (a) if his appointment is revoked by the President; or
- (b) on the acceptance by the President of his resignation from office; or
- (c) immediately before the assumption of office of a President.

President's Powers of Mercy

48. *President's Powers of Mercy.*—

(1) The President shall have power, in respect of any criminal offence—

- (a) to grant a pardon to the offender, or
- (b) to order a respite of the execution of any sentence passed on the offender, or
- (c) to remit any sentence so passed or any penalty or forfeiture incurred by reason of the offence.

(2) Where the President remits a sentence of death he may order the offender to be imprisoned until such time as the President orders his release.

THE ARMED FORCES

53. *Prohibition of Irregular Forces.*—

(1) Neither the President nor any other person shall raise any armed force except under the authority of an Act of Parliament.

(2) The power to repeal or alter this Article is reserved to the people.

54. Powers of Commander-in-Chief.

—(1) Subject to the provisions of any enactment for the time being in force, the powers of the President as Commander-in-Chief of the Armed Forces shall include the power to commission persons as officers in the said Forces and to order any of the said Forces to engage in operations for the defence of Ghana, for the preservation of public order, for relief in cases of emergency or for any other purpose appearing to the Commander-in-Chief to be expedient.

(2) The Commander-in-Chief shall have power, in a case where it appears to him expedient to do so for the security of the State, to dismiss a member of the Armed Forces or to order a member of the Armed Forces not to exercise any authority vested in him as a member thereof until the Commander-in-Chief otherwise directs; and a purported exercise of authority in contravention of such an order shall be ineffective.

**SPECIAL POWERS FOR FIRST
PRESIDENT**

55. Special Powers for First President.—(1) Notwithstanding anything in

Article Twenty of the Constitution, the person appointed as first President of Ghana shall have, during his initial period of office, the powers conferred on him by this Article.

(2) The first President may, whenever he considers it to be in the national interest to do so, give directions by legislative instrument.

(3) An instrument made under this Article may alter (whether expressly or by implication) any enactment other than the Constitution.

(4) Section (2) of Article Forty-two of the Constitution shall apply in relation to the powers conferred by this Article as it applies in relation to the powers conferred on Parliament.

(5) For the purposes of this Article the first President's initial period of office shall be taken to continue until some other person assumes office as President.

(6) The power to repeal or alter this Article during the first President's initial period of office is reserved to the people.

Conferences

· FORTY-NINTH INTER-PARLIAMENTARY CONFERENCE

[Tokyo (Japan)—Sept.-Oct., 1960]

The 49th Inter-Parliamentary Conference was held in Tokyo (Japan) during Sept.-Oct., 1960. The Conference was attended by 565 members of Parliament from fifty National Groups.

The Indian delegation to the Conference was composed of Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha (*Leader*), Pandit H. N. Kunzru, M.P., Shri H. C. Heda, M.P., and Shri M. N. Kaul, Secretary, Lok Sabha.

The following subjects were discussed at the Conference—

- (i) Methods of improving the International Distribution system for Primary Products and the Relation of their Prices with those of Manufactured Goods.
- (ii) Present Problems and Prospects of Disarmament.
- (iii) The Future of Parliamentary Democracy in Asia.
- (iv) The Problems of Colonialism and Racial Discrimination.

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

Shri Ananthasayanam Ayyangar and Pandit Kunzru attended the meetings of the Inter-Parliamentary Council; and the latter, a member of the Executive Committee of the Inter-Parliamentary Union, attended the Executive Committee meetings also.

Of the Study Committees, Shri Ayyangar participated in the deliberations of the Parliamentary and Juridical Committee, the Cultural Committee, and the Committee on Political Questions, International Security and Disarmament; and Pandit Kunzru, in the Parliamentary and Juridical Committee, the Committee on Non-Self-Governing Territories and Ethnic Questions, and the Committee on Political Questions, International Security and Disarmament. Shri H. C. Heda took part in the Economic and Social Committee, and the Committee on Political Questions, International Security and Disarmament.

The Association of Secretaries General of Parliaments also met in Tokyo about this time and Shri M. N. Kaul, Secretary, Lok Sabha attended its meetings.

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CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

[Bangalore—1960-61]

The 26th Conference of Presiding Officers of Legislative Bodies in India was held for three days on December

31, 1960 and January 2 and 3, 1961 in the Legislative Assembly Hall, Vidhana Soudha, Bangalore.

The Conference opened with a welcome address by Shri S. R. Kanthi, Speaker, Mysore Legislative Assembly. This was followed by the address of the Chairman of the Conference, Shri M. Ananthasayanam Ayyangar, Speaker Lok Sabha.

On the first day the Conference had a general discussion on the functioning of Legislatures in India. On the remaining two days the Conference discussed the following points:

(i) How far under the Constitution of India are the States autonomous in their sphere of activities, particularly in the matter of—

- (a) List II—State List—of the Seventh Schedule;
- (b) List III—Concurrent List—of the Seventh Schedule; and
- (c) requesting the Union Government to intervene in the affairs of another State?

(ii) The meaning of 'disputes' contemplated under Art. 263(a) of the Constitution

(iii) From which date should the members of a Legislature draw their salaries whether it should be from the date from which their term of office commences under Sec. 167 of the Representation of the People Act, 1951 or from the date on which they physically take their seats in the House?

(iv) Admissibility of questions pertaining to the personal and household staff and other staff of the Governor.

(v) Whether notices of questions from members, under legal detention may be entertained and those already admitted placed on the Order Paper; and whether an authority from such members in favour of other members to put their starred questions on their behalf be accepted?

(vi) The desirability of considering and adopting the reports of the Estimates and Public Accounts Committees, Committee on Subordinate Legislation and Committee on Government Assurances on their presentation to the House.

(vii) Procedure to be adopted by the Legislature when a Court of Law requisitions original notices of questions put or motions moved by a member, in connection with a criminal case pending before it.

(viii) The remedies available to a Presiding Officer against a member who writes letters to him making insinuations and using undignified and threatening language in regard to the conduct of the Presiding Officer.

(ix) Whether a Presiding Officer has any powers to punish a member for contempt or continued disorderly conduct over and above the disciplinary powers mentioned in the Rules of Procedure of the Legislature?

(x) Can a member move an amendment to a Bill for omission of a clause or whether it is open to a member in charge of a Bill to withdraw an entire clause at the consideration stage?

(xi) What should be the period for receiving notices of amendments to a rule which is laid before the House for a period of 14 days or for a period at least, of not less than 14 days?

CONFERENCE OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA

[Bangalore--Dec. 1960]

The Secretaries of Legislative Bodies in India met in conference in the Committee Room of Vidhana Soudha, Bangalore on December 30, 1960, as usual a day prior to the meeting of the Presiding Officers' Conference. Shri M. N. Kaul, Secretary of Lok Sabha presided. Almost all the Secretaries of State Legislatures attended the Conference, which was the ninth of its kind to be held ever since the practice first started in the year 1953.

Conferences

After the welcome to the delegates by Shri G. S. Venkataramana Iyer, Secretary of the Mysore Legislature, the proceedings began with an address by Shri Kaul as Chairman to the Conference.

After the Chairman's speech, the Conference settled down to consider the following matters on its agenda:

(i) *Legislature Secretariats.*—Whether the exemption granted to the staff of Parliament in terms of item (3) of subsection (1) of section 3 of the Employment Exchange (Compulsory Notification of Vacancies; Act, 1959 (Act No. 21 of 1959) should not be made applicable to the staff of State Legislatures also?

(ii) *Privileges.*—Whether there is a *prima facie* case for breach of privilege or contempt of the House, if at a meeting of a statutory body, one of its members casts reflection on the conduct of a Member of a Legislature remarking that the speech delivered by the latter on the floor of the House was unwarranted and gets a resolution passed by the body

asking the Member to tender unqualified apology for what he had said in the House?

If so, whether the offending member or all the members of the statutory body who voted for the resolution should be called to appear before the Committee of Privileges?

(iii) *Presiding Officers.*—Are the disciplinary powers of the Chairman or Speaker of maintaining order and regulating debates in addition to the powers of the House for punishing breach of privileges or are they in substitution thereof?

(iv) *Leader of the Opposition.*—The position and rank that should be assigned to the Leader of the Opposition on the occasion of State functions and ceremonies.

(v) *Cut Motions.*—Whether a member of the Government Party should give notice of cut motions?

In the afternoon the Conference was addressed by Shri M. Ananthasayanam Ayyangar, Speaker of Lok Sabha.

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General

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2. *Consensus Formation in the Council of Europe* by Ernst B. Haas (University of California Press, Berkeley, 1960).

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3. *Gujarat Legislative Assembly Rules* (Director, Government Printing, Publications and Stationary, Ahmedabad, 1960).

4. *The Budget in Parliament* by S. L. Shakhder (Lok Sabha Secretariat, New Delhi, 1961).

5. *The Maharashtra Legislative Assembly Rules* (Bombay, 1960).

6. *Maharashtra Legislative Council Rules* (Maharashtra Legislature Secretariat, Bombay, 1960).

7. *Parliamentary Control over State Enterprises in India*,—a study in public administration by Chander Prakash Bhambhri (Metropolitan Delhi, 1960).

8. *Selection of Decisions from the Chair*. Drawn from the sessions from June 1957 to October 1958, Maharashtra Legislative Assembly (Bombay, 1960).

U.K.

9. *Standing Orders of the House of Commons. Private Business 1960* (H.M.S.O., London, 1960).

10. *Standing Orders of the House of Commons.—Public Business 1960* (H.M.S.O., London, 1960).

REPORTS

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1. *Madhya Pradesh, Vidhan Sabha: Committee of Privileges. Seventh Report (2nd Vidhan Sabha) on the complaint of breach of privilege of Shri Chandra Pratap Tiwari, M.L.A., against Shri Shatrughna Prasad, Sub-Inspector of Police* (Central Press, Bhopal, 1961).

2. *West Bengal, Legislative Assembly: Report of the Committee on Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly with the draft rules as recommended by the Committee.*

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3. *Ceylon Parliamentary Bribery Commission, 1959-60 Reports* (Government Press, Ceylon, 1960).

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4. *Parliament, House of Commons: Committee of Privileges. Report 1959-60 together with the proceedings of the Committee and minutes of Evidence on complaint (12th July) of a letter to a member by Mr. Colin Jordan* (H.M. S. O., London, 1960).

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1. A Decade of the India Republic by Purushottam Singh (An assessment of the working of Parliamentary institutions) (*Parliamentary Studies*, October-November, 1960, p. 17).

2. Growth of Parliamentary Government in India by Nimai Ch. Nag Choudhury (*Calcutta Review*, July 1960, p. 73).

3. Parliamentary Government in India by Nimai Chandra Nag Chowdhury (*Hindusthan Standard*, October 9, 1960).

4. Parliamentary Sovereignty and Party Government by A. V. Subramania Aiyar (*Swarajya*, October 29, 1960, p. 12).

5. A Plea for the Study of Indian Provincial Legislatures by J. H. Broomfield (*Parliamentary Affairs*, Winter 1960-61, p. 26).

6. Salary for Parliamentarians by Prof. Abhalata Kundu (*Hindusthan Standard*, January 8, 1961).

7. Role of Opposition in the House of the People by Subrata Kumar Muker-

jee (*Calcutta Review*, August-September 1960, p. 171).

U.K.

8. The Old House of Commons and its Members (c. 1783—1832) by A. Aspinall (*Parliamentary Affairs*, Winter 1960-61, p. 13).

9. The Prime Minister as an Elected Monarch by R. W. K. Hinton (*Parliamentary Affairs*, Summer 1960, p. 297).

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11. The Speaker of the House of the Commons by Philip Laundry (*Parliamentary Affairs*, Winter 1960-61, p. 26).

12. Urgency Motions in the Commons by W. H. Greenleaf (*Public Law*, Autumn 1960, p. 270).

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13. The Growth of the Presidency by William C. Carleton (*Current History*, October 1960, p. 193).

14. Legislative Investigation into Public Conduct in U. S. A. by Arthur W. Macmahon (*Parliamentary Studies*, August 1960, p. 16).

APPENDICES

Journal of Parliamentary Information

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Joint Committee on Maternity Benefits Bill, 1960												45	
Joint Committee on Religious Trusts Bill, 1960												45	
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Committees on Draft Third Five Year Plan:													
Committee 'A'													107
Committee 'B'													136
Committee 'C'													158
Committee 'D'													85
Committee 'E'													34

Appendices

Rajya Sabha	Two Sessions: (i) 30th Session— From 8th Aug. to 9th Sept. 1960 (23 Sittings); and (ii) 31st Session— From 28th Nov. to 23rd Dec. 1960 (19 Sittings)	45	1	3296	1618	855	792	53	5	Business Advisory Committee	10
										House Committee	7
										Joint Committee on the Children Bill, 1959	45
										Joint Committee on the Delhi Primary Education Bill, 1960	45
Andhra Pradesh Legislative Assembly	Two Sessions: (i) Tenth Session— From 23rd June to 17th July, 1960 (14 Sittings); and (ii) Eleventh Ses- sion— From 28th Nov. to 10th Dec. 1960 (12 Sittings)	16	..	1621	937	6	23	103	75	Committee on Peti- tions	5
										Joint Committee on the Andhra Pradesh Sugar-cane (Regu- lation of Supply and Purchase) Bill, 1960	20
Andhra Pradesh Legislative Council	Two Sessions: (i) Second Session— From 27th July to 24th Sept. 1960 (7 Sittings); and (ii) Third Session— Commenced on 24th Dec. and had not conclu- ded by 31-12-60 (7 Sittings).	18	..	820	805	18	18	21	13	Joint Select Com- mittee on the Andhra Pradesh Tenancy Bill, 1960	32
										Business Advisory Committee	5
										Committee on Peti- tions	5
Bihar Vidhan Sabha	One Session— From 7th Nov. to 16th Dec. 1960 (10 Sittings)	11	..	3254	1776	559	546	250	179	Business Advisory Committee	11
										Committee of Privi- leges	15

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Committee on Peti- tions	5
Committee on Pub- lic Accounts	17
Committee on Sub- ordinate Legislation	10
House Committee	18
Library Committee	43
Business Advisory Committee	7
Committee on Gov- ernment Assu- rances	11
Committee on Peti- tions relating to Bills	7
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Rules Committee	15

One Session:
From 14th Nov.
to 16th Dec. 1960
(24 Sittings)

Other Volumes
Published

8.

Appendices

One Session : From 18th Aug. to 24th Sept. 1960 (28 Sittings).	17 ..	934	748	47	45	64	26	Business Advisory Committee	7
								Committee for allotment of accommodation to Members in the Members' Hostel	8
								Committee of Privileges	7
								Committee on Absence of Members from the Sittings of the House	8
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Journal of Parliamentary Information

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Jammu & Kashmir Legislative Assembly		One Session :	10	..	1046	862	281	237	1	1	Committee on Government Assurances	7	
		From 11th Aug. to 2nd Sept. 1960 (14 Sittings).											
Kerala Legislative Assembly.		Two Sessions :	37	..	*7004	*6816	..	170	76	76	Committee on Estimates	7	
		(i) Second Session—											
		From 22nd June to 5th Aug. 1960 (34 Sittings); and									Committee on Government Assurances	7	
		(ii) Third Session—									Committee on Petitions	7	
		From 15th Sept. to 5th Nov. 1960 and from 8th Dec. to 21st Dec. 1960 (48 Sittings).									Committee on Privileges	7	
											Committee on Private Members' Bills & Resolutions	7	
											Committee on Public Accounts	7	
											Committee on Subordinate Legislation	7	
											House Committee	7	
											Library Advisory Committee	7	
											Rules Committee	9	
Madras Legislative Assembly		One Session :	13	..	2405	1779	145	145	91	47	Business Advisory Committee	11	
		From 8th Aug. to 10th Sept. 1960 (19 Sittings).									Committee of Privileges	16	
											Committee on Government Assurances	7	

Journal of Parliamentary Information

	1	2	3	4	5	6	7	8	9	10	11	12
Mysore Legislative Council.												
		One Session :	10	..	69	67	38	34	16	5		4
		From 27th Aug. to 28th Sept. 1960 and 30th Nov. to 6th Dec. 1960 (31 sittings) ¶										
Orissa Legislative Assembly		One Session :	14	..	*1667	*1218	..	..	..	..		5
		From 24th Oct. to 24th Nov. 1960 (31 sittings)										
												9
												5
												5
												9
												5
												9
												5
												9
												8
												6
Punjab Vidhan Sabha		One Session :	25	..	1073	655	892	610	7	3		
		From 17th Oct. to 23rd Nov. 1960 (17 sittings)										

Joint Select Committee on the Mysore Shops & Commercial Establishments Bill, 1958

Joint Select Committee on Mysore Ware Houses Bill, 1959.

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Select Committee on the Marwar-Merittage Fund Administration Bill, 1960	16						
Select Committee on the Rajasthan Agricultural Produce Markets Bill, 1960	25						
Select Committee on the Rajasthan Court Fees & Suits Valuation Bill, 1960	24						
Select Committee on the Rajasthan Prevention of Begging Bill, 1958	22						

Rajasthan Legislative Assembly
 One Session : 19 1610 1142 35 19 26 10
 From 22nd Aug. to 14th Sept. 1960 (19 sittings)

* Blank-sp not given.

APPENDIX II

List of Bills passed by the Houses of Parliament and assented to by the President during the period 1st July to 31st December, 1960.

Serial No.	Title of Bill	Date of Assent by the President
1	2	3
1	The Rubber (Amendment) Bill, 1960	20-8-1960
2	The Cotton Transport (Amendment) Bill, 1960	23-8-1960
3	The Banking Companies (Amendment) Bill, 1960	26-8-1960
4	The Delhi Land Holdings (Ceiling) Bill, 1960	26-8-1960
5	The Agricultural Produce (Grading and Marking) Bill, 1960	27-8-1960
6	The Press and Registration of Books (Amendment) Bill, 1960	29-8-1960
7	The Evacuee Interest (Separation) Amendment Bill, 1960	3-9-1960
8	The Taxation Laws (Amendment) Bill, 1960	6-9-1960
9	The Appropriation (Railways) No. 4 Bill, 1960	6-9-1960
10	The Appropriation (No. 3) Bill, 1960	6-9-1960
11	The Tripura Municipal Law (Repeal) Bill, 1960	9-9-1960
12	The International Development Association (Status, Immunities and Privileges) Bill, 1960	9-9-1960
13	The Manipur Land Revenue and Land Reforms Bill, 1960	13-9-1960
14	The Plantations Labour (Amendment) Bill, 1960	13-9-1960
15	The Drugs (Amendment) Bill, 1960	15-9-1960
16	The Appropriation (No. 4) Bill, 1960	15-9-1960
17	The Banking Companies (Second Amendment) Bill, 1960	19-9-1960
18	The Central Excises (Conversion to Metric Units) Bill, 1960	20-9-1960
19	The Delhi Primary Education Bill, 1960	20-9-1960
20	The Customs Duties and Cesses (Conversion to Metric Units) Bill, 1960	21-9-1960
21	The Standards of Weights and Measures (Amendment) Bill, 1960	21-9-1960
22	The Indian Trade Unions (Amendment) Bill, 1960	21-9-1960
23	The Tripura Land Revenue and Land Reforms Bill, 1960	21-9-1960
24	The Indian Aircraft (Amendment) Bill, 1960	26-11-1960
25	The Indian Museum (Amendment) Bill, 1960	30-11-1960
26	The Employees' Provident Funds (Amendment) Bill, 1960	11-12-1960
27	The Bilsapur Commercial Corporation (Repeal) Bill, 1960	18-12-1960
28	The Mahendra Partab Singh Estates (Repeal) Bill, 1960	18-12-1960
29	The Appropriation (Railways) No. 5 Bill, 1960	23-12-1960
30	The Appropriation (No. 5) Bill, 1960	23-12-1960
31	The Motor Vehicles (Second Amendment) Bill, 1960	23-12-1960
32	The Indian Post Office (Amendment) Bill, 1960	23-12-1960
33	The Tripura Excise Law (Repeal) Bill, 1960	23-12-1960
34	The Railway Passenger Fares (Amendment) Bill, 1960	23-12-1960
35	The Indian Tariff (Amendment) Bill, 1960	24-12-1960
36	The Code of Criminal Procedure (Amendment) Bill, 1960	26-12-1960

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1	2	3
37	The British Statutes (Application to India) Repeal Bill, 1960	26-12-1960
38	The Repealing and Amending Bill, 1960	26-12-1960
39	The Prevention of Cruelty to Animals Bill, 1960	26-12-1960
40	The Children Bill, 1960	26-12-1960
41	The Preventive Detention (Continuance) Bill, 1960	28-12-1960
42	The Forward Contracts (Regulation) Amendment Bill, 1960	28-12-1960
43	The Preference Shares (Regulation of Dividends) Bill, 1960	28-12-1960
44	The Acquired Territories (Merger) Bill, 1960	28-12-1960
45	The Constitution (Ninth Amendment) Bill, 1960	28-12-1960
46	The Companies (Amendment) Bill, 1960	28-12-1960
47	The Industrial Finance Corporation (Amendment) Bill, 1960	29-12-1960

APPENDIX III

List of Bills passed by the State Legislatures during the period 1st July to 31st December, 1960

Administration

Andhra Pradesh

1. The Hyderabad Municipal Corporations (Andhra Pradesh Amendment) Bill, 1960.
2. The Hyderabad Gram Panchayats (Andhra Pradesh Amendment) Bill, 1960.
3. The Andhra Pradesh (Transferred Territories) Extension of Laws Bill, 1960.
4. The Evacuee Interest (Separation) Andhra Pradesh Amendment Bill, 1960.
5. The Hyderabad City Coroner (Repealing) Bill, 1960.

Bihar

1. The Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1960.
2. The Land Acquisition (Bihar) Amendment Bill, 1959.

Gujarat

1. The Gujarat Official Languages Bill, 1960.
2. The Gujarat New Capital (Periphery) Control Bill, 1960.

Jammu and Kashmir

1. A Bill to consolidate and amend the law relating to Co-operative Societies.

Kerala

1. The Kerala Home Guards Bill, 1960.
2. The Kerala Gaming Bill, 1960.
3. The Travancore Town Planning (Amendment) Bill, 1960.
4. The Kerala Municipal Laws (Amendment) Bill, 1960.
5. The Trivandrum City Improvement Trust Bill, 1960.
6. The Kerala Panchayats Bill, 1960.
7. The Kerala Village Courts Bill, 1960.
8. The Kerala Police Bill, 1960.
9. The Kerala Municipalities Bill, 1960.
10. The Evacuee Interest (Separation) Kerala Supplementary Bill, 1960.

Madras

1. The Madras Buildings (Lease and Rent Control) Bill, 1960.
2. The Madras Panchayat Union Councils (Special Provision for First Constitution) Bill, 1960.

Madhya Pradesh

1. The M.P. Refugee Rehabilitation (Law Amendment) Bill, 1960.
2. The M. P. Town Improvement Trusts Bill, 1960.
3. The M. P. Municipal Corporation Law (Amendment) Bill, 1960.
4. The M. P. Evacuee Interest (Separation) Supplementary Bill, 1960.

Maharashtra

1. The Bombay Police (Amendment) Bill, 1959.
2. The Hyderabad District Municipalities (Maharashtra Amendment) Bill, 1960.
3. The Maharashtra Evacuee Interest (Separation) Supplementary Bill, 1960.

Journal of Parliamentary Information

4. The Bombay Town Planning (Amendment and Proceedings Validation) Bill, 1960.
5. The Bombay Provincial Municipal Corporations (Amendment) Bill, 1960.
6. The Vidarbha and Hyderabad Local Authorities Laws (Maharashtra Amendment) Bill, 1960.
7. The Bombay Municipal Corporation (Amendment) Bill, 1960.
8. The Bombay Village Police (Extension and Amendment) Bill, 1960.
9. The Bombay Local Fund Audit (Extension and Amendment) Bill, 1960.
10. The Press and Registration of Books (Extension of Bombay Amendments) Bill, 1960.
11. The Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Bill, 1960.

Orissa

1. The Orissa Zilla Parishad (Amendment) Bill, 1960.
2. The Orissa Grama-Panchayats (Amendment) Bill, 1960.
3. The Orissa Evacuee Interest (Separation) Amendment Bill, 1960.

Punjab

1. The Punjab Panchayat Samitis and Zila Parishads Bill, 1960.
2. The East Punjab War Awards (Amendment) Bill, 1960.
3. The Punjab Special Powers (Press) Amendment Bill, 1960.
4. The Evacuee Interest (Separation) Second Supplementary Bill, 1960.
5. The Punjab Official Languages Bill, 1960.
6. The Nangal Township (Periphery) Control (Amendment) Bill, 1960.

Rajasthan

1. The Jaipur Municipality Administration (Temporary Provisions) Bill, 1960.
2. The Rajasthan Prisoners Bill, 1960.
3. The Rajasthan Pensions (Amendment) Bill, 1960.

Uttar Pradesh

1. The U. P. Panchayat Raj (Amendment) Bill, 1960.
2. The U. P. Kashettra Samitis and Zila Parishads Bill, 1960.

Commerce and Industry

Kerala

1. The Kerala Weights & Measures (Enforcement) Amendment Bill, 1960.
2. The Kerala Khadi and Village Industries Board (Amendment) Bill 1960.

Madhya Pradesh

1. The M. P. Co-operative Societies Bill, 1960.

Maharashtra

1. The Bombay Cotton (Statistics) (Extension) Bill, 1960.
2. The Maharashtra Co-operative Societies Bill, 1960.
3. The Maharashtra State-aid to Industries Bill, 1960.

Orissa

1. The Orissa Co-operative Societies (Amendment) Bill, 1960.

Punjab

1. The Electricity (Supply) Punjab (Amendment) Bill, 1960.

Rajasthan

1. The Essential Commodities (Rajasthan Amendment) Bill, 1960.
2. The Rajasthan Khadi & Village Industries Board (Amendment) Bill, 1960.

Appendices

Education

Kerala

1. The Kerala Education (Amendment) Bill, 1960.
2. The Kerala Education (Second Amendment) Bill, 1960.

Madhya Pradesh

1. The M. P. Indira Kala Sangeet Vishvavidhyalaya (Amendment) Bill, 1960.

Maharashtra

1. The Nagpur University (Amendment) Bill, 1960.
2. The Maharashtra Ancient Monuments and Archaeological Sites and Remains Bill, 1960.

Orissa

1. The Utkal University (Amendment) Bill, 1960.

Punjab

1. The Punjab Primary Education Bill, 1960.
2. The Punjab University (Amendment) Bill, 1960.

Rajasthan

1. The Rajasthan Monuments, Archaeological Sites and Antiquities Bill, 1960.

Finance

Andhra Pradesh

1. The Andhra Pradesh Appropriation (No. 3) Bill, 1960.
2. The Andhra Pradesh Appropriation (No. 4) Bill, 1960.
3. The Andhra Pradesh Appropriation (No. 5) Bill, 1960.

Bihar

1. The Bihar Appropriation (No. 3) Bill, 1960.
2. The Bihar Motor Vehicles Taxation (Amendment) Bill, 1960.

Gujarat

1. The Gujarat Contingency Fund Bill, 1960.
2. The Gujarat Charged Expenditure Bill, 1960.
3. The Bombay Sales Tax (Gujarat Amendment) Bill, 1960.
4. The Bombay Motor Vehicles Tax and the Bombay Sale of Motor Spirit Taxation (Gujarat Amendment) Bill, 1960.
5. The Gujarat Appropriation Bill, 1960.

Kerala

1. The Agricultural Income Tax (Amendment) Bill, 1960.
2. The General Sales Tax (Second Amendment) Bill, 1960.
3. The Kerala Surcharge on Taxes (Amendment) Bill, 1960.
4. The Kerala Appropriation (No. 2) Bill, 1960.
5. The Kerala Appropriation (No. 3) Bill, 1960.
6. The Kerala Appropriation (No. 4) Bill, 1960.

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7. The Kerala Plantations (Additional Tax) Bill, 1960.

Madhya Pradesh

1. The M. P. Appropriation (No. 3) Bill, 1960.

Madras

1. The Madras Sale of Motor Spirit Taxation (Amendment) Bill, 1960.
2. The Madras Appropriation (No. 3) Bill, 1960.
3. The Madras General Sales Tax (Amendment) Bill, 1960.

Maharashtra

1. The Interest (Extension) Bill, 1960.
2. The Maharashtra Appropriation Bill, 1960.
3. The Maharashtra (Supplementary) Appropriation Bill, 1960.
4. The Maharashtra (Second Supplementary) Appropriation Bill, 1960.
5. The Bombay Municipal Taxes and Urban Immovable Property Tax (Validation in Certain Areas of the Extended Suburbs of Greater Bombay) Bill, 1960.
6. The Bombay Sugar cane Cess (Amendment) Bill, 1960.

Orissa

1. The Orissa Appropriation (No. 3) Bill, 1960.
2. The Orissa Appropriation (No. 4) Bill, 1960.
3. The Orissa Taxation (on Goods carried by Roads or Inland Waterways) Bill, 1960.

Punjab

1. The Patiala Recovery of State Dues (Repealing) Bill, 1960.
2. The Punjab Appropriation (No. 6) Bill, 1960.

Rajasthan

1. The Rajasthan Sales Tax (Second Amendment) Bill, 1960.
2. The Rajasthan Government Electrical Undertakings (Dues Recovery) Bill, 1960.
3. The Rajasthan Appropriation (No. 3) Bill, 1960.
4. The Rajasthan Sales Tax (Third Amendment) Bill, 1960.

Uttar Pradesh

1. The U. P. Appropriation (First Supplementary, 1960-61) Bill, 1960.
2. The U. P. Appropriation (Regularization of Excesses 1956-57) Bill, 1960.

Health

Andhra Pradesh

1. The Glanders and Farcy (Andhra Pradesh Extension and Amendment) Bill, 1960.

Bihar

1. The Bihar Anatomy Bill, 1958.
2. The Epidemic Diseases (Bihar Amendment) Bill, 1960.

Jammu and Kashmir

1. A Bill further to amend the J. & K. Drugs Act, 1950.

Kerala

1. The Travancore-Cochin Nurses & Midwives (Amendment) Bill, 1960.

Appendices

Madras

1. The Madras Nurses & Midwives (Amendment) Bill, 1960.

Madhya Pradesh

1. The M. P. Horse Sickness Bill, 1960.

Maharashtra

1. The Glanders & Farcy and Dourine Acts (Extension) Bill, 1960.
2. The Bombay Animal Contagious Diseases (Control) (Extension and Amendment) Bill, 1960.

Orissa

1. The Orissa Corneal Grafting Bill, 1960.

Punjab

1. The Punjab Slum Area (Improvement & Clearance) Bill, 1960.

Rajasthan

1. The Rajasthan Animal Diseases (Amendment) Bill, 1960.

Labour & Employment

Bihar

1. The Bihar Shops and Establishment (Amendment) Bill, 1960.
2. The Minimum Wages (Bihar Amendment) Bill, 1960.
3. The Payment of Wages (Bihar Amendment) Bill, 1960.

Jammu and Kashmir

1. A Bill further to amend the J. & K. Houses and Shops Rent Control Act, Sanvat 2009.

Kerala

1. The Minimum Wages (Kerala Amendment) Bill, 1960.
2. The Kerala Shops and Commercial Establishments Bill, 1960.

Madras

1. The Industrial Employment (Standing Orders) (Madras Amendment) Bill, 1960.

Maharashtra

1. The Minimum Wages (Maharashtra Amendment) Bill, 1960.
2. The Payment of Wages (Maharashtra Provision for Uniform Application and Amendment) Bill, 1960.

Orissa

1. The Payment of Wages (Orissa Amendment) Bill, 1960.

Uttar Pradesh

1. The Minimum Wages (U.P. Amendment) Bill, 1960.

Land & Agriculture

Andhra Pradesh

1. The Andhra Pradesh Ceilings on Agricultural Holdings Bill, 1960.
2. The Madras Tenants & Ryots Protection (Andhra Pradesh Amendment) Bill, 1960.
3. The Madras Live Stock Improvement (Andhra Pradesh Extension and Amendment) Bill, 1960.

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4. The Madras Cattle Disease (Andhra Pradesh Extension and Amendment) Bill, 1960.
5. The Madras Rinder-pest (Andhra Pradesh Extension and Amendment) Bill, 1960.
6. The Indian fisheries (Andhra Pradesh Extension and Amendment) Bill, 1960.
7. The Hyderabad Abnus Leaves (Andhra Pradesh Extension & Amendment) Bill, 1960
8. The Andhra Preservation of Private Forests (Andhra Pradesh Amendment) Bill, 1960.

Bihar

1. The Bihar Public Land Encroachment (Amendment) Bill, 1960.
2. The Bihar Land Reforms (Amendment) Bill, 1960.

Gujarat

1. The Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Bill, 1960.
2. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1960.
3. The Saurashtra Felling of Trees (Infliction of Punishment) (Extension and Amendment) Bill, 1960.
4. The Indian Forest (Gujarat Unification and Amendment) Bill, 1960.

Jammu & Kashmir

1. A Bill further to amend the J. & K. Big Landed Estates (Abolition) Act, Samvat, 2007.
2. A Bill further to amend the J & K. Kabcharai Act, Samvat 2011.
3. A Bill further to amend the State Land Acquisition Act, Samvat 1990.
4. A Bill further to amend the Prevention of Ribbon Development Act, 1957.
5. A Bill to amend the J. & K. Houses & Shops Rent Control Act, 2009.

Kerala

1. The Kerala Government Land Assignment Bill, 1960.
2. The Madras Preservation of Private Forests (Amendment) Bill, 1960.
3. The Malabar Tenancy (Amendment) Bill, 1960.
4. The Kerala Agrarian Relations Bill, 1957.
5. The Kerala Agriculturists Debt Relief (Amendment) Bill, 1958.
6. The Jenmikaram Payment (Abolition) Bill, 1957.

Madras

1. The Madras Preservation of Private Forests (Amendment) Bill, 1960.
2. The Madras Places of Public Resort (Amendment) Bill, 1960.
3. The Madras Public Premises (Eviction of Unauthorised Occupants) Bill, 1960.

Madhya Pradesh

1. The M. P. Irrigation (Amendment) Bill, 1960.

Maharashtra

1. The Hyderabad & Madhya Pradesh Land Revenue (Amendment) Bill, 1960.
2. The Indian Forest (Maharashtra Unification & Amendment) Bill, 1960.
3. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1960.
4. The Hyderabad Land Revenue Act (Amendment) Bill, 1960.
5. The Bombay Tenancy & Agricultural Lands (Vidharbha Region & Kutch Area) (Amendment) Bill, 1960.
6. The Bombay Tenancy & Agricultural Lands (Amendment) Bill, 1960.
7. The Hyderabad Tenancy & Agricultural Lands (Amendment) Bill, 1960.
8. The Maharashtra Fisheries Bill, 1960.

Appendices

Orissa

1. The Orissa Warehouse (Amendment) Bill, 1960.
2. The Orissa Prevention of Cow Slaughter Bill, 1959.
3. The Estate Abolition (Amendment) Bill, 1960.

Punjab

1. The Northern India Canal & Drainage (Punjab Second Amendment) Bill, 1960
2. The Punjab Resumption of Jagirs (Second Amendment) Bill, 1960.
3. The Punjab Warehouses (Amendment) Bill, 1960.
4. The Punjab Land Revenue (Additional Surcharge) Bill, 1960.

Rajasthan

1. The Rajasthan Holdings Consolidation Operations Validating Bill, 1960.
2. The Rajasthan Agricultural Lands Utilisation (Amendment) Bill, 1960.
3. The Rajasthan Land Revenue (Amendment) Bill, 1960.
4. The Rajasthan Housing Schemes (Land Acquisition) Bill, 1960.
5. The Rajasthan Relief of Agricultural Indebtedness (Amendment) Bill, 1960.
6. The Rajasthan Zamindari & Biswadari Abolition (Amendment) Bill, 1960.
7. The Rajasthan Land Revenue and Public Demands Recovery (Amendment) Bill, 1959.
8. The Rajasthan Land Reforms & Resumption of Jagirs (Thirteenth Amendment) Bill, 1960.

Uttar Pradesh

1. The U. P. Imposition of Ceiling on Land Holdings Bill, 1959.
2. The Indian Forest (U. P. Amendment) Bill, 1960.
3. The Kumaun & Uttarakhand Zamindari Abolition & Land Reforms Bill, 1957.
4. The U.P. Land Laws (Amendment) Bill, 1960.

Legal & Constitutional

Andhra Pradesh

1. The Andhra Pradesh Laws (Amendment of Short Titles) Bill, 1960.

Bihar

1. The Evacuee Interest (Separation) Amendment (Extension to Bihar) Bill, 1960.

Gujarat

1. The Indian Limitation (Gujarat Amendment) Bill, 1960.
2. The Gujarat Evacuee Interest (Separation) Supplementary Bill, 1960.

Jammu & Kashmir

1. A Bill to amend the J. & K. Representation of the People Act, 1957.

Kerala

1. The Kerala Enquiries and Summons Bill, 1960.
2. The Kerala Stay of Eviction Proceedings (Second Amendment) Bill, 1960.
3. The Kerala Re-enacting Bill, 1960.

Madras

1. The Madras Judicial Proceedings (Regulation of Reports) Bill, 1960.
2. The Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960.
3. The Madras (Transferred Territory) Extension of Laws Bill, 1960.

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Maharashtra

1. The Indian Limitation (Maharashtra Provision for Uniformity and Amendment) Bill, 1960.
2. The Suits Valuation (Maharashtra Extension and Amendment) Bill, 1960.
3. The Commercial Document Evidence (Maharashtra Extension) Bill, 1960.
4. The Bombay Public Authorities Seals (Extension) Bill, 1960.
5. The Indian Registration (Maharashtra Amendment) Bill, 1960.
6. The Code of Criminal Procedure (Maharashtra Amendment) Bill, 1960.
7. The Bombay Court Fees (Amendment) Bill, 1960.
8. The Maharashtra Construction of References to "District Magistrates" in the Hyderabad Area (Repeal) Bill, 1960.
9. The Bombay Stamp (Amendment) Bill, 1960.

Punjab

1. The Punjab Laws (Extension No. 8) Bill, 1960.
2. The Punjab Criminal Law (Amendment) Bill, 1960.
3. The Punjab Laws (Extension No. 9) Bill, 1960.
4. The Indian Stamp (Punjab Amendment) Bill, 1960.

Parliamentary Affairs

Gujarat

1. The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Bill, 1960.
2. The Gujarat Legislative Assembly Members (Removal of Disqualifications) Bill, 1960.
3. The Gujarat Legislative Assembly Members' Salaries and Allowances Bill, 1960.
4. The Gujarat Ministers' Salaries & Allowances Bill, 1960.

Maharashtra

1. The Bombay Legislative Council (Chairman & Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries & Allowances (Amendment) Bill, 1960.
2. The Bombay Ministers' Salaries and Allowances (Amendment) Bill, 1960.
3. The Bombay Legislature Members' Salaries & Allowances (Amendment) Bill, 1960.
4. The Bombay Legislative Council (Chairman & Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries & Allowances (Second Amendment) Bill, 1960.

Orissa

1. The Orissa Legislative Assembly Speakers' Salary & Allowances Bill, 1960.

Punjab

1. The Punjab State Legislature (Prevention of Disqualification) Amendment Bill, 1960.

Social

Kerala

1. The Kerala Habitual Offenders Bill, 1960.
2. The Travancore-Cochin Prohibition (Amendment) Bill, 1960.
3. The Kerala Cinemas (Regulation) Amendment Bill, 1960.

Madhya Pradesh

1. The M. P. Money Lenders (Amendment) Bill, 1960.

Madras

1. The Madras Cinemas (Regulation) Amendment Bill, 1960

Maharashtra

1. The Bombay Cinemas (Regulation) Extension and Amendment Bill, 1960.
2. The Bombay Besset Schools (Extension and Amendment) Bill, 1960

Appendix

Orissa

1. The Orissa Prohibition of Smoking (in Show Houses) Bill, 1960.

Punjab

1. The Punjab Compulsory Service Bill, 1960.
2. The Punjab Money-lending and Debtors' Protection Laws (Extension & Amendment) Bill, 1960.
3. The East Punjab Volunteer Corps (Amendment) Bill, 1960.
4. The Punjab Instruments (Control of Noises) Amendment Bill, 1960.

Transport & Communications

Kerala

1. The State Transport Authority & the Regional Transport Authorities (Continuance of the term of office) Validation Bill, 1960.

Maharashtra

1. The Bombay Landing and Wharfage Fees (Unification and Amendment) Bill, 1960.

APPENDIX IV

Statistical Analysis of Bills passed by State Legislatures in India during the period 1st July to 31st December, 1960

Name of State	Admin- istra- tion	Com- mer- & In- dustry	Educa- tion	Finance	Health	Labour Land & & Em- ploy- ment	Agri- cul- ture	Legal & Parlia- mentary Affairs	Social	Trans- port & Comm- uni- cations	Total
Andhra Pradesh	5			3	1	..	8	1			18
Bihar	2			2	2	3	2	1	..		12
Gujarat	2			5			4	2	4		17
Jammu & Kashmir	1				1	1	5	1	..	..	9
Kerala	10	2	2	7	1	2	6	3	3	1	37
Madras	2			3	1	1	3	3	1		14
Madhya Pradesh	4	1	1	1	1	..	1	..	1	..	10
Maharashtra	11	3	2	6	2	2	8	9	4	2	50
Orissa	3	1	1	3	1	1	3	..	1	..	15
Punjab	6	1	2	2	1		4	4	1	4	25
Rajasthan	3	2	1	4	1		8		..		19
Uttar Pradesh	2	..	..	2	..	1	4	..	..	..	9
All States	51	10	9	38	12	11	56	24	10	12	235

APPENDIX V

Ordinances issued during the period 1st July to 31st December, 1960 by the Central/State Governments

	Serial No.	Subject	Date of Proclamation	Date on which laid before the House	Date of Cessation
The Union	1	The Essential Services (Maintenance) Ordinance, 1950	8-7-60	1-8-60	
Punjab	2	The Punjab Official Languages Ordinance	28-9-60		

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