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A view of the Andhra Pradesh Assembly Building, Hyderabad where the Twentyfifth Conference of Presiding Officers was held early this year.

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Prospects for Parliamentary Democracy

[The Twenty-fifth Conference of the Presiding Officers of Legislative Bodies in India was held at Hyderabad from January 21 to 23, 1960. The Conference was presided over by Shri M. Ananthasayanam Ayyangar, Speaker of Lok Sabha, some important excerpts from whose inaugural Address are reproduced below.—Ed.]

Triumph for democratic temper

Since we met last, many developments of far reaching importance have taken place, and these developments, to my mind, presage a new hope for humanity. Side by side with the phenomenal strides in cosmic science, there has been a steady increase in the easing of tension and a growing evidence of recognition that differences among nations, as between individuals, can be settled—can be better settled—in an atmosphere of goodwill by discussion, negotiation and a free and personal exchange of views and ideas. There are also signs of an increasing awareness of the value of proceeding upon a basis of faith instead of in suspicion born of past memories. I see in this a victory for the democratic temper as an instrument for resolving human conflicts and promoting peace

and universal happiness. Let us pray to the Almighty that He may grant strength, courage and wisdom to the powers who meet at the Summit Conference to make it a success. As a result of this and, if necessary, more similar Conferences, may permanent peace be established on this globe.

Democracy in India

Doubts have often been expressed about the adequacy of the democratic process particularly for nations on the threshold of large-scale economic development. However, the Indian experiment over the last ten years should be sufficient to dispel all doubts and despondency. Ever since Independence, in spite of numerous setbacks, the country has been steadily progressing in every direction. All this progress has been possible, let us not forget, under a democratic government with a parliamentary machinery. As I have said in the past, democracy is well set on the Indian soil. Probably few nations have been faced with problems of the magnitude and range that the governments in India—at the Centre and in the States—have been called upon to shoulder ever since Independence. Much of this burden has naturally

devolved on the Legislatures of the land. We have all watched with interest how the Legislatures in the country have been grappling with the situation. As a mirror of the mood of the nation, as a zealous guardian of the people's interests, and as a force to be reckoned with while new policies are being formulated by governments—everyone will agree—they have amply demonstrated their value and served us eminently well.

Decentralisation of Power

In my address at the Presiding Officers' Conference at Darjeeling I said: a democratic way of life is not only necessary for India, but it must spread throughout the world as that is the only solution for avoiding conflicts as far as possible in the world. I find, however, that things in Asia have not improved since then appreciably and the prospect for democracy round about us may look a little dim in the near future. On the other hand, aggression as on our borders, or similar threats of aggression elsewhere in the world, may retard the progress of democracy, and countries may be forced to adopt more revolutionary forms of Government. Fortunately democracy is taking roots in our soil but even here, to sustain and strengthen it, the democratic spirit and institutions must be carried to the remotest villages. Personally, I have been of the opinion that decentralisation of power down to the village level is necessary to give content and meaning to democracy and to avoid any possible lapse into a dictatorial form of Government. Once the villagers taste some sort of self-government they would not easily allow a dictatorial form of Government to be established at the Centre or in the States. In our federal structure, power has been distributed between the Centre and the States.

Likewise, power of the States must also be distributed among the districts and villages. There must be a popular government in the different units clothed with autonomous powers over the particular subjects assigned to them. That is the only guarantee against any arbitrary power being exercised by any individual or group in any part of the administration.

Role of Opposition

For the continued success of parliamentary democracy in our land a decent Opposition must flourish at the Centre and in each one of the States. In Parliament at present no group has sufficient strength even amounting to the quorum of the House with the result that it has not been possible to recognise any group as the Opposition. For any Opposition to be effective in a parliamentary system, it is essential that it should be strong enough in number, have a policy of its own and be ready to take over the administration in case the ruling party loses the confidence of the House or of the country. When the Opposition consists of small groups, criticism becomes irresponsible and obstructive tactics are adopted. Scenes are created inside the Legislature and defiance of the law encouraged outside in the country when they find their views unacceptable to the ruling party.

The Government of the day should consult the leaders of the Opposition groups from time to time on all important issues coming up before the Legislatures—on pieces of legislation or even on resolutions which the Government would like to initiate. Then a sense of satisfaction may arise in the minds of the Opposition members that they also count for something inside the Legislature and outside in the country

Prospects for Parliamentary Democracy

Formation of Standing Committees

In this connection, I would suggest that the formation of Standing Committees to advise Ministers on matters relating to their departments may be considered and a beginning made with Education, Health and Food at the Centre. These are subjects of common interest both to the Centre and the States, although actually these are State subjects. Consultation by the Minister with a Standing Committee, chosen from all groups, may avoid any controversies over these matters inside the House. Differences can be settled across the table peacefully and in an orderly manner inside the Committee room. In any event Members of Legislatures should not be parties, either directly or indirectly, to the starting of any strikes in the country. It will be a direct negation of parliamentary democracy if the Opposition, whenever they fail to persuade the Government of the day by arguments to fall in line with their own views, consider themselves free to take to direct action either themselves or by others belonging to their group or parties outside the legislatures.

Responsibilities of Members

Above everything else, basically safety for a parliamentary democracy is assured only to the extent respect and regard for Parliament grows in the minds of the people. In a republic like ours, where there is the Government on the one hand and innumerable political and other parties on the other, the only institution common to all, to the community as a whole, is Parliament or the State Legislature and unless its prestige is enhanced by proper conduct of the Members, democracy can never flourish. Constant disturbances of proceedings by improper behaviour of Members,

absence of Members, unyielding and recalcitrant attitude on the part of Government even in proper cases, abuse of power by the Government, and corruption in the administration are contributory causes in bringing down the prestige of the Legislatures in the estimation of the public. A greater sense of responsibility must, therefore, be felt by legislators than at present. In a House of 500 sometimes bills are passed when the bare minimum number of members necessary to constitute a quorum are present. If from out of them 26 vote for the bill, the bill is passed and it will be binding on 400 million of our population. Respect for Parliament has to be built by the interest that the Members evince in parliamentary work. I do not know what methods to devise or penalties to impose other than those already prescribed by the Constitution to induce Members of Parliament to attend the meetings more regularly. (Wherever I use the word 'Parliament' I refer to the State Legislatures also). Any real remedy must come from the Members themselves. A feeling must also grow in the country that nobody should be allowed to stand or be returned to the House unless there is reasonable guarantee that he would attend the meetings of the House regularly, voice the grievances of his constituents and contribute his advice on all problems coming up before the House for discussion.

I would even go further and say that their duties do not rest there. In my view, they ought to function as a two-way channel of communication between the people and the government. It is not enough for them merely to voice the interests and reactions of their constituencies, they have also to go back and interpret the policy and measures of the government to the people so that they know what is happening around

them and feel a sense of participation and partnership in the administration of the country.

Codification of privileges

It is an essential pre-requisite of success in a parliamentary system of Government that the legislators themselves are guaranteed full protection in the discharge of their parliamentary duties and the Legislatures are allowed to function unhampered in an atmosphere of freedom. Such a guarantee lies in the privileges guaranteed by Articles 105 and 194 of the Constitution. In the recent *Searchlight* case the Supreme Court has held that the provisions of Articles 105(3) and 194(3) are constitutional laws—not ordinary laws made by Parliament or the State Legislatures—and are 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. As you know, the immunities and privileges of the Legislatures in India and of the Members and Committees thereof are not codified and, by virtue of Articles 105(3) and 194(3) have been equated with those of the British House of Commons as at the commencement of the Constitution. The great import of the Supreme Court ruling for us is that once we frame a law dealing with privileges, the privileges will cease to be a part of the Constitution and become an ordinary law which is justiciable. This has been the view we have all along held on this matter and it is precisely for this reason that we have not favoured the codification of privileges.

Adjournment Motions

It is natural and understandable that the elected representatives react sharply

to every new situation in the country and try to bring it on the floor for discussion or remedy. But, at the same time, it is important that the significance and use of the various parliamentary forms are understood and correct procedures are availed of. One source of constant worry to the Presiding Officers is the indiscriminate resort to Adjournment Motions. As I have stressed on many occasions, after we have won freedom and when a responsible government has been established at the Centre and in the States, adjournment motions have ceased to have their original use as instrumenta of censure or obstruction under a foreign rule.

In Lok Sabha, until recently, we used to have notices of these motions almost every day in spite of the severe limitations on their admissibility imposed by the Rules. I found that in many cases the intention of the Member was merely to seek a statement on the subject from the Government, and often these motions were tabled on trivial matters or were otherwise clearly inadmissible under the rules. I had long wanted to simplify and rationalise the procedure for the disposal of these adjournment motions and recently we have evolved a procedure in this regard in consultation with the Leaders and representatives of Parties and Groups.

Under the new procedure, if I am satisfied that the matter proposed to be discussed is in order, I give my consent to the moving of the motion and the usual steps follow. Where, on the other hand, I feel that *prima facie* the notice of an adjournment motion is inadmissible, I refuse my consent without bringing the matter before the House and the Member concerned is informed of my decision together with brief reasons therefor. In such a case, no question

is permitted to be raised in the House either on the subject matter of the notice or the reasons for disallowance thereof. If the Member has any submission to make, he may do so personally in my Chamber later during the day or make a written representation. If I am persuaded on the submission of the Member that there are adequate grounds to bring up the motion before the House, I either mention it in the House or permit the Members to raise it on the following day irrespective of the fact that the notice had been given on the previous day. In a border-line case, or where I am not in possession of full facts to decide the admissibility of a notice, I mention in the House the receipt of the notice of the motion and, after bearing a brief statement from the Member and/or the Minister concerned, give my final decision on merits. In cases of notices by Members of organised Parties or Groups, they are required to be supported either by the Leader, Deputy Leader, Secretary or Whip of their Party or Group who will give the necessary endorsement only when his party considers the matter to be of sufficient urgency and public importance to be brought before the House. When such an adjournment motion is tabled I generally mention it in the House, but this does not in any way take away my discretion, and my decision either to bring the matter before the House or withhold my consent without bringing it before the House, is final. For the information of Members I have notified this procedure in the Bulletin together with a schedule showing the grounds on which consent on notice of an adjournment motion may be withheld. This procedure has been in force in Lok Sabha during the last two sessions and, judged from the appreciable reduction in the number of notices of adjournment motions now received, has on the whole been effective.

No-Day-Yet-Named Motion

It has, however, to be remembered that adequate opportunities should always be available in any Legislature for Members to raise discussions in the House on matters of general public interest that arise from time to time. An opportunity available under the Rules of Procedure of Lok Sabha, and of late very much availed of by Members, is the No-Day-Yet-Named Motion. If the Speaker admits notice of such a motion, it is immediately notified in the Bulletin for the information of Members. The discussion on the motion is provided for by the Government after considering the importance of the subject, the interest shown by Members, and the business before the House. Ever since the beginning of the Second Lok Sabha this type of motion is very popular and it will be of interest to know that almost all the annual reports of public corporations and Government Companies and reports of enquiry committees appointed by the Government from time to time are now discussed on this motion. In order that the discussion on the motion is not roving, Members are asked to indicate the points which they wish to raise during their speeches. These points are also published in the Bulletin along with the motion for the information of Members. This procedure enables the Government to come prepared for the discussion.

Financial Committees

However, neither motions nor any amount of discussion on them or otherwise on the floor of a legislature is likely to result in appreciable good unless it is accompanied by a continuous and effective check on the financial affairs of the Government. I have referred in the past to the signal service rendered by the two financial Committees—the Public Accounts Committee and the Estimates

Committee—in this regard. The functions of these Committees ought not to be restricted to a general scrutiny of the accounts periodically, but they must be entrusted with the work of scrutinizing the estimates and accounts *ad hoc*, as and when particular matters assume importance and come up for public criticism. I have often referred various specific matters to these Committees for immediate examination and report to Parliament. I would commend the liberal use of this practice in all legislatures.

I am sorry to note that in some States there are no Estimates Committees and in some others there are no Public Accounts Committees. And in some States, a Minister is in charge of both the Public Accounts Committee and the Estimates Committee and he presides over both when he has very often to defend his own subordinate. It is in fact to provide a check against this that the Legislature should have a non-official representative as the head of these committees. So far as Parliament is concerned, we have not yet been able to get any Opposition formed. Otherwise, my desire is that the Leader of the Opposition or his nominee or nominee of the Opposition parties must be made the Chairman of the Public Accounts Committee as also the Estimates Committee. I would suggest that where there is a proper Opposition in sufficient strength and recognized as such, this experiment may be tried.

Central Assistance to States

Central Assistance to States has been the main spring for the integrated economic development of the country during the two successive Plans. The quantum of such assistance is bound to go up with

the increase in the tempo of economic activities as envisaged in the Third Plan. How far the funds placed at their disposal have been utilised by the States in implementing the Plan Projects is a matter of utmost importance for the Centre and the States alike. In this connection, I would also draw your attention to the large grants to the States from the Centre under the proviso to Article 275(1) of the Constitution. In my opinion, there should be some scrutiny over the utilisation of these grants also. The Financial Committees of the State Legislatures have an effective role to play in this regard. I would suggest that standing Sub-Committees of the Public Accounts Committee and the Estimates Committee may be formed to look constantly into the matter of these grants.

Committee on Government Assurances

An innovation of Lok Sabha is the Committee on Government Assurances. It is common knowledge that either during question hour or discussion on a resolution or bill or on any matter coming up before the Parliament, the Minister makes a statement saying that he will do this or do that. Immediately, that is noted by the office. They are then sent to the Minister concerned for his information and he is constantly reminded that he should abide by the assurance and implement it. A report is made from time to time on the implementation of the assurances by the Committee on Assurances to the House and if an assurance is not implemented, attention of the House is drawn by the Committee. Therefore, government is always vigilant and Ministers do not make casual statements.

Short Notes

Resignation of Speakers from State Legislature Parties

Shri A. Kaleswara Rao, Speaker of the Andhra Pradesh Legislative Assembly and Sbrī S. R. Kanthi, Speaker of the Mysore Legislative Assembly, resigned from the membership of the Congress Legislature Party in their respective States, soon after the last Conference of Presiding Officers held at Hyderabad in January this year. At the Conference the view was expressed that not only should the Presiding officers be impartial but they should also appear to be so, and it was, therefore, desirable that they had no formal association with any party within the legislature.

Parliamentary Delegations from Nepal and Czechoslovakia

In response to invitations extended by India, two parliamentary delegations—one from Nepal and the other from Czechoslovakia—toured India during December 1959-January 1960. The Nepalese delegation was led by the Hon'ble Shri Krishna Prasad Upadhyaya, Speaker of the Pratinidhi Sabha and the Czech delegation by H.E. Mr. Zdenek Fierlinger, President of the National Assembly. Members of both the delegations were State guests during their stay here and were entertained by the Speaker of Lok Sabha and Chairman of Rajya Sabha. Besides Delhi, the delegates visited several places of cultural and industrial importance including Bombay, Poona, Calcutta, Bhakra-Nangal etc.

The Nepalese delegation also watched the proceedings of Lok Sabha on December 17, 1959 and of Rajya Sabha on December 22, 1959.

Parliamentary Stall in World Agriculture Fair

With a view to acquainting the public with the activities of Parliament, the Lok Sabha Secretariat had a stall in the "India Today" Pavilion in the first World Agriculture Fair held in the capital from December 11, 1959 to February 29, 1960. Display panels, charts and diagrams depicting parliamentary activities and highlighting interesting facts about the Union and various State Legislatures and their Members were on view. Attractive folders describing in simple terms the different aspects of the working of the parliamentary machinery were distributed free to the visitors. The folders were specially liked by students from Schools and Colleges.

The calligraphed copy of the Constitution of India attracted the notice of distinguished visitors, like the Soviet Premier Mr. Khrushchev, when they visited the pavilion.

Various periodical and *ad hoc* publications brought out by the Secretariat were also on display and sale. Several publications including Rules of Procedure and Conduct of Business in Lok Sabha, Directions by the Speaker, Atomic News Digest, Juridical Digest, Panchsheel, Budgetary System, Guide to Parliament House and Visitors' Hand-

book were in great demand. The occasion being an agriculture fair, understandably, the highest demand was for the brochure on "Co-operative Farming."

* * * * *

Medical Facilities for Members of Parliament

For some time past, the question of providing medical facilities to Members of Parliament when in Delhi on parliamentary duty was under considera-

tion. Under the Medical Facilities (Members of Parliament) Rules, 1959 promulgated on November 16, 1959, Members are now entitled to the same medical facilities as are available to Class I Officers of the permanent Services. The scheme is applicable to all Members of Parliament who have to pay a monthly contribution. Three dispensaries have been opened in the Members' residential localities in addition to the First Aid Post already functioning in the Parliament House during sessions.

Growth toward maturity consists largely in learning to appreciate differences, learning to understand them when we cannot appreciate them, and at the very least learning to live with them when we cannot understand them.

—SIDNEY HOOK in *Political Power and Personal Freedom*.

Election of the Speaker of the House of Commons

By

S. L. SHAKDHER

Joint Secretary, Lok Sabha Secretariat

[On Speaker Morrison's retirement from office. Sir Harry Hylton-Foster was elected to the office of the Speaker of the House of Commons in October 1959 when the Forty-second Parliament in U.K. met after the General Elections. This article gives a step-by-step account of the election, based on material from the Hansards, descriptions supplied by the Clerks of the House of Commons and the author's oral talks with them.—Ed.]

The Forty-first Parliament of the United Kingdom was dissolved on September 18, 1959. Results of the General Election were announced on October 8, 1959. The Forty-second Parliament was opened on October 27, 1959.

Speaker Morrison told the House of Commons on September 18, 1959 that, as he had decided not to stand for the election again, he would take leave to retire from the office of the Speaker which he had held for nearly eight years. During this period—as Mr. Harold Macmillan, the Prime Minister, said—Mr. Morrison in all his time as Speaker had not missed a single day of the proceedings through illness. Of course, under the provisions of the House of Commons (Speaker) Act, 1832 and the House of Commons Officers Act, 1846, Mr. Morrison continued to hold

the office of the Speaker till the first meeting of the new House, which was fixed to take place on October 20, 1959.

At 2.25 P.M. on October 20, the Clerk Assistant of the House took up his position below the bar inside the Chamber doors and received from the Clerk of the Crown the White Book containing a list of names of Members returned to serve in the House of Commons. The Clerk of the Crown bowed first and then the Clerk Assistant bowed. The Clerk Assistant came back to the House through the Division Lobby and placed the book on the top of the Clerks' desk in front of the Clerk of the House's place. Just before 2.30 P.M. the three Clerks at the Table took their places and awaited a summons by Black Rod.

The Clerk of the House of Commons accompanied the Black Rod (who walked on the right of the Clerk) and led the House to hear the Commission read in the House of Lords. The following Commission was read by the Lord Chancellor

My Lords and Members of the House of Commons, we have it in command from Her Majesty to let you know that, as soon as the Members of both Houses shall be sworn the orders of Her Majesty calling this Parliament will be declared to you; and it being necessary a Speaker of the House of Commons should be first chosen, it is Her Majesty's pleasure that

you, Members of the House of Commons, repair to the place where you are to sit, and there proceed to the choice of some proper person to be your Speaker; and that you present such person, whom you shall so choose, here tomorrow at half-past two o'clock for Her Majesty's Royal approbation.¹

The Commons then withdrew.

On the return journey the Clerk of the House led the procession back to the Commons. He bowed at the bar, in the middle of the floor and at the Table, to the Speaker's Chair. The other two Clerks remained behind the Chair till the Clerk of the House took his place and waited a full minute before pointing to the mover and seconder of the motion for election to the office of the Speaker.

The motion was moved by a senior Conservative back-bencher, Sir James Duncan, and was seconded by Sir Robert Cary, also a Conservative Member. The motion is usually moved and seconded by back-benchers because it is the practice that it should appear that the Speaker has been chosen by the will of the House of Commons and not by the support of the Treasury Benches or Front-benches.

Sir James Duncan began thus:

"Sir Edward Fellowes (Clerk of the House)

That the right hon. and learned Sir Harry Hylton-Foster do take the Chair of this House as Speaker."²

On this occasion all speeches are addressed to the Clerk of the House.

During the course of the debate that followed on the motion, the Leader of the Opposition, Mr. Hugh Gaitskell and

the Prime Minister, Mr. Harold Macmillan spoke. The speeches of the Leader of the Opposition and the Prime Minister were about the procedure that had been adopted for proposing a candidate for election to the office of the Speaker.

So far there has been no Speaker from the Labour Party. After the results of the General Election were announced on October 8, 1959 and it became clear that Conservatives had won by a big majority, a question arose as to from which Party the Speaker should be elected. The following extracts from the speeches of Mr. Gaitskell and Mr. Macmillan give in a nutshell the course of the negotiations that took place before the motion on October 20 was proposed.

Mr. HUGH GAITSKELL:

In the first place—and I say this without a shred of discourtesy to the right hon. and learned Gentleman—there are some objections in my opinion to a member of the Treasury Bench being selected for the post of Speaker. We were not enthusiastic when Mr. Speaker Morrison was chosen because he had been a Minister, but he was not at that time a Minister, nor had he held Ministerial office—I think I am right in saying—for some years. The right hon. and learned Gentleman comes straight from a distinguished position on the Treasury Bench, and that, I think, is another difficulty. The difficulty is, of course, that we wish the Speaker not only to be impartial but to appear to be impartial from the very beginning, not to side with the Government or with the Opposition, but to hold the balance between them.

I believe it to be in the interests of our Parliament that Speakers should be chosen over the years from different parts of the House and from different parties. . . . I must point out that when we were in power after 1945 and had the opportunity of choosing our own Speaker, in the sense that we could have used our

¹ H.L. Deb. (1950-60) 219, C. 1.

² H.C. Deb (1959-60) 612, C. 2.

Election of the Speaker of the House of Commons

majority to elect anyone we wanted, we deliberately refrained from exercising that power and invited Mr. Speaker Clifton Brown to continue in office.

... The Leader of the House fully recognised the case for a Speaker from this side of the House. He made it plain to us... that there was only one Member on our Benches who in his opinion was likely to be acceptable to right hon. and hon. Members opposite.

I would be far from saying—nor is it any part of my argument to suggest—that the Government should, so to speak, invite the Opposition to choose the Speaker. That would be absurd. On the other hand, there is a middle course between inviting the Opposition to choose the Speaker and, in fact, choosing from the Opposition the member of the Opposition who is to be selected. As the right hon. Gentleman knows, I did not feel that the latter was the right course.

I should have liked him to have discussed freely with us a number of names which could have been put forward, and which indeed were eventually mentioned in the course of our discussions.

What the Leader of the House was saying to me in so many words was that there was only one Member of our party who in the opinion of hon. Members opposite was fitted to occupy the Chair.

We do not propose to put somebody else forward, because we do not think it appropriate to make this a party issue. Had it been in order, we should have divided against the proposal to elect the right hon. and learned Member, not for any personal reasons whatever but simply on principle because we feel that the procedure has not been what it ought to have been. In fact, it is not in order for

us to do so. The question is not put to the House. If my hon. Friends will consult Erskine May's Page 285, they will see the answer.¹

The Prime Minister (Mr. HAROLD MACMILLAN):

... In this century we have set up a better tradition, I think, than in the last century, and the Speaker, once accepted, has in fact been continued in office through General Elections, even when they have brought a Government of a very different complexion from that when he was first elected.

In that sense Mr. Speaker Lowther, who was elected at the end of a Conservative Administration was re-elected and kept as Speaker by the overwhelming Liberal majority in 1906, and he continued, if I remember rightly, until 1921. His successor Mr. Whitley, who was Speaker when I first entered the House, was a Liberal and was not displaced either by Conservative or Labour majorities. Nor was Captain FitzRoy. As the right hon. Gentleman has reminded us, Colonel Clifton Brown elected during the war, was re-elected by the overwhelming Labour majority which came in 1945. I agree with him that this is a good tradition and I hope that it will be preserved.

I come to the second point... I think that the House is entitled to have—and indeed, the strength and dignity of Parliament demands—a Speaker of the highest available quality. That is of the greatest importance. I have no doubt at all that my right hon. and learned Friend (Sir F. Hilton-Foster) whose name has been proposed will in every way be an admirable Speaker. Nor indeed, as the right hon. Gentleman frankly said, does anybody else doubt that.

¹ *May's Parliamentary Practice*, (16th Edn.) pp. 284-285: A member, addressing himself to the Clerk, proposes to the House some other Member then present, and moves that he 'do take the Chair of the House as Speaker', which motion is seconded by another Member. If no other Member be proposed as Speaker the Member proposed is called by the House to the chair, without any question being put.

If another Member be proposed a similar motion is made and seconded in regard to him, and both the candidates address themselves to the House. A debate ensues in relation to the claims of each candidate, in which the Clerk continues to act as presiding officer, standing up and calling the Members as they rise to speak by pointing to them. When this debate is closed, the Clerk puts the question that the Member first proposed 'do take the chair of this House as Speaker', and if the House divide, he directs one party to go into the right lobby, and the other into the left lobby, and appoints two tellers for each. If the majority be in favour of the Member first proposed, he is at once called to the chair; but if otherwise, a similar question is put in relation to the other, which being resolved in the affirmative, that Member is called to the chair by the proposer and the seconder.

¹ H.C. Deb. (1957-60) 612, col. 7-9.

At the same time—this had to be done immediately after the election—and I felt that there was, in the person of the right hon. and learned Member for Newport (Sir F. Soskice), a man whose qualifications for this task, of character, knowledge and experience were, curiously enough, very similar to those of my right hon. and learned Friend and I certainly thought that he could be regarded as fulfilling the needs of a Speaker.

In these circumstances,—although, of course, it rests with the House—my right hon. Friend the Leader of the House, after consultation with me, informed the Leader of the Opposition that if the right hon. and learned Member for Newport (Sir F. Soskice) would like his name to go forward, we would do our best to canvass support for him in our own party. There was no question of handing over the choice of the Speaker to the Opposition—no question of that. This is a matter for the House...⁵

The House then unanimously called Sir Harry Hylton-Foster to the Chair.

Then, Sir Harry Hylton-Foster (who held the office of Solicitor-General during the previous Parliament) intervening in the debate, *inter alia*, said:

On a personal note, I wish to acknowledge to the House that I have all those defects in this connection to which the Leader of the Opposition referred. I am greatly obliged to him for referring to them in such courteous terms. I was not going to say this to the House, but it occurs to me now. The time was when the Chair was considered a kind of perquisite of the office of Solicitor-General. However, all that came to grief in the year 1801, when one of my predecessors in the office of Solicitor-General—a certain Sergeant Fleming—was said to be too lawyer-like and uncouth for the Chair, and the House was advised to find someone more presentable. I hope that the House will forgive that digression, which was a little prompted by the right hon. Gentleman's observation.⁶

After his brief speech Sir Harry Hylton-Foster sat down. The House again

unanimously called him to the Chair. He was then taken out of his place and conducted to the Chair by Sir James Duncan and Sir Robert Cary, the mover and the seconder of the motion.

The Speaker-elect sat down in the Chair. The mace which up to that time was put under the Table was laid upon the Table.

Next day, the House having met at 2.30 P.M., Mr. Speaker-elect took the Chair in a bob wig with the three Clerks coming in to their usual places at the Table to await the arrival of Black Rod. Mr. Speaker-elect with the Clerk of the House went with the Black Rod to the Lords to receive the royal approbation. The other two Clerks stood in their places for a few moments and then retired behind the Chair to await the return of the procession.

In the House of Lords the Speaker-elect addressing the Royal Commissioners said:

My Lords, I have to acquaint your Lordships that, in obedience to Her Majesty's Commands, Her Majesty's most faithful Commons have, in the exercise of their undoubted rights and privileges, proceeded to the election of a Speaker, and that their choice has fallen upon myself. I now present myself at your Lordships' Bar and submit myself with all humility for Her Majesty's gracious approbation.⁷

The Lord-Chancellor addressing the Speaker-elect read the following commission:

Sir Harry Hylton-Foster, Her Majesty has commanded us to assure you that Her Majesty is so fully sensible to your zeal in the public service, and of your ample sufficiency to execute the arduous duties which Her faithful Commons have

⁵ *Ibid.*, cc. 9-11.

⁶ *Ibid.*, c. 24.

⁷ H. L. 10 (1) 59-60) 219, c. 7.

Election of the Speaker of the House of Commons

selected you to discharge that Her Majesty does most readily approve and confirm you as their Speaker.⁸

Mr. Speaker then laying claim to the privileges and rights made the following submission:

My Lords, I submit myself with all humility and gratitude to Her Majesty's gracious Commands. It is now my duty, in the name and on behalf of the Commons of this United Kingdom, to lay claim by humble petition to Her Majesty to all their ancient and undoubted rights and privileges; especially to freedom of speech in debate; to freedom from arrest; and to free access to Her Majesty whenever occasion shall require; and that the most favourable construction shall be put upon all their proceedings. With regard to myself, I pray that if in the discharge of my duties I shall inadvertently fall into any error, it may be imputed to myself alone, and not to Her Majesty's most faithful Commons.⁹

The Lord Chancellor said:

Mr. Speaker, we have it further in Command to inform you that Her Majesty doth most readily confirm all the rights and privileges which have ever been granted to or conferred upon the Commons by Her Majesty or any of Her Royal Predecessors. With regard to yourself, Sir, though Her Majesty is sensible that you stand in no need of such assurance, Her Majesty will ever place the most favourable construction upon your words and actions.¹⁰

Mr. Speaker and the Commons then retired.

On the procession returning to the Commons the Speaker passed through the Commons Chamber to a retiring room where his trainbearer replaced the bob wig of the Speaker-elect with the full-bottomed wig of the Speaker. Meanwhile the Clerk of the House returned to his place after passing through the division lobby, not up the floor of the House as on the previous

day. The rule observed by the Clerk in this respect is that if the Speaker is returning from the Lords directly to his Chair (as he usually does after the Royal Assent to bills), the Clerk follows him up the floor of the House. But if the Speaker is not going directly to his Chair, as after Prorogation or at the Opening of Parliament, the Clerk passes through the division lobby and comes from the back of the Chair.

On taking the Chair in his new wig, Mr. Speaker informed the House that their choice of him had been confirmed by the Sovereign.

The Speaker then reminded the Members to take the Oath of Allegiance, first doing so himself. The Clerk of the House administered the Oath to him. The Speaker stood on the upper step of the Chair and then signed the test roll proffered him by the Clerk. After that, the three Clerks at the Table arranged themselves in a single file along the Treasury bench side of the Table. The Second Clerk Assistant administered the oath or the affirmation prescribed by law. The Clerk Assistant supervised the signing of the test roll by Members (name and constituency). The Clerk Assistant gave each Member's name to two Clerks from the Journal Office who sat on the Table. The senior of these Clerks whispered the name and constituency to the Clerk of the House who shouted it out, "Mr. Harold Macmillan, Bromley" so that the Speaker and the House could hear. The majority of the Members were sworn the same day; and one more day was reserved for swearing before the Queen's Speech.

⁸ *Ibid.* cc. 7-8.

⁹ *Ibid.* c. 9.

¹⁰ *Ibid.*

Parliamentary Control of Statutory Bodies in India*

In India there are at present over seventy statutory bodies which have been set up by or under provisions of various Acts of Parliament. A large number of them are advisory, regulatory or developmental in character, each operating or administering a specific activity assigned to it by the parent statute, or rules made thereunder. Barring a few exceptions¹, all of them enjoy a corporate status and are more or less autonomous² in the normal discharge of their internal day-to-day functions.

The formulation of the country's development plans and the adoption of an industrial policy as envisaged in the

Industrial Policy Resolutions of 1948 and 1956³ led to a considerable expansion of the public sector in the country. This meant the creation, particularly during the past one decade or so, of a number of statutory bodies⁴ involving large capital outlay⁵ to undertake new responsibilities in the extended fields of State economic activity.

A majority of the statutory bodies, with the exception of those carrying on industrial or commercial activity, are financed from grants or grants-in-aid voted by Parliament, or through certain other incomes like the proceeds of excise duties, cess or fees etc.⁶ earmarked for

* Prepared by the Public Undertakings Branch, Lok Sabha Secretariat.

¹ Under these exceptions come the Tariff Commission, Forward Markets Commission and Central Silk Board, which discharge mainly advisory functions, as also others like the Indian Museum, Calcutta and Victoria Memorial Hall, Calcutta, which, though not advisory bodies, are fully controlled by Government. The accounts of these latter bodies are, however, not audited by the Comptroller and Auditor General.

² In the case of a large number of even these autonomous bodies certain restrictions have been placed on their power as, for example, in regard to appointment of officers beyond a certain amount of pay, expenditure exceeding the prescribed limits etc. Also, in a majority of cases the audit control vests in the Comptroller and Auditor General.

³ The Industrial Policy Resolution of 1956, which was a considerable advance over the 1948 Resolution, postulated that 'the State has . . . to assume direct responsibility for the future development of industries over a wider area.'

⁴ Some of these are the Damodar Valley Corporation (1948), Employees' State Insurance Corporation (1948), Industrial Finance Corporation (1948), Rehabilitation Finance Administration (1948), Indian Air Lines Corporation and Air India International Corporation (1953), State Bank of India (1955), Life Insurance Corporation (1956), National Cooperative Development Warehousing Board (1956), University Grants Commission (1956), Oil and Natural Gas Commission (1959).

⁵ The capital or loans advanced to the statutory bodies referred to in footnote 4 (excepting the Employees' State Insurance Corporation and the Oil & Natural Gas Commission) totals to Rs. 8176 lakhs in 1958-59. The Employees' State Insurance Corporation is financed out of the employer's and employees' contributions and the Oil & Natural Gas Commission was set up as a statutory body only in Sept. 1959 prior to which it was a departmental organisation.

⁶ In certain cases, such as the Indian Central Cotton Committee, the income derived by way of duties, cess etc., is credited to the accounts of the body concerned but there are bodies like the Indian Lac Cess Committee whose income from cess goes to the Consolidated Fund and necessary transfers are made through votes of Parliament.

Parliamentary Control of Statutory Bodies in India

them. The Comptroller and Auditor General as the 'agent of Parliament' exercises audit control over them and in the normal course reports the results to Parliament. Parliament thereby gets a regular opportunity for scrutiny and discussion of the affairs of these bodies.

The method of financing the public enterprises, on the other hand, is rather different. Their capital is advanced by Government, for which provision is made, as and when necessary, in the annual Budget (and at times even in the supplementary Demands for Grants) placed before Parliament. Similarly, provisions relating to their audit also differ. While some of these public enterprises are subject to audit by the Comptroller and Auditor General (e.g. Air Corporations and Damodar Valley Corporation), in other cases professional auditors are appointed by or with the approval of the Central Government.⁹ But the audit arrangement on the whole is not regarded adequate inasmuch as the primary audit control in the case of several of these undertakings vests with the private auditors.

It is thus obvious that once moneys are appropriated from the Consolidated Fund, Parliament ceases to have effective control over the finances of these enterprises. Parliament can have only limited opportunities to discuss their affairs inasmuch as occasions for provisions to be included in the Budget Estimates for advancing capital or loans or granting subsidies etc. to them are likely to arise only rarely, and the Comptroller

and Auditor General also, even where he has jurisdiction, would not normally interfere unless some gross mismanagement or other grave irregularities have been revealed.

Methods devised for Parliamentary Control

The measure of check over the affairs and activities of the statutory bodies is thus not uniform. Because of the large public funds involved on the one hand, and the autonomy enjoyed by them in their internal administration on the other, the need for an effective watch over the affairs of these bodies in the overall public interest is obvious. It is for this reason that the existing system of parliamentary control of statutory bodies has been devised keeping in view particularly the statutory public enterprises. Under this system the methods adopted for the exercise of parliamentary control take the form of:

- (i) Questions tabled by Members of Parliament;
- (ii) Debates and discussions on the Budget and by other means; and
- (iii) Examination by Parliamentary Committees.

(i) Questions

The Speaker has laid down the following general principles regulating the admission of questions which apply *Inter alia* to statutory bodies:

- (i) Where a question (a) relates to a matter of policy, or (b)

⁹ The arrangements vary with individual bodies. For example, in the case of the Reserve Bank of India auditors are appointed by the Central Government, which may at any time appoint the Comptroller and Auditor General to examine and report on the accounts of the Bank.

One auditor in the Industrial Finance Corporation is appointed by Government and another is elected by its shareholders, subject to the overall control of the Comptroller and Auditor General.

In the case of the Fireworks State Insurance Corporation it has been provided that the accounts shall be audited by auditors appointed by the Central Government, which has entrusted this work to the Comptroller and Auditor General.

refers to an act or omission of an act on the part of a Minister, or (c) raises a matter of public interest although the same may pertain to a matter of day-to-day administration or an individual case, it may ordinarily be admitted for oral answer.

- (ii) A question which calls for information of a statistical or descriptive nature may also generally be admitted but as unstarred.
- (iii) Only questions which clearly relate to day-to-day administration and tend to throw work on the Ministries and the corporations incommensurate with the results to be obtained therefrom are normally to be disallowed.

Under a convention now established on the suggestion of the Speaker, Members of Parliament may also obtain any information they may desire direct from the statutory bodies who have instructions to supply the same unless in the public interest or for any other sufficient reason it has to be withheld.

Members can also raise half-an-hour discussions for clarification of matters of fact concerning *inter alia* a statutory body when any important points requiring elucidation arise out of answers given to recent questions in the House.

(ii) Debates and Discussions

Control over these bodies is also exercised by Parliament through debates and discussions in the House. During the

Budget Session every year Members avail of an opportunity to refer, among other matters, to the working of statutory bodies when the Demands of the concerned Ministries are discussed in the House. Members may table cut motions to draw the attention of the House to particular aspects of the working of these bodies.

Opportunities to discuss the affairs of these bodies are also availed of by Members when the Bills for establishing them or for amendment thereof come up for consideration by Parliament. Moreover, in many cases the enactments require the submission of an Annual Report (together with a financial statement, certified accounts or returns etc.) to Parliament. In some cases the statutes go even farther. For example, the Damodar Valley Corporation Act requires the Corporation to frame a Budget and to submit a copy thereof to the Central Government for approval, which, thereafter, has to be placed before Parliament.*

Copies of the Annual Report and Accounts laid on the Table of the House are generally distributed to Members. Members interested in the working of any particular statutory body and wishing to debate its affairs may give notice either for raising a debate thereon on a substantive motion or for a short duration discussion (not exceeding 2½ hours) as a matter of urgent public importance, should circumstances warrant it. Along with the notice Members are required to furnish the specific points which they want to raise during the debate.

The statutes also generally make a provision that the rules and regulations

*The Damodar Valley Corporation Act, XIV of 1948, S. 14. The statutes creating the Employees' State Insurance Corporation and the Oil & Natural Gas Commission also provide for the submission of Budgets to Central Government but do not require its presentation to Parliament.

Parliamentary Control of Statutory Bodies in India

framed under them shall be laid on the Table of Parliament for a specified period and shall be subject to such modifications as Parliament may make. This enables Members to give notices of motions for modification of the rules which, in turn, provide them with opportunity to discuss matters pertaining to the statutory bodies.

(iii) Committees of Parliament

The Committees which assist Parliament in the control of statutory bodies are mainly (a) the Committee on Government Assurances, (b) the Committee on Public Accounts and (c) the Committee on Estimates.

(a) *Committee on Government Assurances*.—The Committee on Government Assurances keeps a watch on the assurances given *inter alia* in respect of statutory bodies and sees that Government takes action thereon within a reasonable time and that the action initiated is satisfactory.

(b) *Committee on Public Accounts*.—Under the Rules of Procedure of Lok Sabha⁹ the Public Accounts Committee is required to examine *inter alia*:

- (i) the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes, concerns and projects (as also their balance sheets and statements of profit and loss accounts) and the report of the Comptroller and Auditor General thereon;
- (ii) the statement of accounts showing the income and expenditure of autonomous and

semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor General of India either under the directions of President or by a statute of Parliament.

As such, the Annual Reports of the statutory bodies, together with their balance sheets and profit and loss accounts and a review by the Comptroller and Auditor General are presented to Parliament and come under the scrutiny of the Public Accounts Committee. Though the examination by the Public Accounts Committee extends 'beyond the formality of the expenditure to its wisdom, faithfulness and economy', it is nevertheless an examination *a posteriori* and is primarily conducted with a view to ascertaining that the money granted by Parliament has been spent 'within the scope of the demand'. Parliament, however, is more interested to see that the expenses incurred currently are 'economically and technically unavoidable' and that the 'management has been efficient in performance'.

(c) *Committee on Estimates*.—The above lacuna has to a very considerable extent been filled by the Committee on Estimates, which in its examination is charged with suggesting 'alternative policies in order to bring about efficiency and economy in administration'. This Committee has not satisfied itself with a superficial examination of estimates; rather, it has interpreted its functions broadly to include a survey of governmental activities, past, present and future. Its terms of reference have not been interpreted narrowly to restrict its

⁹Rule 306(3).

jurisdiction to those estimates alone which appear in the annual Budget presented to Parliament. It has also examined the estimates of public undertaking whenever deemed desirable.¹⁰

Sub-Committee on Public Undertakings

In view, however, of the growing importance of the public sector enterprises and other statutory bodies the Speaker issued a Direction in May 1959 for the constitution of a Standing Sub-Committee of the Estimates Committee on Public Undertakings with power to call for information and hear officials and take any other evidence connected with the estimates of the public undertakings¹¹ under examination. All statutory bodies (with the exception of those not enjoying a corporate status), which carry on industrial, commercial or financial activity or operate a 'special service', fall within the purview of this newly constituted Sub-Committee.

Implementation of Recommendations of Committees

While the two Financial Committees in their Reports make recommendations in regard to statutory bodies, they at the same time keep a continuous watch on

their implementation as well. Every year the Estimates Committee presents separate reports to the House about the action taken by the Government on the recommendations contained in its earlier reports along with its observations thereon. Similarly, the Committee on Public Accounts also pursues, year after year, the implementation of its recommendations by Government. Every report of the Committee contains at the end a summary, in statement form, of the recommendations in that report as also another statement on the action taken or proposed to be taken by Government on the outstanding recommendations together with the Committee's remarks thereon. The observations of the Committee on the more important of the outstanding recommendations appear in the body of the Report also.

Apart from getting information regarding the progress in the implementation of the recommendations through Reports of the Financial Committees, Members are entitled to pursue the recommendations in the House through questions, debates etc. when reasonable time after the presentation of report to Parliament has elapsed.

¹⁰ The statutory bodies so examined are the Air India International Corporation, Damodar Valley Corporation, Indian Airlines Corporation, Port Trusts, Bombay, Calcutta and Madras.

¹¹ Under Dir. 101A by the Speaker,— "a public undertaking means an organization endowed with a legal personality and set up by or under the provisions of a statute for undertaking on behalf of the Government of India an enterprise of industrial, commercial or financial nature or a special service in the public interest and possessing a large measure of administrative and financial autonomy."

The House of Lords

By

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The upper house in the Mother of Parliaments—the House of Lords—is a body not only larger in strength but also older in age than the House of Commons. Although the membership of the House of Lords is mainly hereditary, from time to time peerages are also conferred by the Sovereign on individuals, *inter alia*, in recognition of their distinguished public service, as was done, for example, in the case of Lord Attlee. As a result of the creation of such new peerages, the composition and the strength of the House of Lords has varied from time to time and during the last 350 years the number of Lords has grown enormously from year to year—from 60 in the year 1600, it rose to 250 in the year 1800, to 567 in the year 1950 and to 860 in the year 1957. At present the strength of the House stands in the neighbourhood of 900 as follows:

- (i) princes of the royal blood;
- (ii) 26 spiritual lords (the two archbishops and 24 senior bishops of the Church of England);
- (iii) all hereditary peers of England, Great Britain and the United Kingdom;

- (iv) 16 hereditary peers of Scotland;
- (v) one hereditary peer of Ireland; and
- (vi) nine Lords of Appeal in Ordinary and a number of life peers (including ~~peerages~~) created under the provisions of the Life Peerages Act, 1958.¹

Till recently there were no lady members in the House of Lords², because under the English law ladies do not inherit the title and such title was not conferred on any lady on the ground of public service either, probably because of difficulties of inheritance based on the rule of primogeniture.

Unlike the Members of the House of Commons who are paid an annual salary of £ 1000 plus a tax free expenses allowance of £ 750,³ the Members of the House of Lords are not paid anything by way of salary, but they receive an expense allowance of 3 guineas for every day of attendance.⁴

The practice and procedure of the House of Lords is generally marked by

¹See *Britain—An Official Handbook*, 1960 Edition, p. 33.

²Now the position is different. Under the Life Peerages Act, 1958, life peerages have been created and in August 1959 there were four of them—*Britain, op. cit.*, p. 31—*Editor*.

³*The British Parliament*, BIS, 1958 (Feb. 1959), p. 9.

⁴*Ibid.*, p. 7 *fn.*

freedom and informality. For example, in the House of Lords reading of speeches is discouraged, but not forbidden, whereas in the House of Commons it is completely forbidden.⁵ It is significant that in the House of Commons the standing orders have undergone changes with the passage of time, but not so in the case of the House of Lords whose rules of procedure have remained practically the same all these years.

Sittings of the House

The Lords sit, for the despatch of public business, from Tuesday to Thursday, and, if the state of business so requires, on Mondays and Fridays also. For the judicial business, they meet on any weekday except Saturday.

Hours of Work

There are no fixed hours of work.⁷ The House may meet, for judicial as well as public business, at any hour to which it had been adjourned at the previous sitting, although usually for public business it meets at four o'clock on Thursdays and half-past two on other days. The hour of meeting for judicial business on any day depends upon the amount of business to be disposed of before the sitting for public business on that day. The agenda is prepared for each day the Lords assemble and they adjourn as soon as the agenda is over.

The Presiding Officer

It is one of the distinguishing features of the House of Lords that its chair-

man—the Lord Chancellor—is an active member of Government. The presiding officer of the House of Commons—the Speaker—, as soon as he is elected as such, declares that he does not belong to any party. He is in the position of an umpire and is in every sense a presiding officer. But the Lord Chancellor, although he presides in the House of Lords, does not actually have the powers of a presiding officer. The reason is simple. The Lord Chancellor, being an active member of the British Cabinet, cannot have that impartiality which the Speaker in the House of Commons has and as such is not vested with all those powers which normally the Speaker wields. If what a noble Lord speaks is irrelevant, the Lord Chancellor has no power to prevent him or stop him from speaking further. It is the House which has to do it, and on some occasions it. They pass a motion saying that 'the noble Lord be no longer heard'. It is because of this that Members in the House of Lords address the House (as "My Lords") and not the presiding officer as in the House of Commons. Further, unlike the Speaker in the House of Commons, the Lord Chancellor has no casting vote. Unless there is a clear majority the motion is not declared carried. In the case of Bills, however, the position is slightly different—that is, if there is an equality of votes the matter is deemed to be carried.⁸

Questions

There is no Question Time in the House of Lords. A Peer may ask of Government any question, after notice, and

⁵In India, speeches must not be read in the House but delivered *ex tempore* and the only exception made is in favour of Ministers.

⁶*Maj's Parliamentary Practice*, 16th Ed., p. 320.

⁷*Ibid.*

⁸*Ibid.*, p. 427.

The House of Lords

at that time speeches can be made.⁹ But in the House of Commons¹⁰ it is a strict rule that no speeches can be made or arguments advanced at the time of putting questions, though, however, Members may put supplementary questions on the replies given by Government. In the House of Lords, if a Peer wants to raise a discussion on any specific matter and also reserve to himself the right of reply, the usual procedure is to "move for papers". On that the debate starts, other Peers participate, Government also replies, but there is no voting at the end.

Quorum

There are very few divisions in the House of Lords, and the quorum is only three.

Bills

Any Peer may present a Bill to the House without previous notice and without obtaining the leave of the House,¹¹ but there are very few private Members' Bills in the House of Lords. On Tuesdays and Thursdays the proceedings on public Bills have precedence over questions, motions or resolutions.¹² Government business as such has no special precedence on any day in the House of Lords.¹³ In the House of Commons, practically all the time is Government time except that which is allotted for private Members' business. In the House of Lords, no two stages of a Bill are

taken on the same day.¹⁴ Amendments are allowed, even at the Third Reading stage, before the Bill is passed.

In the matter of initiation of Bills the House of Lords have the same powers as the House of Commons, with the exception of Money Bills. But there is a device by which even Bills containing money provisions can be initiated in the House of Lords. That is, Bills containing money provisions are initiated and discussed in the normal way in the Lords, but while transmitting the Bill to the Commons these provisions are removed and blanks shown in their places. Naturally the power of deliberation is there because everything is in fact discussed and debated.

Revising Chamber

Under the Parliament Act of 1949, the House of Lords cannot delay a measure for more than one year, but it appears that the House is still very powerful. When Bills go to the House of Lords they are scrutinized by a body of experts and in that sense it is regarded as a revising chamber. Recruitment to the House of Lords being partly on grounds of public service, it has members who have distinguished themselves in diverse fields of public life and by that reason are particularly competent to deal with the various matters coming up before the House.

⁹If a question is asked for information only and not with a view to making a speech or raising a debate, a star is prefixed to the question on the notice and such 'starred questions' of which not more than three may be put down for any one day, are disposed of after private business.

¹⁰Similar is the position in the Legislatures in India. See Rule 50(1) of the Rules of Procedure of L. & S. Sabha—*Editor*.

¹¹*May*, p. 427.

¹²*Ibid.*, p. 344.

¹³Occasionally, however, towards the close of the session a motion is passed giving government business precedence over other business to enable the legislative programme of the Government to be completed.—*Ibid.*

¹⁴S.O. No. 41 precludes this. Where, however, expeditious disposal of a Bill is desired, the procedure is to suspend the S.O. by a motion of which previous notice must be given. Consolidated Fund Bills, for example, are commonly taken through all their stages on the same day in this way.—*Ibid.*, pp. 344-45.

Special Position of House of Lords

By virtue of its special position, the House of Lords has certain advantages. Being a body largely constituted of permanent and hereditary members not dependent upon the vicissitudes of elections, it is more independent in the expression of its views. Also, the discussion in the House is full and free, firstly because it is not so pressed for time as the House of Commons where there is always so much rush of work; and secondly, because, although the same two broad parties are there also, still the whip of party discipline is not so very rigid.

As against these advantages, there are disadvantages also. Firstly, it is an unwieldy body. Secondly, it is politically one-sided because it is not subject to elections. The majority of its Members have always remained Conservative and, at times, when the Labour Party comes to power, one may see a rather curious spectacle of the House of

Commons having one political complexion and the House of Lords another. Lastly, from its permanent character and the nature of its membership, the House of Lords has all the defects of a hereditary body.

Reform of Lords

Reform of the House of Lords is constantly thought of and several efforts have been made in that direction so far.¹⁵ It is rather very significant to note that no party in England actually thinks of abolishing the House of Lords. In other words, it means that all parties are convinced of the utility of the Second Chamber. The whole of England really thinks in terms of continuing the House of Lords with certain reforms. The first reform is that its number must be limited because it is unwieldy, and the second that the recruitment of hereditary peers to it must be stopped. Recently a few life peers and peeresses have been created¹⁶ as part of a measure of reform.¹⁷

¹⁵Notable among these are the conferences provided over by Lord Bryce in 1918, the Peel resolutions of 1922 and the conference of party leaders in 1948. Also, see "Reforming the Lords" by S. L. Shalders, *S.P.J.* Vol. I, No. 2 and "House of Lords Reform", *An Encyclopedia of Parliament* by Norman Widding and Philip Laundry, London, 1958, pp. 278-280. - *Editor.*

¹⁶This has been done under provisions in the Life Peerages Act, 1958.

¹⁷Another recent innovation was the elevation to life peerage of Australia's Minister of External Affairs Mr. Richard G. Casey, he being the first person from a Commonwealth Country, outside the U.K., to be made a life peer under the recent amendments to regulations governing membership of the House of Lords. - *Editor.*

Some Parliamentary Activities at a Glance

PARLIAMENTARY QUESTIONS

United Kingdom

Civil Service and Ministerial Salaries

In reply to a question from Mr. D. Price, the Chancellor of the Exchequer, Mr. Heathcoat Amory, told the House of Commons on February 2, 1960 that 52 officials in Government Departments received higher salaries than the Ministers in charge and on a rough estimate about 4500 civil servants were paid more than a Parliamentary Secretary or Under Secretary*. These figures, Mr. Amory made it clear, did not take into account the £750 of parliamentary remuneration for expenses as part of Ministerial salaries.

In reply to a query whether the House was to interpret the present salary structure as being symbolic of the transfer of power from the political head to the permanent head of a department, the Chancellor remarked:

It is not easy to draw a close analogy between Ministers and civil servants in

*In the United Kingdom, the Minister in charge of a Department receives £3000 a year, a Minister of State, £2750; an Under-Secretary or Parliamentary Secretary, £2500. Four members of the Government receive special salaries: the Prime Minister and the Attorney General, £10,000 each; the Lord Chancellor, £6000 as Judge and £4000 as Speaker of the House of Lords; and the Solicitor-General, £3000.

The upper salaries of higher civil servants, after the acceptance of the recommendations of the Coleridge Committee in April last, have been as follows:

Permanent Secretary to Treasury, £7500; Permanent (Second) Secretary to Treasury, Scientific Adviser for Ministry of Defence, Secretary, D.S.I.R., Treasury Solicitor, First Parliamentary Counsel and Permanent Secretary to Lord Chancellor, £5000 each; and Chief Medical Officer, £3500. Various other posts in the Scientific, Legal and Works Groups carry salaries in the range of £3000-£5000—*Times*, London, 3-2-1960.

*H.C. Deb. (1959-60), 616, c. 723.

**Starred Question No. 218

this respect. To take one distinction only, there is quite a difference in the security of tenure between the two.†

He, however, agreed that there was something in the point and he would take note of it.

• • • • •

Lok Sabha

Democratic Decentralisation

In reply to a question** from Shri Abdul Salam and others, the Deputy Minister of Community Development and Co-operation, Shri B. S. Murthy, told Lok Sabha on February 18, 1960 that in 8425 panchayats in Andhra Pradesh and 3502 in Rajasthan, responsibility for the planning and execution of development programmes at the village level was entrusted to panchayats. Answering supplementaries, the Deputy Minister informed the House that, at the block and district levels, committees or other bodies had been formed for the effective operation of the scheme and that the panchayats were looking after

the developmental work and part of the community development programme. Other States, Shri Murthy added, were also doing their best to implement the scheme and in some States panchayats were being entrusted with both the resources and the responsibility but that it was "too early to think of panchayats asking for more powers" as the system had "just started".

The Minister of Community Development and Cooperation, Shri S. K. Dey, intervened to point out that conditions varied so widely from State to State that it would be very unwise for the Centre to prescribe a common system to apply to the whole country. The basic principle, he said, was, however, common to all the States *viz.*, that there should be a body at the district or block level which should discharge the entire responsibility of planning and implementing the community development programmes and this body should give the panchayats the maximum powers that they could exercise on behalf of the block samitis.

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PROCEDURAL MATTERS

House of Commons (U.K.): Select Committee on Procedure (1959)

On February 8, 1960 the House of Commons discussed, on a motion by Mr. R. A. Butler, Home Secretary and Leader of the House, the Report of the Select Committee on Procedure of 1959 and approved of certain amendments to the practice, procedure and standing orders of the House.

The Select Committee (composed of Mr. James Stuart, the Chairman and 15 others) had heard evidence from, among

others, the Speaker, the Chairman of Ways and Means, the present and two former Leaders of the House, the Leader of the Opposition and the Opposition Chief Whip. The Clerk of the House, Sir Edward Fellowes, submitted two closely argued memoranda which he supplemented by further oral evidence before the Committee. The Committee had also received various suggestions, by written memoranda from some Members and others.

In their Report the Committee made a large number of recommendations for alterations in the procedure or practice of the House. While a few of these recommendations were straightaway accepted by the Government, there were others which the Government agreed to implement only gradually or in a modified form, and still others with which they were not in a position to agree at all.

The following are some of the recommendations accepted by the Government:

(i) Alterations in the composition and procedure of Standing Committees (with the exception of the Scottish Committee), as suggested by the Select Committee *i.e.* the distinction between the nucleus of the Committee and the added members to be abolished; the size of a Standing Committee not to be below 20 or exceed 30; the number to form the quorum and render the majority effective for the Closure to be expressed as one-third of the membership of the Committee—(Para 8).

(ii) Requirement of seconders to be abolished except upon ceremonial occasions—(Para 28).

(iii) Money resolutions to be exempted business for three-quarters of an hour and motions to suspend Standing Order No. 1 to be moved at the moment of interruption of business—(Para 35).

(iv) Number of Oral Questions allowed for each Member per day to be reduced from three to two—(Para 39).

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(v) The House to support Mr. Speaker in checking the number and length of supplementary questions—(Para 38).

(vi) Time allowed for a Count to be increased from two to four minutes—(Para 31).

(vii) Precedence not to be withheld from matters of privilege provided they are raised within 24 hours after the first opportunity (Previously the matter had to be raised on the same day)—(Para 28).

The Select Committee has recommended that an hour should be set aside at the discretion of the Chair for brief 5-minute speeches on the occasion of major debates. This, Mr. Butler pointed out, would not be brought about by ordinance, decree or standing order, but by arrangement between the two sides of the House.

Another recommendation of the Select Committee was the alteration in the prevailing practice of automatic preference to Privy Counsellors over other Members in debates in the House. While Government were in agreement with this, in their view, this was not a matter to be decided by a vote of the House. Mr. Butler assured the Speaker that he would have Government on his side if he "occasionally turned the Nelson blind eye in regard to Privy Counsellors, especially in the course of debates."

Likewise, Government did not exclude the possibility of the Finance Bill being taken in Committee (as distinguished from the Committee of the Whole House), but they preferred to deal with it by 'putting something on the Order Paper rather than by standing orders in the manner suggested by the Committee.

In order to ensure that questions to the Prime Minister are definitely reached, the Select Committee recommended

that such questions should start at 3.15 P.M. on Tuesdays and Thursdays. Government instead proposed a rather different experiment having in view the same effect, namely, that on those days questions to the Prime Minister begin at number 40 instead of number 45. This modified proposal, it was pointed out, was in view of the fears expressed by some members in the past that they would be having less time to question other Ministers. An amendment seeking implementation of the Select Committee's recommendation was ultimately withdrawn.

A recommendation which seemed to have much support but which, according to Government, presented "great difficulty" and therefore could not be accepted by them was the providing of skilled assistance to private members in drafting their own bills and the amendments to public bills. An Opposition amendment pressing for it, when put to vote, was negatived.

Government also rejected the suggestion for the setting up of a colonial standing committee. In their view, acceptance of the proposal would mean 'one of the first instances of clash between the executive and legislative which in the last decade they had tried to avoid.' It had always been accepted that once the executive Government was established it was their duty to carry out the administration.

* * * * *

House of Commons (U.K.): Alteration in Hansard

In the House of Commons (U.K.) on March 2, 1960 Mr. George Wigg, a Labour Member, rose on a point of order to draw the Speaker's attention to a discrepancy in the Official Report of a speech made by the Minister of De-

lence the previous night. The member submitted:

On reading Hansard this morning, I became aware of a discrepancy in the report of the speech, as I recollected it, of the Minister of Defence last night. I, therefore, approached the Editor of Hansard, who was kind enough to write to me in the following terms:

"The original typescript of the marked passage attached read as follows:

"It is clearly known and accepted in N.A.T.O. that our new Regular Forces have an efficiency, quality and fighting power which is worth two or three conscript soldiers even in the German Forces."

The Editor said that this was altered by the Minister's Department to read:

"It is clearly known and accepted in N.A.T.O. that our new Regular Forces have an efficiency, quality and fighting power not possessed by conscript soldiers even in the German Forces."

The letter to me concludes by saying that the responsibility for allowing an alteration rests with the Official Report. The Minister's Department may suggest alterations, but it is the Editor's responsibility either to allow them or not, and this one should not have been allowed.

Agreeing with the member, the Speaker observed:

I am afraid that there is nothing I can do except apologise to the House for an error in the Official Report. Such a change should not, of course, have been allowed.

I hope that I shall have the House with me if I say that, by and large, the Official Report renders magnificent service to us all, and it is rare indeed that one finds that a mistake has been made.

I will give instructions that in the Bound Volume the words will be put back to what the Minister said.

The Minister of Defence (Mr. Harold Watkinson) hastened to offer his apologies to the House, explaining the facts as under:

What, I think, happened was that after my speech last night it was printed out

to me that something I said—I was not speaking from notes and in the heat of debate one says things—might be misunderstood outside the House. I fully accept responsibility for giving instructions that, in the normal editing of Hansard, which, I think, the whole House understands, if this could be guarded against it should be.

The hon. Gentleman the Member for Dudley (Mr. Wigg) was kind enough to let me know this morning what he proposed to do. I consulted Hansard, and I agree with him that it would have been better to have left matters as they were. I told him, and I sent a message to the Editor—I do not know whether this was right or not—that I was only too anxious that the matter should be restored in the Official Report.

I do not know quite where the responsibility lies, but perhaps you would allow me to say, Sir, that I must accept some responsibility. I do not wish the blame to lie entirely on the Official Report. I apologise for what happened.

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Lok Sabha: Amendments to Resolution for approval of Proclamation under Art. 356 of the Constitution

On August 17, 1959 the Minister of Home Affairs moved a resolution in Lok Sabha seeking approval of the Proclamation in respect of Kerala issued by the President under Article 356 of the Constitution. A member tabled two amendments to the resolution. The amendments recorded disapproval of the Proclamation and sought its immediate revocation.

In support of his amendments, the member *inter alia* urged that the power of revocation of a Proclamation under Article 356(2) was not a discretionary power of the President, and that as such it was open to the House to call upon the Union Ministry, which was responsible to the House, to advise the President to revoke the Proclamation.

Ruling out the amendments as being negative and hence inadmissible, the

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Speaker held that it was within the exclusive jurisdiction of the President to issue a Proclamation or to revoke it and that it had to come up before Parliament only when it had to be approved for a period longer than its normal life of two months. In this connection the Speaker drew the attention of the House to the difference in the constitutional provisions relating to Ordinances and Proclamations and observed that, under Article 123 of the Constitution relating to Ordinances, if the House feels that an Ordinance ought not to be in operation even for six weeks, it may have it revoked earlier by a resolution but that there is no similar provision in respect of Proclamations. The Speaker added:

When once a Proclamation is made, it shall continue for a period of two months; there is no question of revocation, unless the President who issued the Proclamation himself revokes it. There is no power for this Parliament to do so. . . . Merely because the Ministers are responsible to this House, we cannot invoke that power under the Constitution.

Lok Sabha: Laying of Documents: Minister's Rights under Rule 368—

On November 23, 1959, during the discussion on the Andhra Pradesh and Madras (Alteration of Boundaries) Bill, a Member (Pandit Thakur Das Bhargava) requested that the two memoranda on boundary adjustments, submitted by the Madras and Andhra Pradesh Governments and referred to in the Pataskar Report, be produced for the information of members.

*Rule 368. If a Minister quotes in the House a despatch or other State paper which has not been produced to the House, he shall lay the relevant paper on the Table . . .

Provided that this Rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest.

When the Minister in charge of the Bill (Shri B. N. Datar) submitted that the memoranda in question were of a confidential nature and that it being against public interest to produce them, he could claim privilege under Rule 368*, the Deputy Speaker observed:

So far as privilege in public interest is concerned, perhaps under Rule 368, I will not be able to insist upon their production, if the Minister claims privilege for those documents in public interest.

Later, when clause 3 relating to transfer of territories was taken up by the House, the member again pressed for the production of the memoranda. Referring to Rule 368 the member contended that under the proviso to that rule privilege could be claimed only in respect of documents which the Minister had actually quoted in the House and the proviso did not lay down a general rule under which privilege could be claimed by the Minister concerned in respect of any documents. The Deputy Speaker ruled:

Pandit Thakur Das Bhargava claimed that under Rule 368 a Minister could claim privilege and say that a document could not be produced as he had quoted from it. He interpreted that rule to the effect that a Minister could claim privilege from making a document public in case he quoted from it and if a Member or the House asked him to produce it. Suppose he does not quote from that at all and a demand is made that the document should be produced, then, I think there is greater ground for the Minister if he claims privilege in this case, and the Chairman or the Presiding Officer cannot interfere.

Lok Sabha: Reference of Financial Bill to Joint Committee

On March 31, 1960 the Minister of Home Affairs, Shri G. B. Pant, moved the following motion:

That the first proviso to Rule 74* of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bombay Reorganisation Bill, 1960 to a Joint Committee of the Houses be suspended.

A Member raised a point of order that the adoption of the above motion would amount to suspension of Article 109 of the Constitution which prescribed a definite procedure for the passage of a Money Bill.

The Minister of Home Affairs explained that the Bombay Reorganisation Bill did not contain exclusively the provisions enumerated in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution and as such it was not a Money Bill. The only purpose for suspending the first proviso to Rule 74 was to expedite the passage of the Bill by referring it to a Joint Committee of both Houses of Parliament.

Agreeing with the contention of the Home Minister, the Speaker observed that two sets of Bills are contemplated under the Constitution--one, a Money Bill, under article 110, which contains only provisions relating to matters specified under cl. (1) of that Article, as for example, an Income-tax Bill; and the other, the Financial Bill (provided for in Art. 117 of the Constitution), which

has other provisions also. So far as a Financial Bill is concerned, the other House has jurisdiction 'to amend, alter, to pass or not to pass it.' As for the Bill under consideration, the Speaker ruled that although cl. 64 thereof referred to matters specified in sub-clauses (a) to (f) of Art. 110, inasmuch as there were other clauses also, it was a Financial Bill, and that since the other House could also appoint a Select Committee of their own on such a Bill, all that was sought to be done by having a Joint Committee of both the Houses was only an attempt to save time.

Lok Sabha: Convention regarding Quorum

On March 22, 1960 the House was scheduled to sit till 6:30 P.M. After the Question Hour when the discussion on the Demands for Grants in respect of the Ministry of Food and Agriculture was resumed, some Members submitted that more time should be allotted to the discussion of those Demands and that for that purpose, if necessary, they were prepared to sit till 7 P.M. Thereupon some Members expressed difficulties about the continuance of quorum after 5 P.M. In this connection the Speaker observed:

My attention has been drawn to a provision in the Standing Orders of the Central Legislative Assembly. There is the following provision there:

'Adjournment for failure of a quorum:

If the President on a count being demanded by a Member at any time dur-

*The relevant portions of the Rule read as under:—

74. When a Bill is introduced, or on some subsequent session, the member in charge may make one of the following motions in regard to his Bill, namely:

(iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council; or

Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of Clause (1) of Article 110 of the Constitution.

15.0. 35 of the Standing Orders of the Legislative Assembly, 1920.

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ing the meeting ascertains that twenty-five Members (it is now 50 Members here) are not present, he shall adjourn the Assembly till the next day, on which it ordinarily sits:

There is also a proviso which is important:

'Provided that no demand for a count to ascertain the presence of quorum shall be made within one hour of any previous count.'

We have adopted one convention that during the lunch interval nobody will demand quorum, provided of course the discussion goes on, but nothing is brought up for voting. For voting, quorum is necessary.

Similarly, if the House agrees, within one hour of a count having been taken, we shall not ask for quorum, except when a division has to be taken, in which case there must be quorum. That would mean, if once a count is taken, within one hour from that, once again a count shall not be taken.

When a Member submitted that the convention would go against the provisions of Article 100* of the Constitution, the Speaker observed:

The practice during lunch interval has been adopted so long notwithstanding the fact that there is a provision against it in the Constitution. If that is right this is also right. If that is wrong, both will be wrong. Conventions are always established notwithstanding the law. There is no need for a convention if the law itself works satisfactorily. Law cannot be changed every minute, but human practice goes on changing to suit changing times. I am not introducing the practice as a rule now. It will develop as a convention as we progress. Let us understand that if we extend the time, during the extended time, no quorum will be demanded, except where it is proposed to take a division. Let it be the general understanding.

*Article 100 (3) & (4) read as follows:

(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-third of the total number of members of the House.

(4) If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

Lok Sabha: Role of the Presiding Officer of the House as distinguished from that of the Presiding Officer in a Court

On November 23, 1959, speaking on clause 3 of the Andhra Pradesh and Madras (Alteration of Boundaries) Bill, when a Member sought to produce certain maps for the perusal of the Chair, the Deputy Speaker observed that while it might be appropriate in a court, it was not so in the House as the Presiding Officer was in a different position. The Deputy Speaker explained it further as follows:

There is this difference that the Presiding Officer there has to arrive at a decision and give a judgment in the Court; here I have not to give a judgment. I have only to pronounce the judgment of the House, whatever be the decision taken by the Members.

When the Member pressed the point again, the Deputy Speaker remarked:

Sitting here, I should not entrust myself with those documents and other things. I differentiated my position from that of the Presiding Officer of a Court and said that this would be no job of the Presiding Officer here as he was only to listen, regulate the debate and then pronounce the decision of the House.

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Mysore Legislative Assembly: Scope of discussion on Reports of Public Service Commission

Before discussion of the Reports on the working of the Public Service Commission for the years 1954 to 1957 was taken up in the Mysore Legislative As-

sembly on December 21, 1959, the Speaker, explaining the permissible limits of discussion on such reports, observed:

On a number of occasions in the past, the question has been raised as to how far members can refer to the Public Service Commission either in debate or during question hour. I hope what I will say will set at rest all doubts on this point.

I would refer at the outset to the provisions of the Constitution relating to the Public Service Commission. Relevant Articles are the following: 316 relates to the appointment of the Chairman and other members of the Commission by the Governor of the State; 317 makes provision for suspension and removal of members; 318 refers to regulation as to conditions of service of members and staff of the Commission; 320 sets out the functions of the Commission and the need to consult the Commission on matters specified therein and for empowering the Governor to make regulations specifying the matters in which either generally or in any particular class of cases or in any particular circumstances it shall not be necessary for a Public Service Commission to be consulted. Article 323 requires that the State Commission should present annually to the Governor a report of the work done and the Governor has on receipt of such report to cause a copy thereof to be laid before the Legislature together with a memorandum explaining as respects the cases, where the advice of the Commission was not accepted.

I would particularly invite attention to Article 317 under which a member of the Public Service Commission can only be removed from office (except in certain cases specified in article 317(3)1) by an order of the President on the ground of misbehaviour after the Supreme Court has on enquiry reported that such a Member ought to be removed on such ground. We have provided in our rules, viz. 288 (v), that a member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms. The explanation to this sub-rule reads as follows:

"The words 'persons in high authority' mean persons whose conduct can only be discussed on a substantive motion

drawn in proper terms under the Constitution or such other persons whose conduct in the opinion of the Speaker should be discussed on a substantive motion drawn up in terms to be approved by him".

A reading of these articles and our rules therefore makes it clear that criticism of suggestions or decisions of the Commission will not be relevant because the Commission is a constitutional authority.

In Rajya Sabha when the consideration of the U.P.S.C. Reports was before that House, it was clearly ruled on December 22, 1954 as follows:

"Any debate in Parliament may rightly include criticism of Government for any acts or omissions in the exercise of the powers and duties specified above (that is, in the several Articles of the Constitution), and will certainly be relevant. Any criticism of the suggestions or decisions of the Commission will not be relevant because it is a constitutional authority. I hope the Members will bear that in mind. You can criticise the Government."

Elaborating this point further, the Chair observed:

"Under the Articles that I have quoted the powers of the Government and the Commission are defined. Any action of the Government in not implementing or accepting the recommendations of the Commission is open for criticism. But criticism of the recommendations made by the Commission or the actions of the Commission or of particular members of the Commission will not be relevant."

When members agreed that there should be no criticism of the members of the Commission but wanted to know why criticism of the Commission as such would not be in order, the Chair again said that since the Commission was a constitutional authority and the Constitution also prescribes the procedure by which members can be removed there could not be criticism in respect of either a Member or the Commission as a whole.

This is also in accordance with the normal parliamentary practice that it is the Ministers who are responsible to the House and are subject to criticism which they will be in a position to meet because they are in the House. Other authorities who are not in the House cannot defend

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themselves and particularly in the case of a constitutional authority where the Constitution itself prescribes the mode for their removal, such criticism would be out of order. Criticism, if any, can only be directed against the Ministers.

The position is the same in other Legislatures also. I, therefore, request Hon'ble Members to confine themselves in their debate to the limits I have indicated above.

COMMITTEES AT WORK

Joint Committee on Offices of Profit

Under Art. 102 of the Constitution, a person is disqualified from being chosen, as, or from being, a member of either House of Parliament if he holds an office of profit under the Government of India or of a State, other than an office declared by Parliament by law as not so disqualifying. The Parliament (Prevention of Disqualification) Acts of 1950 and 1951 and the Prevention of Disqualification (Parliament and Part 'C' State Legislatures) Act of 1954 provided for prevention of disqualification in certain cases. These enactments, however, were not comprehensive. On August 21, 1954, therefore, the Speaker, in consultation with the Chairman of Rajya Sabha, appointed a 'Committee on Offices of Profit' to study the question of 'offices of profit and disqualification of members' in its various aspects.

The Committee made two important recommendations, viz., (1) that a comprehensive Bill with schedules of disqualifying and non-disqualifying offices be brought forward and (2) a standing committee be constituted to undertake the work of continuous scrutiny in respect of offices of profit.

In 1957 the Parliament (Prevention of Disqualification) Bill was introduced in Parliament. The Joint Committee on

the Bill reiterated the recommendation of the earlier Committee on Offices of Profit for a standing committee on offices of profit. The Bill became law on April 4, 1959 and, on a motion adopted by Lok Sabha on August 3, 1959 and concurred in by Rajya Sabha on August 31, 1959, a Joint Committee on Offices of Profit, for the duration of the Second Lok Sabha, was constituted.

The Committee consists of 15 members, 10 from Lok Sabha and 5 from Rajya Sabha, with Shri C. R. Pattabhi Raman as the Chairman. The terms of reference of the Committee are:

- (i) to examine the composition and character of all existing 'committees' (other than those examined by the Joint Committee to which the Parliament (Prevention of Disqualification) Bill, 1957 was referred) and all 'committees' that may hereafter be constituted, membership of which may disqualify a person, for being chosen as and for being, a member of either House of Parliament under article 102 of the Constitution;
- (ii) to recommend in relation to the 'committees' examined by it what offices should disqualify and what offices should not disqualify;
- (iii) to scrutinise from time to time the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 and to recommend any amendments in the said Schedule, whether by way of addition, omission or otherwise;

The Committee met for the first time on December 7, 1959 and after six sittings presented its First Report on February 26, 1960.

Besides listing certain disqualifying and non-disqualifying offices, the Committee recommended:

- (i) that it is neither possible nor reasonable to expect Members of Parliament to keep accounts of

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all sundry expenses incurred by them and to submit bills in respect of travelling and conveyance allowances and that submission of such accounts should not be insisted on; and

- (ii) that in order to obviate the danger of Members of Parliament incurring disqualification, Government should issue instructions to all the public undertak-

ings whether fully or partially owned by them to provide in their rules that Members of Parliament serving on them shall not be entitled to any sum of money other than compensatory allowance as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1969; and that the rules relating to non-statutory bodies framed by Government should also be similarly amended.

The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and truer impression of truth, produced by its collision with error.

--JOHN STUART MILL, IN
On Liberty.

Decisions from the Chair

Expunction

When portions from a Member's speech are expunged under the orders of the Speaker, the Member concerned should be informed of the expunction.

[L.S. Deb. (II) 21.12.1959]

Obituary Reference

Except in exceptional cases obituary reference in respect of persons who are not members or ex-members of the House should be avoided.

[L.S. Deb. (II) 22.2.1960]

Right of Reply

A Member moving a motion for circulation of a Bill or for its reference to Committee, by way of amendment to the motion for consideration of the Bill, has no right of reply.

[L.S. Deb. (II) 23.11.1959]

Suspension of Member

Suspension of a Member merely by taking the sense of the House, without a formal motion in that behalf, is not regular.

[L.S. Deb. (II) 9.2.1960]

Answers to Enquiries on Parliamentary Procedure and Practice

Examination by the Public Accounts Committee of the Accounts of Private Concerns

Q. Whether the Public Accounts Committee is competent to examine the accounts and undertake on-the-spot study of private concerns in which Government do not hold majority shares and the accounts of which are not laid before the Legislature concerned? What steps are taken to ensure that the interests of the Government concerned in these concerns are protected?

A. When majority shares in a private concern are not held by the Government, the concern is not a Government Company within the meaning of Section 617 of the Companies Act, 1956 and the accounts etc. of the concern are not laid before the Legislature concerned. In such cases, the Public Accounts Com-

mittee is not competent to examine these Accounts directly. The Public Accounts Committee at the Centre examines the Accounts and undertakes on-the-spot study visits of only those undertakings in which the Government of India hold the entire or the majority shares and the accounts of which are laid before the House.

As regards watching the interests of Government for the share capital invested in such concerns, the Committee may, during the course of the examination of the Appropriation Accounts relating to that Department, discuss these matters with the representatives of the Department concerned, and also call upon the Department to produce the Balance Sheets, etc. of these concerns and supply information on any points arising therefrom which might affect the interests of the Government.

Constitutional Developments

The Constitution (Eighth Amendment) Bill, 1959

Under Article 334 of the Indian Constitution, as it originally stood, the provisions in the Constitution relating to the reservation of seats for the Scheduled Castes and Scheduled Tribes and representation of the Anglo-Indian community in the Lok Sabha and the Legislative Assemblies in the States were to be operative for a period of ten years from the commencement of the Constitution. This period was due to expire on January 26, 1960.

Despite considerable improvement in the conditions of the Scheduled Castes and Scheduled Tribes and, to some extent, of the Anglo-Indian community also, their basic condition had not changed and, in the words of the Home Minister, Government had been able to touch only "a fringe of the question". The Constitution (Eighth Amendment) Bill was, therefore, brought forward to continue for a further period of ten years the provisions regarding reservation in favour of the Scheduled Castes and Scheduled Tribes and the Anglo-Indian community. Clause 3 of the Bill accordingly proposed substitution of the words "twenty years" for the words

"ten years" in Article 334 of the Constitution.

An amendment to Article 333 was also proposed at the same time. This Article left it to the Governor of a State to nominate to the State Assembly such number of members of the Anglo-Indian community as he considered appropriate, if he was of the opinion that there was not adequate representation for the community in the Assembly. Clause 2 of the amending Bill sought to amend the Article to the effect that the Governor may

'nominate, in the case of the State of West Bengal, not more than two members, and, in the case of any other State, one member, of the community to the Assembly.'

This clause, however, failed to obtain the special majority required in the case of Constitution Amendment Bills* when it was put to vote in the Lok Sabha.

The Constitution (Eighth Amendment) Bill, as amended by the deletion of clause 2, was passed by the Lok Sabha on December 1, 1959 and by Rajya Sabha on December 7, 1959. It received the President's assent on January 6, 1960 and became the Constitution (Eighth Amendment) Act, 1959.

*Under Rule 144 of the Rules of Procedure of Lok Sabha, in the case of Bills amending the Constitution, each clause of the Bill should be put to vote separately and will form part of the Bill only if it is passed by the special majority specified in Article 368 of the Constitution i.e., by a majority of the total membership of the House and by a majority of not less than two thirds of those present and voting.

The result of the division in this case was Ayes 248 ; Noes 23. The votes for the Ayes, though more than two thirds of the votes cast, did not constitute majority of the total membership of the House and the clause accordingly did not stand part of the Bill [vide L.S. Deb (II), 1-12-1959, c. 2759]

Editorial Note

We arrive with this issue on the threshold of the sixth year of our publication, having completed five years of, what we hope, useful service.

We begin this issue with the reproduction of the inaugural address by Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha, at the Conference of Presiding Officers held at Hyderabad early this year. Such addresses provide usually the occasion for a review of the problems of democracy and the procedural developments in Parliament and elsewhere in the country.

Shri Shukdher has given a graphic account of the details of procedure connected with the recent election of Sir Harry Hylton-Foster to the office of the Speaker of the House of Commons.

Shri Belavadi's article on the House of Lords attempts a study of the distinctive characteristics of the House of Lords. There are many peculiarities of detail concerning the House of Lords and its procedure which are not usually so well known. Shri Belavadi's article will therefore be read with interest by all those who are interested in the functioning of the House of Lords in the U.K.

The third article on parliamentary control of statutory bodies in India is most topical as it deals with the different

types of statutory bodies in the country, the auditing and financial arrangements applicable to each of them and the methods available to Parliament for ensuring effective control.

The regular features covering the procedural matters and other parliamentary activities in the Indian Legislatures and elsewhere appear as usual and, we believe, would be read with interest. Commencing from this issue, the section "Privileges Issues" has been dropped in view of the comprehensive coverage given to privilege matters in our and foreign legislatures in another of our publications, the *Privileges Digest*, brought out regularly on a quarterly basis.

The compilation of Appendices, which give statistical information about the State Legislatures, has been made possible largely by the courtesy of the State Legislature Secretariats, whose kind co-operation in all ways is gratefully acknowledged.

In the end we once again remind our readers that all helpful suggestions in making the Journal more informative and attractive would be gratefully entertained. We would also welcome articles for the Journal on any aspect of parliamentary procedure or subjects of interest to parliamentarians and parliamentary institutions.

APPENDIX I

Statements showing the activities of the Houses of Parliament in India during the period 1st July to 31st December, 1959

Name of the House/Legislature	Session during the period.	Legislation		Questions		Short Notice		Committees Names	Point of Interest			
		No. of bills passed	Started	Unstarred	Short Notice	No. of Members						
		Government	Private Members	Admitted	Not received	Admitted	Not received					
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Lok Sabha	Two Sessions: (a) From 3-8-59 to 12-9-59 (31 sittings); and (b) From 16-11-59 to 22-12-59 (27 sittings).	42	42	15,834	2,604	2,091	4,737	524	26	Business Advisory Committee	15	
										Committee of Privileges	15	
										Committee on Absence of Members from the Sittings of the House	15	
										Committee on Estimates	30	
										Committee on Governmental Affairs	15	
										Committee on Petitions	15	
										Committee on Private Members' Bills and Resolutions	15	
										Committee on Public Accounts	22	

Journal of Parliamentary Information

1 2 3 4 5 5 7 6 9 10 11 12 13

Committee on Sub- ordinate Legisla- tion	15
General Purposes Committee	20
House Committee	12
Joint Committee on Offices of Profit	15
Joint Committee on Salaries and Allow- ances of Members of Parliament	15
Rules Committee	15
<i>Selected Joint Com- mittees on Bills:</i>	
Joint Committee on the Arms Bill, 1958	45
Joint Committee on the Banking Com- panies Amend- ment Bill, 1959	45
Joint Committee on the Companies (Amendment) Bill, 1959	45
Joint Committee on the Delhi Land Holdings (Ceiling) Bill, 1959 ^a	45
Joint Committee on the Dowry Pro- hibition Bill, 1959	45

Appendices

Joint Committee of the Legal Practitioners Bill, 1959	45
Joint Committee on the Manipur Land Revenue and Land Reforms Bill, 1959.	45
Joint Committee on the Tripura Land Revenue and Land Reforms Bill, 1959.	45
Joint Committee on the State Bank of India (Subsidiary Banks) Bill, 1959	45
Joint Committee on the State Bank of India (Amendment) Bill, 1959	45
Business Advisory Committee	10
Committee of Privileges	10
Committee on Petitions	5
General Purposes Committee	16
House Committee	7
Rules Committee	15
<i>Selectious Committees on Bills</i>	
Joint Committee on the Orphanages and other Charitable Homes (Supervision and Control) Bill, 1959	30

राष्ट्रिय सभा

Two Sessions :
 (a) From 10-8-59 to 11-9-59 (24 sittings); and
 (b) From 23-11-59 to 22-12-59 (22 sittings)

1 2 3 4 5 6 7 8 9 10 11 12 13

**Joint Committee on
the Prevention of
Crusby to Animals
Bill, 1959** . . . 45

**Andhra Pradesh
Legislature
Assembly** One Session : 15 1,362 829 1 47 75 23 Committee on Go-
vernment assu-
rances 7

From 23-7-1959 to
18-8-1959 and
from 7-12-59 to
23-12-1959 (33
sittings)

**Andhra Pradesh
Legislature
Council** One Session : 23 289 277 31 31 23 2

Commenced on
27-7-1959 and had
not concluded by
31-12-1959 (22
sittings during the
period under re-
view)

**Bihar Vidhan
Sabha** One Session : 12 2827 1468 688 658 216 140 Business Advisory
Committee 11

From 14-9-1959 to
23-12-1959 (33 sittings)

**Committee of Pri-
vileges** 13

**Committee on Esti-
mates** 25

**Committee on Govern-
ment Assurances** 15

**Committee on Pe-
titions** 5

**Committee on Public
Accounts** 17

**Committee on Sub-
ordinate Legislation** 10

Appendices

	House Committee .	18
	Library Committee .	31
	Business Advisory Committee .	7
	Committee of Privileges .	11
	Committee on Government Assurances .	11
	Committee on Petitions relating to Bills .	5
	Committee on Private Members' Bills and Resolutions .	11
	Committee on Subordinate Legislation .	11
	House Committee .	11
	Library Committee .	15
	Rules Committee .	15
	Rules Hindi Translation Committee .	3
	Business Advisory Committee .	8
	Committee of Privileges .	12
	Committee on Estimates .	27
	Committee on Government Assurances .	15
	Committee on Petitions .	7
Bihar Vidhan Parishad	One Session :	
	From 21-9-1959 to 30-12-1959 (34 sittings)	
	13 .. 1957 .	
	46 44 4 4 46 939	
	257	
	23	
	25	
	249 1966	
	60 66 260 94	
Bombay Legislative Assembly	Two Sessions :	
	(i) From 3-8-59 to 15-9-59 (24 sittings)	
	(ii) 30-11-1959 to 22-12-59 (17 sittings)	

Journal of Parliamentary Information

1 2 3 4 5 6 7 8 9 10 11 12 13

Committee on Private Members' Bills and Resolutions	8
Committee on Public Accounts	27
Committee on Subordinate Legislation	19
Joint Committee of both the Houses for framing Rules and Orders under the Bombay Legislature Members' Salaries and Allowances Act, 1956.	15
Library Committee	20
Rules Committee (Assembly)	15
Select Committee on the Bombay Sales Tax Bill, 1959	15
Business Advisory Committee	8
Committee of Privileges	10
Committee on Absence of Members from the Sittings of the House	10
Committee on Government Assurances	9
Committee on Petitions	5

Bombay Legislature
the Council

Two Sessions :
 (i) from 19-8-1959
 to 11-9-1959 (14 sittings); and
 (ii) from 30-11-59
 to 22-12-59 (13 sittings)

Appendices

Committee on Private Members' Bills and Resolutions 8
Rules Committee (Council) 9
Committee of Privileges 5
Committee on Government Assurances 5
Committee on Petitions 6
General Purposes Committee 4
House Committee 4
Library Committee 4
Rules Committee 6
Business Advisory Committee 15
Committee of Privileges 10
Committee on Delegated Legislation 10
Committee on Estimates 15
Committee on Government Administration 10
Committee on Petitions 5
Committee on Public Accounts 10
History Committee 10
Library Committee 10
Rules Committee 16

Jasrana and Kash- nair Legislative Council One Session : From 14-9-59 to 6-10-1959 (14 sittings)

Madhya Pradesh Vidhan Sabha From 17-9-1959 to 6-10-1959 (17 sittings)

Appendices

Joint Select Committee on the Mysore Land Reforms Bill, 1958.	11	19	17	17	46	47	11	9	Select Joint Committee on Bill:
Joint Select Committee on the Mysore Public Premises (Eviction of Unauthorised Occupants) Bill, 1959.	20								Joint Select Committee on the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1959.
Joint Select Committee on the Mysore Rent Control Bill, 1959.	20								Joint Select Committee on the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1959.
Joint Select Committee on the Mysore Silk Worm Seed (Production, Supply and Distribution) Bill, 1959.	20								Joint Select Committee on the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1959.
Joint Select Committee on the Mysore Milk Producers' Cooperative Societies Bill, 1959.	20								Joint Select Committee on the Mysore Milk Producers' Cooperative Societies Bill, 1959.
Joint Select Committee on the Mysore Milk Producers' Cooperative Societies Bill, 1959.	20								Joint Select Committee on the Mysore Milk Producers' Cooperative Societies Bill, 1959.

Mysore Legislative Council

- Two Sessions:
- (a) From 8-8-1959 to 14-8-1959 (6 sittings); and
 - (b) From 4-12-1959 to 24-12-1959 (11 sittings).

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1 2 3 4 5 6 7 8 9 10 11 12 13

Select Committee on the Mysore Ancient and Historical Monuments Bill, 1958.	11
Select Committee on the Mysore Live Stock Improvement Bill, 1959	12
Select Committee on the Mysore Public Conveyances Bill, 1959	10
Business Advisory Committee	8
Committee on Estimates	9
Committee on Government Assurances	5
Committee on Public Accounts	7
Committee on Subordinate Legislation	5
House Committee	9
Library Committee	3
Rules Committee	7
Select Committees on Bills:	
Select Committee on the Orissa Ayurvedica Medicine Bill, 1959	11

Orissa Legislature - One Session : 25 .. 3,760* 2,519*
 the Assembly
 From 24-8-1959 to
 29-9-1959 and 7-12-
 1959 to 31-12-1959
 (42 sittings)

Appendices

Select Committee on the Orissa Land Reforms Bill, 1959	30
Select Committee on the Orissa Zilla Parishad Bill, 1958	12
Select Committee on the Orissa Prevention of Cow Slaughter Bill, 1959	10
Select Committee on the Orissa Vaccination Bill, 1959	11
Ad-hoc Committee on Rules	8
Business Advisory Committee	6
Committee of Privileges	10
Committee on Estimates	9
Committee on Government Assurances	9
Committee on Petitions	4
Committee on Public Accounts	12
Committee on Subordinate Legislation	8
House Committee	5
Hindi Regional Committee	65

Prasidh Vidhan Two Sessions :

- (i) From 1-7-1959 to 2-7-1959 (2 sittings); and
- (ii) From 14-12-1959 to 23-12-1959 (8 sittings).

Sabha.

of the two sessions the number of questions received and submitted. Break-up of figures is not available.

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	1	2	3	4	5	6	7	8	9	10	11	12	13
Punjab Legislative Council													
Punjab Regional Committee													87
Select/Joint Committees on Bills:													
Joint Select Committee on the Punjab Preamble (Amendment) Bill, 1959													33
Committee constituted with the Chief and Conveners of the Members			25		552	478	40	41	20	6			
Committee on Government Appointments													6
Committee on Petitions													8
Committee on Subordinate Legislation													4
Library Committee													8
Public Committee													18
Business Advisory Committee			11	..	2,650	1,835	47	39	42	18			7
Committee of Privileges													10
Committee on Estimates													15
Committee on Government Appointments													5
Punjab Legislative Council													
Two Sessions:													
(i) From 3-7-1959 to 4-7-1959 (12 sittings); and													
(ii) From 18-12-1959 to 24-12-1959 (5 sittings).													
Business Advisory Committee													
Two Sessions:													
(i) From 10-8-1959 to 4-9-1959 (19 sittings); and													
(ii) From 30-11-1959 to 18-12-1959 (15 sittings).													

Appendices

Committee on Petitions . . .	10
Committee on Public Accounts . . .	10
Committee on Subordinate Legislation . . .	10
House Committee . . .	5
Business Advisory Committee . . .	12
Committee of Privileges . . .	10
Committee on Delegated Legislation . . .	15
Committee on Estimates . . .	24
Committee on Government Accounts . . .	15
Committee on Petitions . . .	8
Committee on Public Accounts . . .	19
<i>Selected Joint Committees on Bills</i>	
Joint Select Committee on the U.P. Imposition of Ceiling on Land Holdings Bill, 1959 . . .	25
Joint Select Committee on the U. P. Zilla Parishad Bill, 1959 . . .	25

U. P. Legislature
 Assembly
 One Session :
 From 27-7-1959 to
 11-9-1959 (30 sitting days).

* Includes 1298 which were never quoted as amended as entered questions.

1	2	3	4	5	6	7	8	9	10	11	12	13
	U. P. Legislative Council	10	..	18.50	1081		93	158	93	Business Committee	Advisory Committee on Government Awards	11
	One Session: Commenced 27-7-1959 and had not concluded by 31-12-1959 (33 sittings (during the period under review).)											
											Committee of Privileges	11
											Committee on Petitions	11
											House Committee	11
											Rules Revision Committee	11

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, 1959

Serial No.	Title of Bill	Date of Assent by the President
1	2	3
1	The Pharmacy (Amendment) Bill, 1958	27-8-1959
2	The International Monetary Fund and Bank (Amendment) Bill, 1959	28-8-1959
3	The State Bank of India (Amendment) Bill, 1959	28-8-1959
4	The Kerala Local Authorities Laws (Amendment) Bill, 1959	29-8-1959
5	The Road Transport Corporation (Amendment) Bill, 1959	1-9-1959
6	The Public Wakfs (Extension of Limitation) Bill, 1959.	1-9-1959
7	The Wakf (Amendment) Bill, 1959	2-9-1959
8	The Employment Exchanges (Compulsory Notification of Vacancies) Bill, 1959	2-9-1959
9	The Indian Electricity (Amendment) Bill, 1958	5-9-1959
10	The Banking Companies (Amendment) Bill, 1959	5-9-1959
11	The Appropriation (No. 4) Bill, 1959	8-9-1959
12	The Appropriation (No. 5) Bill, 1959.	8-9-1959
13	The Appropriation (No. 6) Bill, 1959.	8-9-1959
14	The Central Excise and Salt (Amendment) Bill, 1959	8-9-1959
15	The State Bank of India (Subsidiary Banks) Bill, 1959.	10-9-1959
16	The Kerala Appropriation Bill, 1959	12-9-1959
17	The Appropriation (No. 7) Bill, 1959	12-9-1959
18	The Criminal Law (Amendment) Bill, 1959	12-9-1959
19	The Travancore-Cochin Vehicles Taxation (Amendment and Validation) Bill, 1959.	12-9-1959
20	The Oil and Natural Gas Commission Bill, 1959	18-9-1959
21	The Public Debt (Amendment) Bill, 1959	18-9-1959
22	The Government Savings Bonds (Amendment) Bill, 1959	18-9-1959
23	The Government Savings Certificates Bill, 1959	18-9-1959
24	The Rajasthan and Madhya Pradesh (Transfer of Territories) Bill, 1959.	18-9-1959
25	The Miscellaneous Personal Laws (Extension) Bill, 1959	4-12-1959
26	The Securities Contracts (Regulation) Amendment Bill, 1958	8-12-1959

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2

2

3

27	The Kerala State Legislature (Delegation of Powers) Bill, 1959	17-12-1959
28	The Haj Committee Bill, 1959	17-12-1959
29	The Indian Penal Code (Amendment) Bill, 1959	17-12-1959
30	The Kerala Appropriation (No. 2) Bill, 1959	18-12-1959
31	The Arms Bill, 1958	23-12-1959
32	The Appropriation (No. 8) Bill, 1959	23-12-1959
33	The Andhra Pradesh and Madras (Alteration of Boundaries) Bill, 1959	24-12-1959
34	The Indian Statistical Institute Bill, 1959	24-12-1959
35	The Sugar (Special Excise Duty) Bill, 1959	24-12-1959
36	The Mineral Oils (Additional Duties of Excise and Customs) Bill, 1959	24-12-1959
37	The Indian Tariff (Amendment) Bill, 1959	24-12-1959
38	The Married Women's Property (Extension) Bill, 1959	24-12-1959
39	The Mines (Amendment) Bill, 1959	27-12-1959

APPENDIX III

List of Bills passed by the State Legislatures during the period 1st July to 31st December, 1959.

Administration

Andhra Pradesh

1. The Hyderabad District Municipalities (Andhra Pradesh Amendment) Bill, 1959.
2. The Andhra Pradesh Civil Services (Disciplinary Proceedings) Bill, 1959.
3. The Revenue Minister's Orders (Validation) Bill, 1959.
4. The Andhra Pradesh Societies Registration (Validation) Bill, 1959.
5. The Andhra Pradesh Panchayat Samithis and Zilla Parishads Bill, 1959.

Bihar

1. The Bihar Maintenance of Public Order (Amendment) Bill, 1959.
2. The Bihar Shops and Establishments (Amendment) Bill, 1959.
3. The Societies Registration (Bihar Amendment) Bill, 1958.

Bombay

1. The Bombay Revenue Jurisdiction (Extension and Amendment) Bill, 1959.
2. The Bombay Local Boards Laws (Second Amendment) Bill, 1959.
3. The Prisons (Bombay Amendment) Bill, 1959.
4. The Bombay State Commissioners of Police Bill, 1959.
5. The Bombay Local Authorities Laws (Amendment) Bill, 1959.
6. The Code of Criminal Procedure (Bombay Amendment) Bill, 1959.
7. The Sir Currimbhoy Ibrahim Baronetcy (Repeal and Distribution of Trust Properties) Bill, 1959.
8. The Bombay Local Authorities Census Expenses Contribution (Extension) Bill, 1959.
9. The Bombay Local Boards (Extension to Saurashtra and Kutch Areas and Amendment) Bill, 1959.
10. The Bombay Police (Amendment) Bill, 1959.

Jammu and Kashmir

1. A Bill further to amend the Jammu and Kashmir Houses and Shops Rent Control Act, 1959.
2. A Bill to provide for the performance of night patrol duty by the inhabitants of villages and towns in case of emergency.

Madhya Pradesh

1. The Madhya Pradesh Essential Services Maintenance Bill, 1959.
2. The Madhya Pradesh Public Security Bill, 1959.
3. The Madhya Pradesh Societies Registration Bill, 1959.

Madras

1. The Madras Buildings (Lease and Rent Control, Amendment) Act, 1959.
2. The Madras Slum Improvement (Acquisition of Land, Amendment) Act, 1959.
3. The Madras District Municipalities (Amendment) Act, 1959.
4. The Madras (Transferred Territory) Incorporated and Unincorporated Towns Act, 1959.

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Mysore

1. The Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1959.
2. The Mysore Rent Control Laws Continuance (No. 2) Bill, 1959.

Orissa

1. The Orissa District Boards and Local Boards (Control and Management) (Second Amendment) Bill, 1959.
2. The Orissa Zilla Parishad Bill, 1958.
3. The Orissa Co-operative Societies (Amendment) Bill, 1959.
4. The Orissa Revenue Divisional Commissioners (Amendment) Bill, 1959.

Punjab

1. The Punjab New Mandi Township (Development and Regulation) Bill, 1959.

Rajasthan

1. The Rajasthan Panchayat Samities and Zilla Parishads Bill, 1959.

Uttar Pradesh

1. The U.P. Nagar Mahapalika (Amendment) Bill, 1959.
2. The Hastinapur Town Development Board (Amendment) Bill, 1960.
3. The U.P. Antaresim Zilla Parishad (Amendment) Bill, 1959.

Education

Andhra Pradesh

1. The Andhra Public Libraries Bill, 1959.
2. The Andhra Pradesh Ancient and Historical Monuments and Archaeological site and remains Bill, 1959.

Bihar

1. The Bihar School Examination Board (Amendment) Bill, 1959.
2. The Patna University and the University of Bihar (Amendment) Bill, 1959.
3. The Darbhanga Sanskrit University Bill, 1958.

Bombay

1. The Gujarat University (Extension) and Universities (Amendment) Bill, 1959.

Madhya Pradesh

1. The Madhya Pradesh Jabalpur University (Amendment) Bill, 1959.

Madras

1. The Madras Boarding Schools (Amendment) Bill, 1959.

Uttar Pradesh

1. The Uttar Pradesh Universities Bill, 1959.

Economic

Bombay

1. The Bombay Warehouses Bill, 1959.
1. The Central Province and Berar State Aid to Industries and the Hyderabad State Aid to (Small and ~~Medium~~) Industries (Paral. Reg. Bill), 1959.

Appendices

Madhya Pradesh

1. The Indian Stamp (Madhya Pradesh Amendment) Bill, 1959.

Orissa

1. The Orissa (Non-Trading) Companies Bill, 1959.
2. The Orissa Essential Articles Control and Requisitioning (Temporary Powers) (Amendment) Bill, 1959.

Finances

Andhra Pradesh

1. The Andhra Pradesh Appropriation (No. 3) Bill, 1959.
2. The Andhra Pradesh Appropriation (No. 4) Bill, 1959.
3. The Andhra Pradesh Appropriation (No. 5) Bill, 1959.
4. The Andhra Pradesh Appropriation (No. 6) Bill, 1959.

Bihar

1. The Bihar Appropriation (No. 3) Bill, 1959.

Bombay

1. The Bombay Sales-Tax Bill, 1959.
2. The Bombay (Second Supplementary) Appropriation Bill, 1959.
3. The Bombay Statutory Funds Bill, 1959.
4. The Bombay Tobacco Laws (Repeal) Bill, 1959.
5. The Bombay Sales Tax (Amendment) Bill, 1959.
6. The Bombay (Third Supplementary) Appropriation Bill, 1959.

Jammu and Kashmir

1. A Bill to provide for the Levy of Entertainment Duty in respect of Admission to Public Entertainment.
2. A Bill to authorise Payment and Appropriation of certain further sums from out of the Consolidated Fund of the Jammu and Kashmir State for the Service of the financial year 1959-60.

Madhya Pradesh

1. The Madhya Pradesh Electricity Duty (Amendment) Bill, 1959.
2. The Madhya Pradesh Appropriation (No. 3) Bill, 1959.

Madras

1. The Madras (General Sales Tax (Turnover and Assessment) Rules Validation) Bill, 1959.
2. The Madras Appropriation (No. 3) Bill, 1959.
3. The Madras Appropriation (No. 4) Bill, 1959.
4. The Madras Appropriation (No. 5) Bill, 1959.

Mysore

1. The Mysore Electricity (Taxation and Consumption) Bill, 1959.
2. The Madras Sugar Factories (Mysore Amendment and Validation Levy of Cess) Bill, 1959.
3. The Mysore Appropriation (No. 3) Bill, 1959.

Orissa

1. The Orissa Board of Revenue (Amendment) Bill, 1959.
2. The Orissa Sales Tax (Amendment) Bill, 1959.
3. The Orissa Appropriation (No. 3) Bill, 1959.

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4. The Orissa Appropriation (No. 4) Bill, 1959.
5. The Orissa Displaced Persons (Rehabilitation Laws) (Amendment) Bill, 1959.
6. The Bihar and Orissa State Aid to Industries (Orissa Amendment) Bill, 1959.
7. The Orissa Appropriation (No. 5) Bill, 1959.
8. The Orissa Sugar Cane Cess Bill, 1958.
9. The Orissa Agricultural Income-tax (Amendment) Bill, 1959.

Punjab

1. The Punjab Appropriation (No. 3) Bill, 1959.
2. The Punjab General Sales Tax (Second Amendment) Bill, 1959.
3. The Punjab Appropriation (No. 4) Bill, 1959.
4. The Punjab Appropriation (No. 5) Bill, 1959.
5. The Punjab Appropriation (No. 6) Bill, 1959.
6. The Punjab Professions, Trades, Callings and Employment Taxation (Amendment) Bill, 1959.

Rajasthan

1. The Rajasthan Sales-Tax Rules Validation Bill, 1959.
2. The Rajasthan Appropriation (No. 4) Bill, 1959.

Uttar Pradesh

1. The U.P. Electricity (Duty) Amendment Bill, 1959.
2. The U.P. Appropriation (Regulation of Excess 1955-56) Bill, 1959.
3. The U.P. Appropriation (First Supplementary 1959-60) Bill, 1959.
4. The U.P. Sugar Cane Cess (Amendment) Bill, 1959.

Health

Bombay

1. The Bombay Nursing Homes Registration (Extension and Amendment) Bill, 1959.
2. The Bombay Anatomy (Extension and Amendment) Bill, 1959.
3. The Lepers (Bombay Unification) Bill, 1959.
4. The Bombay Drugs (Control) Bill, 1959.
5. The Bombay Homeopathic and Biochemic Practitioners' Bill, 1959.

Jammu and Kashmir

1. A Bill to regulate the qualifications and to provide for the registration of Practitioners of Ayurvedic and Unani Systems of Medicines with a view to encouraging its development.
2. A Bill to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection.

Madhya Pradesh

1. The Madhya Pradesh Maternity Benefit Bill, 1959.

Labour and Employment

Madhya Pradesh

1. The Madhya Pradesh State Aid to Industries (Amendment) Bill, 1959.

Madhya Pradesh

1. The Madhya Pradesh Industrial Disputes (Amendment and Repealing) Bill, 1959.

Orissa

1. The Industrial Disputes (Orissa Amendment) Bill, 1959.

Appendices

Land and Agriculture

Andhra Pradesh

1. The Andhra Inams (Abolition and Conversion into Ryotwari) (Andhra Pradesh Amendment) Bill, 1959.
2. The Indian Registration (Andhra Pradesh Amendment) Bill, 1959.
3. The Madras Revenue Recovery (Andhra Pradesh Amendment) Bill, 1959.
4. The Andhra Requisitioning of Buildings (Andhra Pradesh Amendment) Bill, 1959.
5. The Andhra Prevention of Speculation in Immovable Property (Andhra Pradesh Amendment) Bill, 1959.

Bihar

1. The Bihar Irrigation and Flood Protection (Betterment Contribution) Bill, 1958.
2. The Bihar Private Irrigation Works (Amendment) Bill, 1959.
3. The Bihar Tenancy (Amendment) Bill, 1959.
4. The Ranchi district Thana Bhagat Raiyat Agricultural Lands Restoration (Amendment) Bill, 1959.

Bombay

1. The Transfer of Property (Bombay Provision for Uniformity and Amendment) Bill, 1959.
2. The Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Bill, 1959.
3. The Hyderabad Abolition of Inams (Amendment) Bill, 1959.
4. The Bombay (Saurashtra Area) Aghat Tenure and Haras Abolition Bill, 1959.
5. The Madhya Pradesh Land Revenue Code (Bombay Amendment) Bill, 1959.
6. The Bombay Land Revenue Code (Extension to Saurashtra Area) Bill, 1959.
7. The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) (Second Amendment) Bill, 1959.
8. The Bombay Land Revenue Code (Amendment) Bill, 1959.

Jammu and Kashmir

1. A Bill to restrict temporarily the Alienation of Land in the Jammu and Kashmir State.
2. A Bill to amend the Jammu and Kashmir Right of Prior Purchase Act, 1991.

Madras

1. The Madras Agriculture Income-Tax (Amendment) Bill, 1959.
2. The Madras Cultivating Tenants Protection (Amendment) Bill, 1959.
3. The Madras Tenants and Ryots Protection (Amendment) Bill, 1959.
4. The Madras Agricultural Produce Markets Bill, 1959.
5. The Madras Land Improvement Schemes Bill, 1959.
6. The Holdings (Say of Execution Proceedings) (Madras Amendment) Bill, 1959.
7. The Madras Preservation of Private Forests (Amendment) Bill, 1959.
8. The Madras Cultivating Tenants Protection and Payment of Fair Rent (Extension to Sheikotiah Taluk) Bill, 1959.
9. The Madras Irrigation Works (Construction of Field Branches) Bill, 1959.

Mysore

1. The Madras Preservation of Private Forests Continuance Bill, 1959.
2. The Mysore Tenancy Laws (Second Amendment) Bill, 1959.

Orissa

1. The Land Acquisition (Orissa Amendment and Validation) Bill, 1959.
2. The Orissa Encroachment of Land (Amendment) Bill, 1959.

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3. The Orissa Irrigation Bill, 1957.
4. The Indian Forests (Orissa Amendment) Bill, 1959.
5. The Orissa Preservation of Private Forests (Amendment) Bill, 1959.

Punjab

1. The Punjab Occupancy Tenants (Vesting of Proprietary Rights) (Amendment) Bill, 1959.
2. The Punjab Security of Land Tenures (Second Amendment) Bill, 1959.
3. The Punjab Public Premises and Land (Eviction and Rent Recovery) Bill, 1959.
4. The East Punjab Utilization of Lands (Amendment) Bill, 1959.
5. The Punjab Pre-Emption (Amendment) Bill, 1959.
6. The Punjab Registration Validating Bill, 1959.
7. The Punjab Resumption of Jagirs (Amendment) Bill, 1959.
8. The East Punjab Holdings (Consolidation and Prevention of Fragmentation) (Third Amendment) Bill, 1959.
9. The Punjab Village Common Lands (Regulation) Bill, 1959.
10. The Evacuee Interest (Separation) Punjab (Amendment) Bill, 1959.

Rajasthan

1. The Rajasthan Settlement Rents Retrospective (Validation) Bill, 1959.
2. The Rajasthan Tenancy (Sixth Amendment) Bill, 1959.
3. The Rajasthan Land Reforms and Resumption of Jagirs (Twelfth Amendment) Bill, 1959.
4. The Rajasthan Gramdan Bill, 1959.
5. The Rajasthan Sub-grants Resumption Validation Bill, 1959.

Uttar Pradesh

1. The U.P. Public Land (Eviction and Recovery of Rent and Damages) Bill, 1959.

Law and Constitution

Rider

1. The Santal Parganas Justice Regulation (Amendment) Bill, 1959.

Bombay

1. The Bombay Repealing and Amending Bill, 1959.
2. The Code of Criminal Procedure (Bombay Second Amendment) Bill, 1959.
3. The Bombay Revenue Tribunal (Amendment and Validation) Bill, 1959.
4. The Payment of Wages (Bombay Amendment and Validation) Bill, 1959.

Jammu and Kashmir

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1. The Madhya Pradesh Local Authorities (Electoral Offences) Extension to Bhopal Region Bill, 1959.

Madras

1. The Madras Civil Courts (Amendment) Bill, 1959.

Orissa

1. The Code of Criminal Procedure (Orissa Amendment) Bill, 1959.

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1. The Court Fees (U.P. Amendment) Bill, 1959.

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1. The Andhra Payment of Salaries and Removal of Disqualifications (Andhra Pradesh Amendment) Bill, 1959.

Bombay

1. The Bombay Legislature Members' Salaries and Allowances (Amendment) Bill, 1959.
2. The Bombay Legislature Members' Salaries and Allowances (Second Amendment) Bill, 1959.

Mysore

1. The Mysore Legislature Salaries (Amendment) Bill, 1959.

Orissa

1. The Orissa Legislative Assembly Deputy Speaker's Salary and Allowances Bill, 1958.

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1. The Punjab Legislative Assembly (Allowances of Members) (Amendment) Bill, 1959.
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1. The Madras Hindu Religious and Charitable and Endowments Bill, 1959.

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1. The Mysore Prohibition (Extension to Hyderabad Area) Bill, 1959.
2. The Mysore Prevention of Animal Sacrifices Bill, 1959.

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1. The Public Gambling (Punjab Amendment) Bill, 1959.

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1. The Rajasthan Prevention of Funeral Feasts Bill, 1959.

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1. The Madhya Pradesh Khadi and Village Industries Bill, 1959.

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1. The Indian Partnership (Madras Amendment) Bill, 1959.
2. The Madras Khadi and Village Industries Board Bill, 1959.

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Orissa

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2. The Bombay Ferries and Inland Vessels (Unification and Amendment) Bill, 1959.

Jammu and Kashmir

1. A Bill to amend the Jammu and Kashmir Motor Vehicles Act, Svt., 1998.

Mysore

1. The Mysore Traffic Control, Bill, 1959.

Rajasthan

1. The Transport Authorities (Composition and Proceedings) Validating Bill, 1959.

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Statistical Analysis of Bills passed by State Legislatures in India during the period 1st July, 1959 to 31st December, 1959

Name of State	Admin- istra- tion	Com- merce & Indus- try	Educa- tion	Econo- mics	Finance	Health	Labour & Em- ploy- ment	Land and Agricul- ture	Legal & Con- stitu- tion	Parti- san- itary Affairs	Reli- gion	Social	Trans- port & Com- muni- cations	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Andhra	5	..	2	..	4	..	..	5	..	1	..	..	..	17
Bihar	3	..	3	..	1	..	..	4	1	..	..	..	..	12
Bombay	10	..	1	2	6	5	..	8	4	2	..	10	2	50
Jammu and Kashmir	2	1	..	..	2	2	..	2	4	..	..	1	..	15
Madhya Pradesh	3	1	1	1	2	..	1	..	1	..	..	..	..	10
Madhya	4	2	1	..	4	..	..	9	1	..	1	..	..	22
Madhya	..	3	..	..	3	1	1	2	..	1	..	2	1	16
Odisha	4	2	..	2	9	..	1	5	1	1	..	..	..	25
Punjab	..	1	6	10	..	2	..	1	..	20
Rajasthan	..	1	2	5	1	..	1	11
U. P.	..	3	1	1	..	4	..	1	1	11
All States	38	11	9	5	43	8	3	51	13	7	2	14	5	209

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Ordinances issued during the period 1st July to 31st December, 1959 by the Central Government

Serial No.	Subject	Date of Pro-mulgation	Date on which laid before the House	Date of Cessation
1	3	4	5	6
2	The Public Works (Extension of Limitation) Ordinance.	20-7-1959	3-8-1959	
3	The Sugar (Special Excise Duty) Ordinance, 1959.	25-10-1959	16-11-1959	

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