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**The
Journal of Parliamentary Information**

Editor

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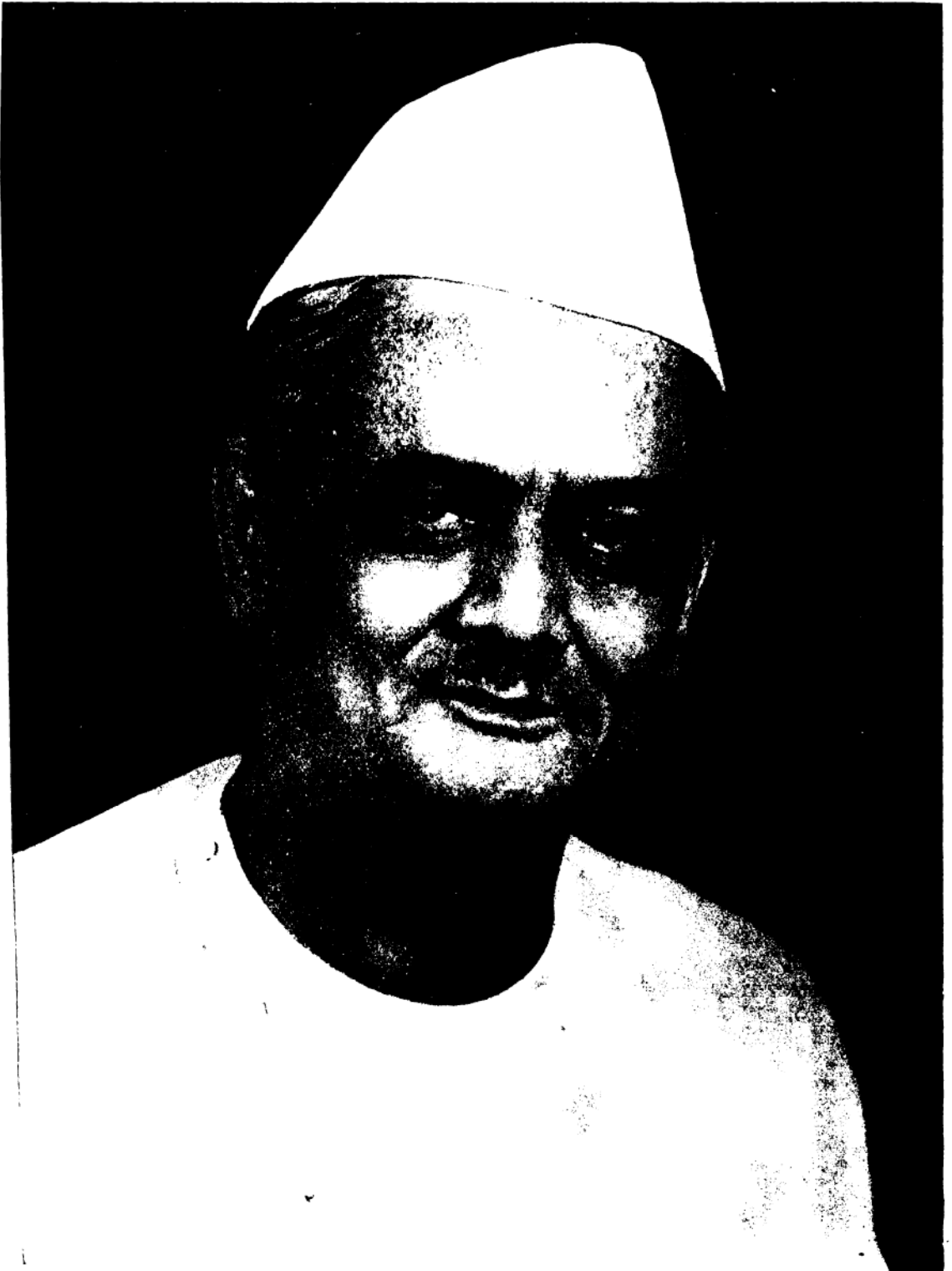
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SHRI G. V. MAVALANKAR
[Nov. 27, 1888 — Feb. 27, 1956]

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No. I

Our Late Speaker

WE deeply regret to refer to the very sad demise of our revered Speaker, Shri G. V. Mavalankar, who passed away on the 27th February, 1956 at Ahmedabad after an attack of coronary thrombosis. Shri Mavalankar occupied an honoured place in the country not merely as the first Speaker of Parliament in independent India but as a great patriot, fighter in the cause of freedom, parliamentarian and public worker. His noble mind and geniality, his great love for his fellowmen, his kind and sincere solicitude for the poor and the suffering endeared him to one and all from the highest to the lowest and earned him the affectionate title of "Dada Saheb". His great scholarship and legal acumen, his profound knowledge of parliamentary affairs and practice and above all his incisive intellect and cultured mind marked him out for the high honours that were conferred on him by a loving nation and made him not only fill the office of the Speaker with great distinction and glory but also lend a high dignity and prestige to the office itself. The several conventions and traditions which he has set up will go a long way to foster and mould the growth of Parliamentary Democracy which is just a tender plant in this country and will stand as a monument to his memory and his great work for generations to come. As the Prime Minister remarked he was truly the "Father of the Lok Sabha" and will be known as such for ever in this country.

When the news of his grave illness first came to us, we earnestly hoped that he would be spared for many more years to guide us and to give us the benefit of his wise counsel and mature thoughts. But on the morning of the 27th February, 1956 Providence took him away from us. His deeply-mourned and irreparable loss has created a void not only in the life of our Parliament but also in that of the nation as a whole.

This Journal was started just a year ago under his kind and able guidance and it is a matter of great sorrow that the light that shone and guided us in our endeavour should be so suddenly extinguished. We take courage and hope that with faith in the ideals he worked for, we shall tread on the path he had set for us and try to fulfil the expectations he had of us.

We pay our humble, loving and respectful homage to him. May his soul rest in peace.

President's Tribute to Shri Mavalankar

On 27th February 1956, the President, Dr. Rajendra Prasad paid a touching tribute to the late Speaker, Shri Mavalankar in a broadcast over the All India Radio, Delhi. The text of the broadcast is reproduced below:

"I have received with deep grief the sad news of the passing away of Mr. Mavalankar. It has been my privilege to have known him ever since the early days of the non-co-operation movement if not earlier, more than 35 years ago. Apart from the great interest which he took in the political movement and in the struggle for freedom, in the course of which he suffered imprisonment on several occasions, he was deeply interested in many institutions of social service.

"He achieved remarkable success in Ahmedabad not only at the Bar and in Congress circles, but also in other fields and activities in which he participated. He became the Speaker of the Bombay Assembly and made his mark there. It was his success in that capacity which induced the Members of the Central Legislature to elect him as Speaker. Ever since he came to Delhi, he became an indispensable part of Parliament.

"Every member of the Lok Sabha who joined in paying tribute to his memory expressed not only his party's confidence in his ability and integrity but also in the way in which he conducted the proceedings. He had earned a position for himself as a great Speaker not only in this country but

also in Parliamentary circles of the Commonwealth.

"He was thorough in whatever he undertook. He enjoyed the freedom and confidence of all classes of people and was unhesitatingly and unanimously put in charge of the largest public trusts which have been created by the public in this country.

"As the President of the Gandhi Smarak Nidhi and the Kasturba Trust and of so many other institutions engaged in social service, his activities were of a very varied nature and spread practically over the whole country through the institutions run by these various trusts.

"He never spared himself, and although it was well-known that his health was not too good, he was touring for the greater part of the time when he was not sitting in Parliament, visiting various institutions and holding meetings and discussions relating to parliamentary work and to the various institutions with which he was connected. His loss will be deeply felt not only in the Lok Sabha but also in a very much larger circle of friends, associates and co-workers interested in social service.

"When the news of his sudden illness came some days ago, we naturally became anxious, but later news were somewhat reassuring and we were hoping that he might be spared to serve the people and the country. But to our great misfortune, that was not to be and he has been taken away creating a void in our public life which it will be difficult to fill."

Tributes to Shri Mavalankar in Parliament

TOUCHING tributes were paid to the memory of the late Speaker Shri G. V. Mavalankar in both the Houses of Parliament on February 27, 1956, when the news of his sudden demise was received in New Delhi. The full text of the speeches made by the leaders of various groups in both the Houses of Parliament is reproduced below:

Lok Sabha

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): Sir, misfortunes appear to descend upon us in all directions. We all think that an evil fate is pursuing us. It has become my lot to be the bearer of evil tidings to the Lok Sabha repeatedly.

At a quarter to nine this morning, I received a telephonic message from Ahmedabad, from our Speaker's son, to inform me that his father had breathed his last at 7.50, that is, within an hour of my getting the message. He told me that, on the whole, his father's condition was slightly better yesterday. But, anyhow, he passed away at that hour.

In a sense, during the last few days we had been anxious, of course, and been full of apprehension. I confess to you, Sir, that my apprehension was rather about the more distant future. It never struck me that at the present moment, suddenly, he will be struck down. Anyhow, our Speaker is dead.

It is now nine years, I believe, since some of us, including me, started functioning in these Assemblies. They were the last days of the old Assembly; then the Constituent Assembly and then the Lok Sabha. Throughout these early days, difficult days, formative days, it was Shri Mavalankar who sat as the guiding deity, helping us, chiding us, trying to keep us in the right path, laying down and making precedents to be followed later, and moulding the development of parliamentary life in India, of course, mostly in the Lok Sabha. In another field, every year, as you know, he gathered together the Speakers of all our State Assemblies and discussed various matters of common interest with them because he was anxious that the foundations of parliamentary government should be well and truly laid here. He had considerable experience himself because, as the Lok Sabha knows, he became the Speaker of the old Assembly and functioned there for a considerable time. Later, all of us have come into intimate contact with him and have worked under his guidance.

I must confess that I, and I think, perhaps some others, had got so much used to Shri Mavalankar as our Speaker and had come to rely so much on the way he could deal with any situation that might arise with calmness, with courtesy, and at the same time, with firmness, that we could hardly think of this Parliament without him. He was an inseparable part

of it, the cementing link between all of us. Therefore his passing away, apart from the obvious personal sorrow involved, is a break from a tradition, from almost an institution that had grown up here. No doubt, this Parliament and all of us will carry on our work. The world goes on. The Parliament goes on. India goes on, undoubtedly. Nobody is indispensable whoever he might be. But, the fact remains that if a person was considered so intimate a part of this Parliament, as almost to be indistinguishable from its working, it is Shri Mavalankar, and his going away, for the moment, leaves the Lok Sabha almost like a headless body, leaving a gap behind, which is very, very difficult to fill.

Many of us have come into contact with the Speaker Shri Mavalankar in other ways, not so much directly in the political field, but because of his great interest in good work. He was associated with big funds like the Gandhi Memorial Fund, the Kasturba Memorial Fund, all meant for the public good. It was a very considerable burden on him to look after these big funds and to see that they were utilised to the public advantage. He gave a great deal of his time and energy to it. Naturally, he was helped by others. But, in effect, he saw to it that he went into the smallest detail. I confess I have often been surprised to find he had gone into the little details of the working of these funds, to see that they were properly utilised. Some of us, sometimes, were a little impatient at his thoroughness, because his thoroughness involved some delay in coming to decisions—I am talking about the funds. But, it was a very good thing that he was so thorough. It would probably be a good

thing if we, all of us, are thorough as he was, in such matters and others.

Anyhow, we here in the Lok Sabha are concerned with him in many ways, more especially as the Speaker. He was the first Speaker of the Lok Sabha, the Father of the Lok Sabha, and his name, I am quite sure, will be associated with the Lok Sabha and with our Parliament for long periods to come as a person who gave it shape, gave it direction and gave it the stamp and impress of his personality. All of us have profited by that; all of us have been conditioned to a certain extent by that; all of us have been made a little better by that. That is a very big thing to say about any individual that he has conditioned, and influenced and improved others because of his contact with them. Through us as individuals, he has impressed the Lok Sabha and Parliament and through that again, to some extent, the country as a whole.

So, we are sad and are forlorn. Now, all I can say is that you will be good enough to convey our deep feelings of sorrow and sympathy to his family. I have no doubt that you and the House would like that the House do adjourn today.

Shri H. N. Mukerjee: May I, Sir, on behalf of my party in this House, add my voice to that of the Prime Minister in expressing our profound grief at the passing away of Shri Mavalankar?

This session a cruel fatality seems to be dogging us, and we are having blow upon blow, overwhelming in its impact and creating national problems of replacement which I fear cannot be easily solved.

Tributes to Shri Mavalankar

As far as our Speaker was concerned, even this morning we read the bulletin in the papers and we hoped that he would recover, but that was not to be.

Speaking as a Member of the Opposition, I think I may say categorically that to most of us it is a real, cruel blow and it is inconceivable that we shall come to this House and not see him in the Chair, not see his smile, his gracious bearing, his dignity and the shine of his personality. I remember the Prime Minister perhaps in the first session of this Parliament saying that it was almost inconceivable to think of anybody else in the Chair of this House. We had our differences with Shri Mavalankar, but as far as our personal relationships were concerned, there was never a trace of bitterness and we had occasion to find out ever so often that he had a passion which very few people have—at least I have met nobody else who had that passion in his measure—and that was a passion to see parliamentary forms worked in this country in a manner which would be in conformity with our political traditions, and to that passion he gave all the talent that he possessed—and that talent he possessed in plenty as everybody who knew him would testify. That is why I feel that he was a person whose like we shall not easily see again and our sorrow is deep and genuine, and I wish you, on behalf of our party particularly and on behalf of everybody in this House, to convey to the members of Shri Mavalankar's family how deeply distressed we are at his passing away at this juncture of our national life.

Shri Asoka Mehta: Mr. Deputy-Speaker, Sir, I associate myself with

the sentiments that have been expressed.

Shri Mavalankar was a close friend of my grandfather in Ahmedabad and therefore our relations spread over more years than I can hope to recall. He was one of the architects of modern Ahmedabad. The economic, social and political life of the City bears indelible impressions of Shri Mavalankar. Next only to Sardar Patel perhaps, Shri Mavalankar was the builder of Ahmedabad. As the Speaker of the Bombay Assembly in the early days, he helped to guide my State in the direction of parliamentary democracy.

When I came here two years ago I found that to a new Member he was always a source of advice and guidance.

In this House the Opposition is weak and disorganised, but he was a sheet-anchor, he was there to protect our rights, rights of which we were not even aware very often because we are so new to parliamentary life. There have been occasions in the past when some of us differed with him, but looking back I have found that more often he was in the right and we were in the wrong. Always, here in the House but more often in his Chamber, he advised us, he guided us.

Some time back, you will remember, my leader Acharya Kripalani referred to the Speaker as a teacher. It was really meant to give him a great compliment because he was a teacher. You will remember that at the meetings of the Business Advisory Committee, very often there were occasions when he gave us unforgettable lessons as to how Parliament has to work, how it

has to grow. As the Prime Minister said, the work of Parliament will go on, but will it be the same as it was under his guidance? We are so unsure of our steps here. We wanted some one like him who had the strength of character, who had the courage, who had the integrity and who evoked the goodwill and the allegiance of every section of the House, to be there in the Speaker's chair. After all, the executive is so powerful. We are so weak here. And the nation needs, for democracy to grow up, some one in the Chair just of his courage and abiding qualities. It is unfortunate that just now when we needed him so sorely, he has been taken away.

I hope that the members of his family will realise that though it is a great misfortune, the nation shares it with them, and each one of us suffers the wrench. It is almost as personal as is felt by the members of his family.

Shri N. C. Chatterjee: I deem it my duty, my melancholy duty, to associate myself with the tribute which has been paid to the memory of Shri Mavalankar.

In the history of the evolution of parliamentary democracy in India, Shri Mavalankar will occupy a very distinguished and honoured place. I had the privilege to go to England in connection with a Commonwealth conference when I had the privilege of meeting some Members of the British Parliament, and I can assure that they were speaking in the highest terms about our Parliament and about the Speaker of our Parliament. It is a great joy and a great inspiration that the great parliamentarians, that the Mother of Parliaments wanted to elect our Speaker as the President of the

Commonwealth Parliamentary Association, and wanted light and guidance and wisdom from him. As a Member of this House, of this Parliament and as an Indian I felt very proud to know that our Speaker is respected not merely in this House, but even outside in distant countries.

We had our differences with him. We sometimes resented some of his rulings, but I associate myself with Shri Mukerjee and Shri Asoka Mehta in paying this tribute to his memory today, which is a just tribute to him, that he was very vigilant about the rights of the Opposition and he was the genuine custodian of the privileges of every Member of this House. As Chairman of the Committee on Subordinate Legislation, it is my duty to recognise and to openly declare that he resented every trace of executive despotism and he cautioned us every time that we the members of the Committee were really the protectors of public rights and we should see that in no shape or form is there a trespass on parliamentary sovereignty, or any intrusion on the sovereign rights of this august House.

This has been the most tragic month in the contemporary history of India. This month we have lost one of the greatest scientists of India who was our colleague. We have lost Acharya Narendra Dev, a noble son of India. We have lost the greatest jurist of modern India in the Chief Justice of India, and we are today mourning the death of one who has been rightly described by the Prime Minister as the Father of this House.

We particularly in the Opposition deem it our duty to recognise that

Tributes to Shri Mavalankar

although he was firm and strong, still he was prompted by the highest ideals of evolving the true type of parliamentary democracy in India. This loss is irreparable and all sections of the House will mourn with the members of his family the great loss which is truly a national loss in this country.

Sardar Hukam Singh: Mr. Deputy-Speaker, Sir, today India has lost another illustrious son of hers, in the passing away of Shri Mavalankar. Parliament needed his guidance and inspiration, and the country his advice and assistance for a long time to come. He could maintain the dignity of the House and yet could protect the rights of the Members as well. He has established traditions that will be followed for a long time to come. The loss is very great. We feel that this House will be much poorer without his presence. The shock is so grave that at present we do not know how we will be able to reconcile ourselves with what we have suffered. But we are helpless. At this moment we can only pray that his soul might rest in peace.

I on behalf of my party associate myself with all the remarks that have been made by my friends here, and I request you as also the Prime Minister to convey our deep sorrow and regret to the members of his family.

Shri U. M. Trivedi: I on behalf of the Jan Sangh Party associate myself with the sentiments that have been expressed by all the hon. friends who preceded me, and I feel deeply the passing away of one of the foremost stalwarts of the country who secured independence for us. I cannot refrain from saying that his very firm impartiality towards all Members of

the House irrespective of party affiliations has left an indelible mark in the history of the Lok Sabha.

I hope, Sir, that you will convey our condolences to the bereaved family.

Dr. Lanka Sundaram: Mr. Deputy-Speaker, as the lone Member of the House not belonging to any party, I thank you for giving me this opportunity of paying my humble tribute to the memory of our departed Speaker.

In mourning his death the Lok Sabha, Parliament as a whole and the country mourn the passing away of a great man, a good man.

Sir, exactly one month ago today this thing should have happened in my town, Vishakhapatnam, on the 27th January when the Speaker had his first serious attack. He cancelled his public programme and stayed there for three days, and it was my privilege to put him on the train, which I now feel has become his last journey. Such were his confidence in himself, in his capacity to recover and his sense of duty to the numerous institutions with which he was connected that he even authorised me to send a telegram to the press and to his friends in Bombay and other places that he did not have a heart attack, that he was all right and that he was journeying back to Ahmedabad. That was on the 30th of last month at Vishakhapatnam.

One incident I would like to share with the House because it is not known. On the day I put him on the train after three days of anxiety for all of us he, as Chairman of the Gandhi Smarak Nidhi, having come to know that a temple for Harijans—perhaps the only temple of its kind in India—

had been consecrated by Gandhiji in 1933, undertook the journey to see the temple and, against my great importunities, got down the car, examined the temple, made arrangements for its proper upkeep and then took the train.

He had a consuming passion for public work which was something amazing. I knew him inside and outside Parliament for a number of years. I repeat he was a great man, a good man, a patriot, and I beg you to permit me to associate myself in the message of condolence to be sent by you to his family.

Shri G. D. Somani: Sir, I associate myself on behalf of the Independent Parliamentary Group with the sentiments that have been paid in this House to the memory of the Speaker.

Shrimati Uma Nehru: Mr. Deputy-Speaker, on behalf of myself and other lady members of the Lok Sabha, I pay homage to the memory of Shri G. V. Mavalankar. Nothing that has been said or may be said by way of homage to him can ever be enough. There is a vacuum in the Lok Sabha to-day when he is no more. I and other lady members of this House often used to go to him and he guided and advised us about the subjects on which we should speak. He was the founder of this Lok Sabha. Till yesterday we had begun to believe that he will live by God's grace and today's paper convinced us that he will recover. But the news of his death received at 9 this morning shocked us and plunged us in gloom. Shri G. V. Mavalankar was not only the Speaker of Lok Sabha, he was also a tower of strength for us. Whenever we met him, he used to instruct us about the rules and procedure of the Lok Sabha. He was also a great

social worker. He was guiding and supervising the work of the Kasturba Trust and whenever we went to see him in that connection he advised us on the measures to be adopted for the advancement of women. His passing away is a great loss to the country, particularly to us women and to this Lok Sabha. I request you, Sir, to communicate our sense of deep sorrow at his demise to Shrimati Mavalankar and his sons and daughters.

I do not think it is possible to fill the void created by his death. I do not see anybody in India fit enough to replace him.

Mr. Deputy-Speaker: I fully associate myself with all the sentiments and remarks that have been made by the hon. the Leader of the House and all other Members, Leaders of various groups in this House.

It is a very great loss and almost a void has been created by the death of Shri Mavalankar. All of us knew that he had been keeping indifferent health for two or three years. Though he was not attending Parliament sometimes and was lying in bed either in Delhi or even in Ahmedabad, we had a sense of courage, and particularly as regards myself I felt he was all the time guiding me. I have learnt many a lesson under him and if I was able to do anything in this House, it was entirely due to the advice he was giving me from time to time. I still hoped, much against hope, that he would recover and that God would spare him for many a long year and that, though he might not be able to attend Parliament, as long as some of us could meet him, Parliament and the country as a whole could have his advice. But Providence willed otherwise.

Tributes to Shri Mavalankar

He led a glorious life as a person, as an individual, as a politician, as a great statesman and patriot. Thrice or four times, as often as there was need in the struggle for freedom, he went to jail. He was a great social worker. He was practically the builder of new Ahmedabad. He was the right-hand man of Sardar Patel.

Gujarat has produced very great souls. The Father of the Nation came from Gujarat. Sardar Vallabhbhai Patel came from Gujarat. There was Shri Vithalbhai Patel who was fighting freedom's battle, who was President of the old Assembly; he fought during the previous regime when we were not in charge of the administration. But after freedom was won, we had Shri Mavalankar. Rightly, he has been described as the Father of this Parliament. He has contributed enormously to the growth of democracy and has laid democratic traditions and foundations solidly in the Lok Sabha. The Lok Sabha can never forget the traditions that he has built up. Recently he was to attend the meeting of the General Council of the Commonwealth Parliamentary Association at Jamaica; he and I are both members representing India. But he could not go; but all the same, in his absence, all the members unanimously proposed him as the Chairman of the Council—they could not think of any other. They were all anxious that the Commonwealth Parliamentary Association should meet here, and he suggested that they might come here and hold the conference in December 1957. It was because of him and our Prime Minister that the various Commonwealth countries were insistent upon holding the conference here. He is not only respected in India, in this Parlia-

ment; he was respected particularly in all Commonwealth countries wherever he had occasion to go. He led the Parliamentary Delegation from India many a time. The last time it was held in Ottawa. He also attended the Commonwealth Speakers' Conference. He convened many a time the Conference of Presiding Officers here. He went to various places year after year, the capital of some State or other. He visited those places with all the Speakers and Deputy-Speakers. His advice was very valuable. He was a guiding star; now we have lost him. Of course, Parliament will go on; other institutions also will go on. But that amount of light that has been shed will be wanting and the void cannot be made up for a long time.

I shall certainly convey the sentiments of the Lok Sabha and the expressions of sorrow to the members of his family. As a mark of respect to his memory, I request hon. Members to rise in their seats for a minute.

(The Lok Sabha then stood in silence for a minute.)

Mr. Deputy-Speaker: I do not think it is right that we should have a sitting of the Lok Sabha today. In token of his memory, the Lok Sabha will stand adjourned, and meet again tomorrow at 11 A.M.

Rajya Sabha

The Leader of the House (Shri Govind Ballabh Pant): Hon. Members must have heard with profound sorrow the very sad news of the death of Shri Mavalankar. He had been suffering from heart disease for a long time. Some days ago he had a fresh attack. Reports however published this morning were reassuring. He appeared to have got over the crisis and we thought

that he had turned the corner and was now firmly placed on the road to recovery. So we were all the more shocked and stunned when we were informed about his demise as we had been looking forward now to his early recovery.

It is difficult, when we are all of us almost overwhelmed with grief to say much about Mavalankarji. He was a truly great man, a pure soul, a leader of men, one who laboured selflessly and steadily at the cost of his health for the relief and succour of the needy, the suffering and the down-trodden people. He never spared himself. He was a true disciple of Gandhiji. In him one of the best and noblest of men has passed away and the country has been put to irreparable, enormous loss. He was a man of profound culture and he served those in need and befriended those towards whom nobody would ordinarily give his attention. He was a pure gem and reflected and radiated light, kindness, cleanliness and purity wherever he went. He filled every place with distinction. As a Speaker, he was perfect. For a man like that, it is difficult to find suitable words to give expression to one's own regard and admiration for his numberless qualities of head and heart. For some of us, it is also a real personal loss. We respected him, we loved him, we looked to him for guidance whenever we were faced with a difficulty. His example will live in the annals of our history and it will ever inspire the people who could look up to a great man's example with utmost confidence for their own guidance and for learning the true tenets and doctrines of selfless service in action. I would request you, Sir, to convey to his sons and other members of his family the heart-

felt condolences and sympathy of this House and also to adjourn the House as a mark of respect for the departed.

Mr. Chairman: We all share the sentiments expressed by the Leader of the House, Mr. Govind Ballabh Pant. Only the other day, I had occasion to refer to the vast knowledge of parliamentary practices and procedures which Shri Mavalankar had. I did not realize then that so soon we would have to mourn his loss. He was the Speaker of the Bombay Assembly, the Speaker of the Provisional Parliament and the first Speaker of the Lok Sabha. He tried to build up healthy parliamentary traditions and the task of a Presiding Officer is not an easy one when you have so many groups and so many individuals of marked views. He did his best to hold the scales even and left behind a great tradition. I had known him for many years and his activities in other fields also appealed to me a great deal. He was the President of the Ahmedabad Municipality. He was closely associated with the Gujarat University and he was the Chairman of the Gandhi Memorial Trust and Kasturba National Trust. In all these different spheres, his one interest was the relief of suffering humanity and he worked for that great ideal. We have lost a distinguished public servant and a great Speaker of our Parliament—the Lok Sabha. I shall certainly convey, Mr. Pant, our sense of loss and grief at the passing away of Shri Mavalankar. We stand up for two minutes in token of our expression of sorrow before we adjourn.

The House then stood in silence for two minutes.

Mr. Chairman: The House will stand adjourned till 11 A.M. to-morrow.

The Late Shri G. V. Mavalankar*

Mr. Deputy-Speaker and Friends,

I have hardly the strength today to address you. I feel perfectly forlorn and although Shri Mavalankar's death is something which is real and which will be felt by us all through, there is an impact of events on my mind, there is something remarkable that while I was sitting in my chair in the House I could not conceive or could not imagine that Shri Mavalankar was no more. The external facts, the information that came and all the psychological consequences that followed from it—all that had a sort of a separate compartment in my mind. At the same time, there was a feeling that all that is perhaps unreal and Shri Mavalankar still lives. I give expression to this concurrent feeling of sadness and a reality of his presence to show that although his death has taken place, he leaves behind something which is immortal and of great consequence and moment to us.

I first came into contact with Shri Mavalankar when he was first elected as the Speaker of the Central Assembly. It was in January 1946, more than ten years ago. At that time there was a great contest in regard to his election as Speaker. I have dealt with it elsewhere and this is not the time to recall it. But, I recall it for this purpose that ever since he entered the Speakership of Parliament, he has passed through times of stress and strain and

conflicts in which his personality has shone brighter and brighter. In the very year he assumed the Speakership, the National Government came into office on the 2nd September 1946 and then crisis upon crisis followed, till the Central Assembly ceased to exist on the 15th of August 1947. At that time, he also ceased to hold office and he was subsequently elected Speaker of the Constituent Assembly on the Legislative side on the 17th November, 1947, so that for the period from the 15th August to the 17th November, 1947, there was no Speaker actually in office. I recall this incident because there was an expression used by the Prime Minister this morning and it is rather significant that he should use the same expression today which he used in a note which he recorded in August 1947. At that time he recorded in connection with the administration of the affairs of the late Legislative Assembly Department that the Legislative Assembly Department was at the moment rather headless. At that time that expression had a significance in the physical plane as it were, because we all knew that Shri Mavalankar would be coming back again as Speaker and his absence was only a legal and constitutional matter. But today when the Prime Minister used that expression 'headless', it had a completely different significance and connotation to my mind which it is very difficult for me to express.

*Text of the Speech delivered by Shri M. N. Kaul, *Secretary, Lok Sabha*, at the Condolence Meeting held in Parliament House to mourn the death of Shri G. V. Mavalankar on 27th February, 1956.

Shri Mavalankar was not only a Speaker to me but he was like a father to me. I valued more my personal relations with him which played a larger and ever-increasing part in my relationship with him. It was not only official matters that we discussed, but, always, whenever I was with him, he gave me lessons as it were on the general aspects of life and what we should do and how we should behave and how it was up to each one of us to enrich our lives and make our full contribution to the cause of the country. I cannot tell you how I value these 10 years of association with him. It was an ennobling and a great influence to have come in contact with him and to have felt all the time that I was in the presence of some one who was brave, fearless, undaunted, independent, and was in a position to face any crisis and act in any circumstances that may arise. While I was with him I felt that I could go ahead, march ahead and struggle with any difficulties that may arise. There was never any fear in my mind while I dealt with him.

The one great quality that I always found in him was that whenever he listened to arguments, he listened with rapt attention and would always follow them, though he might make up his mind irrespective of what I was saying. Mostly, he would accept the advice unless he saw reasons to the contrary and when he accepted that advice, he made it his own and defended and fought for it as if it were an opinion which he himself had formed. It is a great thing for the head of a department if he feels that his superior authority does not blame him for any information or any advice that he might have offered him. After all, it

is in the domain of the Secretary to offer his advice to the Speaker, and once the advice is given and the Speaker has made it his own, he should feel that at no time he would be held responsible for that. It meant a good deal to me and it gave a great impetus to the administration.

You are acquainted with Shri Mavalankar in a very important field, namely parliamentary activity. But as the Prime Minister referred this morning in the Lok Sabha, a great part of his work lay in the social sphere as well. You will be surprised to know that Shri Mavalankar controlled, apart from the two important trusts—the Gandhi Smarak Nidhi and the Kasturba Memorial Trust—as many as 52 trusts in Ahmedabad and roundabout, and a great deal of his time was devoted to the administration of these trusts.

Those of you who have read his "My Life at the Bar" will find that his personality and his struggles shine through that great document. Those who have not read it may do well to read it because it is, as it were, an autobiography on the same lines as Gandhiji's, because there you see the man face to face with the intricacies and the problems which the Bar always confronts a young lawyer with, and how he struggles with the problem, how at that early stage in his life he had a concept of moral values. Whatever he did and whatever came his way, he always measured it in terms of certain moral standards; where he failed, he measured it equally effectively. There was that something in him, that measuring rod which is there in all of us but which was there with him in a very effective degree, that measuring rod—something apart from him and yet

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a part of him—which enabled him to measure his shortcomings; and when he had measured them, to rise higher and higher above the shortcomings. It is that supreme quality that he possessed from his young days which enabled him all through his life to rise higher and higher and to meet all difficulties that confronted him.

There was another field in which he did able work and that was as President of the Ahmedabad Municipality. Reference was made to his activities in that connection by Shri Asoka Mehta this morning, who called him the builder of modern Ahmedabad, which, I think, is an adequate tribute.

Many of us know of Shri Mavalankar as Speaker for the last 10 years. But, in fact, I should say that he has been a Speaker for the last 20 years or so because it was in 1937, when the Congress, for the first time, decided to accept political responsibility that he was elected as the Speaker of the Bombay Legislative Assembly. And, ever since he held that office, he has been Speaker all the time. In fact, he has, in his own person lived up to the tradition of the House of Commons that once he was elected Speaker 20 years ago, throughout his career he held no other office. He has enriched that office and enhanced its prestige throughout the length and breadth of India.

One cannot think of Shri Mavalankar without referring to his many activities in fields which lie beyond India. It was my good fortune to have accompanied him to the Parliamentary Conferences in 1948, 1950 and 1952. These Conferences were held in London, Dublin and Canada. It was a revelation

to me, as was also testified by Shri N. C. Chatterjee this morning in the speech that he made in the Lok Sabha, what a supreme and great position Shri Mavalankar enjoyed not only in India as Speaker but amongst the Parliamentary circles throughout the Commonwealth and the North American Continent. It was a great pleasure for me to see him address these Conferences and the Speakers' gathering, and I may say that the Speaker of the House of Commons himself held him in great esteem. I may say that the Speaker of the House of Commons as also the other Speakers appreciated his contributions in regard to Parliamentary practice and procedure and other matters connected with Parliament. I make bold to say that in him we have lost today not only a great Speaker but one of the greatest Speakers of modern times. And his memory will live with us for ever and shine brighter and brighter.

I have often felt when the Prime Minister has addressed Lok Sabha on these occasions, he has an instinctive feeling of sensing the loss of the Nation and Parliament, and if he uses an expression, you can take it that that expression is the feeling of Parliament and the people. I was listening very closely to him when he said that Shri Mavalankar was the Father of the House, and I said to myself that he had struck the right note and had given an expression which will resound throughout the length and breadth of this country, and echo and re-echo the sentiments and feelings of all of us.

To us, in a special sense, he was very dear. As I stand before you, I just picture to myself the Secretariat of

which he became the head in 1946—it consisted of fifty to sixty persons. Today it is a big Secretariat which has grown tenfold. That in itself, if statistics prove anything, is sufficient proof of the great endeavours and the great efforts that he made to build up and organise the Secretariat of Parliament and later that of Lok Sabha.

His mind was never at rest. Every day that I met him he would say, "What are the new things that we are doing? What are the new things in the Parliamentary field that we can still try?" And his mind was ever fresh. He always heard me and there was something which always left a deep impression on my mind. He, as it were, transmitted energy from himself into those with whom he came in contact. The moment I mentioned to him whether he would like to have a look at the office, he would at once be prepared to pay a visit. One evening he suddenly rang me up saying that he would visit the Distribution Branch. At another time when I told him that a part of the office had moved outside Parliament House owing to congestion of accommodation here, he was quick enough to mention that he would like to visit the staff working there. In spite of his weak health he was ever ready to undertake tasks that were entrusted to him and inspire great confidence in those who served him.

I feel in his loss that something, that inflow of energy, which his presence and his contact always, as it were, put into me, may not be there. The loss at the present moment is too deep, but I have a feeling and confidence that we will develop the thoughts, the ideas and the many things that he has sug-

gested and for which he has laid the foundations from time to time.

I should also here mention that in recognition of his services and work for the Commonwealth Parliamentary Association, he was only recently at the Jamaica Meeting of the General Council, which Mr. Deputy-Speaker attended a month or so ago, unanimously elected as Chairman of the Commonwealth Parliamentary Council. That was a fitting tribute to his great work in that field.

It was through his efforts that the name of that body was changed from Empire Parliamentary Association to Commonwealth Parliamentary Association, and that step he had taken as early as 1948. In 1947, when the new Legislature came into existence, he deliberately took the view, and because he did not like the whole connotation of Empire Parliamentary Association that the branch here had ceased to function. Although he attended the 1948 Conference in London, there was no branch in India at that time because he dissolved that branch and he was insistent that a branch would not be formed until the name of the Association was brought in conformity with the changing times. Once that had been done, he was then able to form a branch.

He would always stand out for some principle. The moment you begin to talk to him, whether it is on a small matter or a great matter of administration, he will always try to discern the principle behind it. And once he discerned the principle, he would say: "My mind is made up; I feel clear about it; and there is no room for further argument."

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Then I always found him, whether in connection with office matters or in dealing with Departments or Ministries, that he will insist upon his point of view. You will have recently noticed the publication in the Gazette of the Lok Sabha Secretariat Rules. This is not the time nor the occasion nor is it proper for me to divulge all the details of the negotiations that led up to the finalisation of those Rules, but I must say that it is the charter of the autonomy of this Secretariat. And if it is the charter of the autonomy of this Secretariat, it is solely due to the strong line that Shri Mavalankar took all along on crucial and important matters. Details he would not bother about, but if a question of principle arose, he would stand firm and unshakable, no matter what was the measure of the controversy.

I still recall something which I can share with you because it left such a deep impression upon my mind. One day, a year or two ago, while he was in his room, I do not know what thought came to his mind, but he suddenly told me: "Kaul, I do not know when this body may drop dead; therefore, take immediate and urgent steps to finalise the conditions of service in this Department so that while I am here, I can help in whatever measure I can and secure for this Secretariat an autonomy, because it is of the utmost importance that those who work in this Secretariat should work without fear or favour." In fact, those two words stand out in my mind, because when the message regarding the Speaker's illness was read out in the Lok Sabha on the 15th February and those proceedings were transmitted to him, he dictated a letter to his son on the 17th

of this month and he insisted that his son should transmit that letter at once to me. And that letter remains with me as the last record of his instructions to me. After referring to some matters, he wound up his letter by saying "You should continue to serve Parliament with that devotion which you have always shown and act without fear or favour." Those two words—"without fear or favour"—stand out in my mind, as it were, as his last instructions to me. You will perhaps be aware that Shri Shaktidhar went to see him on the 20th of this month. He reported to me that so far as he could see there was no sign on the face, as sometimes appears on the face of a person who is down with grave illness and who will soon pass away. His face looked, as always, fresh and vigorous. It was his heart that was giving way. The vigour of his mind was still there. He told him: "Go and tell Kaul that I will be back in about two months' time whatever the doctors may say." I remember still that it was his indomitable will to live that enabled him to carry on after he was stricken with illness about three years ago; it was that which made him devote all his time to public causes and the service of Parliament.

I first got news of his illness on the 30th of January, when we had all assembled to pay homage to the memory of Gandhiji at Rajghat—a function which was arranged by the President. It was at that time that Dr. Radhakrishnan, our revered Vice-President first told me that he had read in papers that Shri Mavalankar was taken ill in Visakhapatnam. We immediately established telephonic contact and found that it was not a case of heart attack. He felt considerably tired as

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a result of the journey. The cardiograms that were taken revealed no symptoms of any heart attack either in Visakhapatnam or in Bombay or on the way or even in Ahmedabad. I had been getting his own personal letters all the time about various matters, giving various directions on various matters from time to time and so expected that he would soon recover after a rest of a fortnight or so.

It was suddenly on the 9th February that I received the news that he had a slight heart attack. That caused us a great anxiety but he soon began to recover. Another heart attack came on the 18th which, I must confess cast on my mind the shadow of his impending death and that is why I asked Shri Shakhder to go and see him personally and bring a report. The report was

reassuring and his son also assured me that if he was able to maintain his strength, all would be well. All these days the country and Parliament had been receiving news that he was getting better. But suddenly this morning at 7-55 Providence took him away. The end came very suddenly and peacefully and we heard that he was no more.

I was very much shaken because he was like a father to me, not only as I said, in official matters but also in personal matters. We are all assembled here to pay our homage to him and mourn the loss of one who guided us through all these times and laid the foundations of what we see today in the structure of Parliament and in the activities of this Secretariat. May his soul rest in peace.

Democracy on proper lines will never grow unless there are the fewest number of Parties and I may even say not more than two major Parties, which can almost balance each other as Government or the Opposition.

— G. V. Mavalankar in his address to the Presiding Officers' Conference, Rajkot (1955).

Shri G. V. Mavalankar

A LIFE-SKETCH

ON 27th February 1956, Parliament and the nation mourned the death of a great and illustrious son of India, Shri Ganesh Vasudev Mavalankar, the first Speaker of the Parliament of free India. Shri Mavalankar, who was called "baby" by Mahatma Gandhi and "Dada Saheb" by his large circle of friends and admirers was a great patriot who devoted all his life and energy to the cause of the country both before and after Independence and earned for himself a name not only as a great parliamentarian and Speaker but also as a public worker and educationist.

Born on November 27, 1888 at Baroda, Shri Mavalankar was the son of Shri Vasudev Keshav Mavalankar and was educated at Rajapur, Ahmedabad and Bombay. He started his practice as a lawyer in 1913 at the Ahmedabad Bar. The choice of Ahmedabad greatly contributed to the future course of his life, as it enabled him to come into personal contact with Mahatma Gandhi and inspired him with a spirit of service for the nation under the leadership of the latter.

From his early years, Shri Mavalankar evinced great interest in social work as well as in politics. He joined the Gujerat Sabha, a political organisation, and was elected its Secretary in 1916. Next year, he played an active part in the Kaira no-rent campaign. In

1918, when influenza broke out in Gujerat he organised relief measures and did similar work during the famine of 1919 as well. During this early period of his political career, he was known to be inclined towards the liberal school of politics led by Shri Gopal Krishna Gokhale.

In 1919 Shri Mavalankar was elected to the Ahmedabad Municipality which sowed the seeds of his future parliamentary career. Very soon he was drawn towards Mahatma Gandhi like all other patriots of the day and his stay at Ahmedabad gave him opportunities to come into close association with the Father of the Nation. He suspended his legal practice in 1921 and was elected General Secretary of the reception committee of the 36th Congress session held at Ahmedabad that year. From 1921 to 1923 he was also the Secretary of the Gujerat Provincial Congress Committee. In 1927 he organised flood relief in Ahmedabad district and was President of the Rampur Inquiry Committee in 1930. He became Chairman of the Ahmedabad Municipality in the same year and occupied that office until 1933 and also again from 1935 to 1936.

Shri Mavalankar had to undergo several terms of imprisonment during the struggle for Independence. He was jailed in 1930 and 1933 for participating in the civil disobedience move-

ments. Again in 1940, he was arrested at Ahmedabad for offering individual *satyagraha* and was detained in the Sabarmati and Yervada jails. He was released in November 1941 only to be arrested again under the Defence of India Rules in August 1942. Finally he was released on March 10, 1944.

When the Congress Government took office in 1937, Shri Mavalankar was elected as the Speaker of the Bombay Legislative Assembly which post he held until 1940. His success as the Speaker of the Bombay Legislative Assembly made him a natural choice for the Presidentship of the Central Legislative Assembly in 1946, when the Congress again decided to enter the Legislatures. As is well-known, his election to that office was secured after an epic battle waged by the Congress against the Government of the day, and he became President of the Central Assembly in January 1946. He continued in that post until August 1947 when India attained independence. In November 1947, he was again unanimously elected Speaker of the Constituent Assembly (Legislative) and was greeted by the Prime Minister with these words: "You bring to us the accumulated wisdom of that high office and it is a matter of great gratification and pleasure that you have accepted this office, because in the difficult times ahead you will have to face also difficult problems in guiding us, and we shall have the satisfaction of knowing that our guide is a true and trusted guide. I therefore congratulate not you so much but the House for the choice that it has made."

When India was declared a Republic in January 1950, he again became the Speaker of the Provisional Parliament which continued until the general elec-

tions of 1952. After the elections in that year and when a bicameral Legislature began to function under the new Constitution, he was again conferred the unique honour of Speakership of the Lok Sabha which was then known as the House of the People. Thus for a period of over ten years he guided the deliberations of India's Parliament with dignity, uprightness and impartiality which earned him not only the esteem and love of all sections of the House but also enriched and enhanced the prestige and dignity of the office itself. He set up many healthy traditions and conventions for the future growth of Parliamentary democracy in India and was known all over the world and more especially in England and the Commonwealth countries as one of the most outstanding Speakers of modern times. As a mark of this high esteem, he was only recently elected at the Jamaica meeting of the Commonwealth Parliamentary Association as its Chairman for the next two years.

Shri Mavalankar led the Parliamentary Delegations to the Commonwealth Parliamentary Conference held in the U.K. and Canada in 1948 and 1952 respectively and the Conference of the Inter-Parliamentary Union held in Dublin in 1950. He also attended the opening of the new British House of Commons and the Commonwealth Speakers' Conference held in London in 1950. In 1953, he attended the Coronation of Queen Elizabeth II and also a meeting of the General Council of the Commonwealth Parliamentary Association held in London at that time.

He also presided for a number of years over the annual conferences of Presiding Officers of Legislative Bodies

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in India which were convened with a view to evolving uniform practices and procedure in legislatures all over India and building up healthy parliamentary democracy throughout the country.

It was therefore, as a fitting tribute to him and to his work that the Prime Minister described him in the Lok Sabha, while paying homage to his memory on February 27, 1956, that he was not only the first Speaker but also the "Father of the Lok Sabha" and his name would be associated with the Lok Sabha and Parliament "for long periods to come as the person who gave it shape and direction and gave it the stamp and impress of his personality".

Shri Mavalankar was great not only as a parliamentarian and Speaker but

as a social worker, educationist and writer as well. Numerous were the trusts which he guided and controlled for the public good, the chief among them being the Gandhi Smarak Nidhi and the Kasturba Memorial Fund. He was also an ardent educationist and was greatly responsible for the growth of the Ahmedabad Education Society, the Gujerat University and several other educational institutions in Ahmedabad and roundabout. Not only is Parliament poorer to-day bereft of his wise counsel and guidance but all these institutions to whom he was a loving *pater familias* and under whose fostering care they were built up for the nation's good. Truly he was an ideal man who lived up to the teachings of the *Gita*, for which he had a great reverence, and the like of whom one may not see for years to come.

The Speaker has to abstain from active participation in all controversial topics or politics. The essence of the matter is that a Speaker has to place himself in the position of a judge. He has not to become a partisan so as to avoid unconscious bias for or against a particular view and thus inspire confidence in all the sections of the House about his integrity and impartiality.

— G. V. Mavalankar in his address to the Presiding Officers' Conference, Srinagar (1954).

Obituary References

Rohini Kumar Chaudhuri

SHRI Rohini Kumar Chaudhuri, a sitting Member of Lok Sabha from Gauhati, Assam, passed away on the 16th December, 1955, in the Welsh Mission Hospital, Shillong.

In a moving reference to Shri Chaudhuri in the House on the 17th December, 1955, the Speaker of Lok Sabha said:

"It was only last month when I had been to Assam for the Speakers' Conference, that I was privileged to see him in his sick bed at Gauhati. It appeared to me then that it was difficult for him to recover; but he was, as usual, quite hale and hearty; and on behalf of us all I had wished him a speedy recovery. However, that was not to be; God's will was otherwise. As a Parliamentarian, Shri Chaudhuri possessed a unique sense of humour and enlivened the proceedings of the House whenever he rose to speak."

[*Rohini Kumar Chaudhuri*: Born May 2, 1889 at Barpeta, District Kamrup, Assam; educated at Government High Schools, Nowgong, Gauhati, Dhubri and Sylhet, Cotton College, Gauhati, General Assembly's Institute, etc.; Advocate (Senior), Supreme Court of India, Member, Assam Legislature, 1927-45; Minister, Government of Assam, 1937-38, 1939-41 and 1945-46; Member, Central Legislature, 1946, Constituent Assembly, 1947-50 and Provisional Parliament, 1950-52; and Member, Lok Sabha, thereafter.]

P. Natesan

Shri P. Natesan, another sitting Member of the Lok Sabha, died in Madras on January 4, 1956. Shri Natesan was 64. A reference to his

sad demise was made in the House on the 15th February, 1956, the opening day of the Budget Session of the Lok Sabha.

[*P. Natesan*: Born Madras, March 4, 1892; Business: Managing Director, South Arcot Electricity Distribution Co. Ltd.; Hony. Presidency Magistrate, 1930; Councillor, Madras Corporation, 1932-36; Member, Madras Legislative Assembly, 1937-52; President, Madras Presidency Electrical Licencees Association; Chairman and Steward, Madras Race Club; Member, Lok Sabha, 1952 till death.]

Meghnad Saha

Dr. Meghnad Saha, one of the eminent scientists of India and a sitting Member of the Lok Sabha, passed away on the morning of February 16, 1956 when he was on his way to attend a meeting of the Planning Commission at Rashtrapati Bhavan, New Delhi. Dr. Saha was 62.

A reference to the sudden demise of Dr. Saha was made in the House on the same day by the Deputy-Speaker who said:

" He was one of the greatest sons of India. He was a great scientist and his work here was very valuable to us. We have lost one of our very eminent men."

[*Meghnad Saha*: Born vill. Seeratoli, P.O. Baliadi, Dacca District, East Bengal, October 10, 1893; Ed. Dacca K. L. Jubilee School, Dacca College and Presidency College, Calcutta; Professor, Lecturer, Calcutta University, 1919-22; Khaira Professor of Physics, Calcutta University, 1922-23; Professor and Head of the Physics Deptt., Allahabad University, 1923-38; Palit Professor of Physics,

Obituary References

Calcutta University since 1938; Dean, Science Faculty and President, Post Graduate Council in Science, Calcutta University, 1951; Fellow, Royal Society of London, 1927; Founder President, National Academy of Science, Allahabad, 1930; General President, Indian Science Congress, 1934; President, National Institute of Science, India, 1937-39; President, Royal Asiatic Society of Bengal, 1945-46; Hon. Fellow, Boston Academy of Science of the French Astronomical Society; Member, International Astronomical Union; Founder, Indian Science News Association which publishes 'Science and Culture'; President, Indian Association for Cultivation of Science, 1945-50; Volunteer, Damodar Committee, 1913; Propaganda Officer, North Bengal Relief Committee, 1923 and East Bengal Relief Committee, 1951; Member, Lok Sabha from 1952 till death.]

Acharya Narendra Deva

Acharya Narendra Deva, a sitting Member of the Rajya Sabha and Chairman of the Praja Socialist Party, died at Erode (Madras) on February 19, 1956. He was 66.

Glowing tributes to his memory were paid in both the Houses of Parliament. In the Rajya Sabha, the Prime Minister made a touching reference to the demise of Acharya Narendra Deva and said:

"The death of Acharya Narendra Deva is something much bigger for many of us and, I think, for the country than just the passing away of an important person. He was a man of rare distinction—distinction in many fields—rare in spirit, rare in mind and intellect, rare in integrity of mind and otherwise."

While associating himself and all sections of the House with the sentiments expressed by the Prime Minister, the Chairman (Dr. Radhakrishnan) said—

".....His thoughts influenced our generation and shaped our policies. We have lost a great patriot, a great leader and a most lovable personality."

The Rajya Sabha stood in silence for two minutes and adjourned thereafter till the following day as a mark of respect to the memory of Acharya Deva.

In the Lok Sabha, the Home Minister (Shri G. B. Pant) while making a reference to the sad demise of Acharya Narendra Deva said:

"He devoted himself to the service of the country and to the various causes which were dear to his heart without any regard for his life. He knew no rest and never spared himself.....Acharya Narendra Deva was one of the foremost leaders of our country. He was an accomplished representative of the generation which is passing away. He was an erudite educationist, a man of great culture and one who had many interests, but whose supreme passion, was for the service of the country....."

Tributes were also paid by leaders of various groups in the House. The Deputy-Speaker associated himself fully with the sentiments expressed on the passing away of the great leader. The Lok Sabha thereafter stood in silence for a minute as a mark of respect to the memory of Acharya Deva.

[*Acharya Narendra Deva*: Born Sitapur (U.P.), Oct. 31, 1889; ed. at Muir Central College, Allahabad and Queen's College, Banaras; Educationist; Principal, Kashi Vidyapith, Banaras, 1926-36; Vice-Chancellor, Lucknow University, October 1947--Nov. 1951; President, Nagari Pracharini Sabha, Banaras, 1949-51; Vice-Chancellor, Banaras Hindu University, 1952; Member, Indian National Congress, 1915-47; President, U.P. Provincial Congress Committee, 1936-37; Member, Working Committee, Indian National Congress, 1936-38; Member, Socialist Party since 1934; Chairman, Socialist Party since 1950 and Praja Socialist Party.]

Short Notes

Presiding Officers

Election of Speaker

SHRI M. Ananthasayanam Ayyangar, who resigned the office of the Deputy-Speaker on the 7th March, 1956, was unanimously elected Speaker of the Lok Sabha on March 8, 1956. Felicitating Shri Ayyangar on his election to the office of the Speaker, the Prime Minister said:

"Mr. Speaker, Sir, you are not a stranger to the high place that you occupy now. On many an occasion you have occupied that Chair, though not in the capacity of Speaker, but in that of Deputy Speaker. And so, you know better than almost anyone in this House the great responsibilities, obligations, duties and privileges of this high office.You have succeeded to a great predecessor. It is not a new obligation or a new responsibility that you have now undertaken, and I feel sure that I echo the wishes of every Member of this House in offering you our respectful congratulations, and assuring you of our wholehearted co-operation in the work of the Lok Sabha."

Thereafter, Acharya Kripalani, Shri H. N. Mukerjee, Shri N. C. Chatterjee, Shri Frank Anthony, Sardar Hukam Singh, Dr. Lanka Sundaram, Shri S. S. More, Shri Barrow, Seth Govind Das, and Shri Ramachandra Reddi representing the various groups and sections in the House offered their felicitations to the Speaker on his election. In reply, the Speaker assured the House that he would serve to the best of his conscience and said:

"I will not let down this country nor this Parliament nor the prestige of this

House or that of any Member. I will stand by all the privileges that are legitimately due to the Members. I will try to maintain the dignity of the House and I hope and trust that I will be able to do so with your co-operation."

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Election of Deputy Speaker

Sardar Hukam Singh, a Member of the Panel of Chairmen in the Lok Sabha, was elected Deputy-Speaker of the Lok Sabha on 20th March, 1956. Felicitating Sardar Hukam Singh on his election to the office of the Deputy-Speaker, the Speaker said:

"I am personally confident that from the manner in which Sardar Hukam Singh has been discharging the duties of the office of Chairman, being a member of the Panel of Chairmen, he will give entire satisfaction to the hon. Members of this House. I am equally confident that with his age and experience he will hold the scales even while he is discharging the duties of his high office."

In reply, Sardar Hukam Singh said:

"I thank all the authorities, particularly our Prime Minister and other Ministers perhaps, who have thought it fit that they should select one of the Opposition this time, and I consider myself so fortunate that the choice has fallen on me. I can assure every one of my brethren that I will try my best to discharge those duties that have been cast upon me conscientiously and sincerely to the best of my ability."

Speaking next, the Prime Minister observed:

"We have ventured to propose Sardar Hukam Singh's name chiefly because we have full experience of him in this



SHRI M. ANANTHASAYANAM AYYANGAR

Speaker, Lok Sabha

[Elected: March 8, 1956]



SARDAR HUKAM SINGH
Deputy Speaker, Lok Sabha
[Elected: March 20, 1956]

Short Notes

office, when he has been acting as Chairman. We thought of this matter not from any party line, not even, if I may say so, because we were specially anxious to have a Member of the Opposition, although we would welcome a Member of the Opposition for this Chair, but simply because we wanted a person who was suited and who had already shown his high ability in this work. I welcome the Hon. Member opposite, Sardar Hukam Singh to this high office."

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Retirement of Members

Rajya Sabha: Retirement of 74 Members: Remarks of Prime Minister on Parliamentary Democracy

On the 16th March, 1956, the Rajya Sabha bade farewell to 74 of its Members who were due to retire on April 2, 1956. Wishing them good luck, the Chairman, Dr. Radhakrishnan, said:

"While we will have many of them back with us, some of them may not be returning. I wish to assure them that we will miss them very much and I hope they will remember with pleasure their connection with our House. We are setting up standards so far as parliamentary discussions and debates are concerned, and generally we maintain a very high level of dignity and decorum. Strong viewpoints are expressed with vigour and ability without any ill-will or bitterness.....We have had in this House on the whole a very high level of debate and discussion and those who come later will remember the traditions that are being established now."

Associating himself with the above remarks, the Prime Minister said:

"We of this generation, or I may say of the past decade, who have been working in Parliament and Assemblies and have been endeavouring not only to serve the cause we had at heart but to build up this Parliamentary structure of

Government have, I think, done something basically important from the point of view of building up that structure of Government.....Some people rather doubt if the Parliamentary system of Government is really suited to the modern speed of development, if it is not slightly slow-moving. Others think that in the long run it is not only desirable in itself but it achieves better results. For my part I hold to the latter opinion completely. But apart from going into the merits of the parliamentary system of Government, there is one aspect of it which is not included in any Constitution but which I think is very important. We meet here, we express our opinions freely and strongly, but I hope with restraint, and behind all that, we try to do so without personal rancour or ill-will, and therefore a sense of *camaraderie* begins to grow up even among those who may differ very much, among those who may be on the Government side or the Opposition side or some side in between. That, I think, is very important; this sense of *camaraderie* and co-operation that grows up gradually in parliamentary work ought to grow up. I think we may say without undue exaggeration that that has gradually, slowly, imperceptibly grown up in the working of our parliamentary structure, because the parliamentary system of work requires not only stout opposition, not only forcible expression of opinion and views but an essential basis of co-operation between the Opposition and the Government. Not in regard to any particular matter but the whole basis of approach is after all a co-operative basis to carry the work of Parliament forward and in so far as we succeed in doing that, we succeed in laying the foundations of parliamentary work firmly."

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Parliament House

Decoration of Parliament House

A scheme for the decoration of Parliament House with murals depicting the various aspects of the history of

our country was sponsored by the late Speaker, Shri G. V. Mavalankar, who in the course of his visit to Europe in 1950 found that in most of the European countries, the important events of their history were depicted in the form of paintings on the halls and corridors of their Parliamentary and other public buildings. He felt that similar paintings should adorn the walls of our Parliament House also, and with that end in view he constituted a Planning Committee consisting of the following Members with himself as its Chairman:

Shri G. V. Mavalankar, *Chairman*.
Dr. N. P. Chakravarti, *Member*.
Dr. V. S. Agarwala, *Member*.
Dr. S. N. Sen, *Member*.
Smt. Indira Gandhi, *Member*.
Smt. Padmaja Naidu, *Associate Member*.
Smt. Ammu Swaminadhan, *Associate Member*.

This Committee submitted the broad outlines of a scheme for decoration of Parliament buildings. Thereafter, a sub-committee consisting of Dr. Chakravarti as Chairman and the other members of the Planning Committee (except the Speaker) as members was appointed to study the details of the scheme. Smt. Rani Chanda, an eminent artist and Shri D.G. Deolalikar, Chief Architect of the C.P.W.D. were also invited to the meetings of this sub-committee. The sub-committee held five meetings and worked out the subject-matter and the details of 124 panels depicting Indian history and culture through the ages from Mohenjo-daro to the attainment of Independence in 1947. The panels were to be painted on specially treated masonite boards of 12' x 4' dimensions.

As soon as the report of the Planning Sub-Committee was ready, another sub-committee known as the Artists Sub-Committee consisting of some of the prominent painters and sculptors of India, was appointed and entrusted with the execution of the scheme. The Artists Sub-Committee have taken up 50 panels and have distributed them among seven of their members who have been named as Regional Supervisors. They have been authorised to select competent young artists of high merit to paint the murals under their direct supervision. Most of the preliminary coloured sketches and full size pencil drawings prepared by them have been approved with minor changes. They will be finally examined at the next meeting of the Artists Sub-Committee before the actual painting is started on the masonite boards.

These panels will be put up on the walls of the corridors of the ground floor of the Parliament House.

* * * *

Inter-Parliamentary Union

Meetings of the Executive Committee of the I.P.U. in New Delhi

At the invitation of the Indian Parliamentary Group, the Executive Committee of the Inter-Parliamentary Union held its 101st session in Parliament House, New Delhi, on the 28th, 29th and 30th November, 1955. In the history of the Union this was the first time that the meetings of the Executive Committee of the Union were held in Asia. The meetings were presided over by Lord Stansgate, President of the Executive Committee, and were attended by Representatives of the National Groups of Ceylon, Finland, Iraq, Italy, Switzerland and the

U.S.S.R., who are members of the Committee. The main object of the meetings was to lay the plans for the XLV Inter-Parliamentary Conference to be held in Bangkok in November, 1956.

Prior to these meetings, informal consultations were held on the 26th and 27th November, 1955 between representatives of Burma, Ceylon, India, Pakistan and Thailand and the Inter-Parliamentary Bureau for ascertaining the views of the Asian Groups on the agenda for the next Conference of the Union and for communicating them to the Executive Committee. India was represented at these consultations by Pandit Hriday Nath Kunzru, Member of the Rajya Sabha, who was also elected Chairman of the Indian Group and by Shri Kotha Raghuramaiah, Member of the Lok Sabha.

* * * *

Address to M. Ps.

"Victory of India": Talk by Lord Stansgate to Members of Parliament

Lord Stansgate, President of the Council of the Inter-Parliamentary Union and *Ex-officio* Chairman of its Executive Committee, was in Delhi in November 1955 in connection with the meetings of the Executive Committee of the Inter-Parliamentary Union. While in Delhi, he addressed the Members of Parliament on "Victory of India" with the late Shri G. V. Mavalankar, Speaker of the Lok Sabha, in the Chair.

In his speech, Lord Stansgate, who, it will be recalled, was Secretary of

State for India during 1929-31, narrated some of his experiences during that period, when according to him India scored a moral victory over Britain which led to Independence. While speaking on the place occupied by India today in the world, he paid a compliment to the Indian people for the successful working of Parliamentary Democracy at the Centre as well as in the States. He said:

"You have proved that the system of Parliamentary Democracy can work successfully in Asia. You have a vast Republic extending from Burma to the Arabian Sea and from Himalayas to Cape Comorin. You have this Central Parliament and you have about a score of State Legislatures. While in Delhi, I have been reading your newspapers and your 'Hansard' and I have seen every day public issues brought to free debate with a full opportunity for criticism and decision. When I think of Lord Birkenhead only 25 years ago declaring that nobody could imagine that within a hundred years India could control her own affairs, I am astounded at the folly of statesmen. You have created something in Asia of priceless value."

Lord Stansgate also praised the Prime Minister's foreign policy based on *Panchsheela* and Mahatma Gandhi's philosophy based on the superiority of moral force over material force.

* * * *

Civil Service Reform

Report of the Royal Commission on the Civil Service in the U.K.

The Royal Commission on the Civil Service in the U.K. was appointed by the British Government on the 16th

November, 1953, under the Chairmanship of Sir Raymond Edward Priestley. The principal recommendations of the Commission contained in their Report which was presented on the 10th November, 1955, relate to an all-round increase in the pay structure of the different categories of civil servants, shorter holidays and the abolition of regular over-time and extra duty allowances.

According to the Commission, the primary principle in determining the pay in the Civil Service should be "fair comparison with current remuneration of outside staffs employed on broadly comparable work", and a secondary principle should be "internal relativity" that is, the relationship between grades within the Service. The remuneration of the higher civil servants should be determined with due regard to salaries in industry, commerce and finance, comparison with other public services and the level of remuneration considered reasonable in the light of tradition and convention. The object in view in determining these pay scales should be "the maintenance of a Civil Service recognised as efficient and staffed by members whose remuneration and conditions of employment are thought fair both by themselves and by the community they serve." The rates of pay for the scientific, professional and technical services should be such as to ensure the efficient organisation and proper staffing of these services, and also that the Government does not lag behind outside employment in improving the attractions and rewards of a scientific or professional career.

The other recommendations of the Commission relate to the introduction

of a five-day week, longer hours of work, a reduction in the annual leave allowances, and a national rate of pay for the whole country (with additions for London and other high cost areas) in preference to the present system of provincial differentiation. Lastly, the Commission has recommended the appointment of a standing advisory committee charged with the task of exercising "a general oversight of the remuneration of the higher Civil Service."

While the abolition of regular over-time and extra-duty allowances would mean a financial saving of about £20 million a year, the proposed new rates of pay would involve an additional cost of £11 million. The net cost of the recommendations could not, however, be given, in view of the difficulty in estimating the cost of additional manpower that might be required in implementing these proposals.

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Members' Salaries and Allowances

Report of the Royal Commission on Parliamentary Salaries and Allowances (New Zealand)

Section 27 of the Civil List Act, 1950 of New Zealand provides that the Governor-General, on the recommendation of a Royal Commission appointed in that behalf, may from time to time by Order in Council, fix the salaries and allowances to be paid to the Prime Minister and other Ministers of the Crown or Members of the Executive Council, to Parliamentary Under-Secretaries, and to the Speaker and Chairman of Committees and other Members of the House of Representa-

Short Notes

tives. In pursuance of the above provision a Royal Commission to inquire into and report upon Parliamentary Salaries and Allowances was appointed on the 15th June, 1955. The members of the Commission were:

- (i) William Edward Barnard, Esq.
- (ii) John Henry Boyes, Esq.
- (iii) Carl Victor Smith, Esq.

In their report submitted to the Governor-General on the 5th August, 1955 the Commission recommended the following increases in salaries to be effective from 1st August, 1955.

- (a) For the Prime Minister:
from £3,000 to £3,750
- (b) For each Minister with Portfolio:
from £2,000 to £2,500
- (c) For each Minister without Portfolio:
From £1,650 to £2,000
- (d) For Parliamentary Under-Secretaries:
From £1,250 to £1,500
- (e) For the Leader of the Opposition:
From £1,600 to £1,950
- (f) For the Speaker:
From £1,600 to £1,950
- (g) For the Chairman of Committees:
From £1,300 to £1,575
- (h) For a Member of Parliament:
From £900 to £1,100.

Besides the salary increases the Commission also recommended the

following increases in expense allowances:

- (a) Prime Minister:
From £1,000 to £1,500
- (b) Ministers:
From £400-450 to £550

(Note: Where the Ministerial office of Minister of External Affairs is held by a Minister other than the Prime Minister, an additional expense allowance of £165 to be paid.)

- (c) Leader of the Opposition:
From £400 to £490

(Besides an allowance of £215 for travel outside electorate arising from his official position).

- (d) Mr. Speaker:
From £500 to £600

(Note: Residential quarters and certain services are provided in Parliament House for Mr. Speaker).

- (e) Chairman of Committees (who is also Deputy Speaker):
From £350 to £500

(Note: Sessional sleeping quarters are provided in Parliament House for the Chairman).

- (f) Members:
£275-£705 according to classification of electorate.

(The State to provide a pool of typists during sessions to assist Members in their correspondence).

* * * *

Ordinances

Issue of an Ordinance embodying partly the provisions of a Bill pending before Lok Sabha

The Representation of the People (Amendment) Bill, 1955 was introduced in the Lok Sabha on the 3rd August, 1955 to carry out certain essential amendments of an urgent nature in the

Representation of the People Act, 1950. It was accordingly provided in clause 1 of the Bill that when enacted it would come into force on the 1st day of January, 1956. But the Bill could not be passed during the 11th Session of Lok Sabha which was prorogued on the 24th December, 1955.

The definitions of Parliamentary and Assembly constituencies in section 2 of the Representation of the People Act, 1950 did not include the new constituencies formed by the Delimitation Commission. Until these definitions were amended so as to cover the new constituencies, the Election Commission could not appoint the Electoral Registration Officers for the new constituencies and could not start the work of preparing the electoral rolls for these constituencies. The life of the existing Lok Sabha and of the several State Legislative Assemblies would expire early in 1957. It was, therefore, essential to start the work of preparing electoral rolls right from the beginning of 1956. While preparing these electoral rolls, it would also be necessary to avoid the duplication of work and expenditure involved in compiling the rolls separately for Parliamentary and Assembly constituencies, as each Parliamentary Constituency consists of a certain number of Assembly constituencies.

The biennial elections to the Legislative Councils of seven States were due to be held in February/March, 1956. Unless certain amendments to section 27 of the Act were immediately made there would have been the anomaly of persons who had ceased to be members of local authorities voting at these bien-

nial elections to the exclusion of the newly elected members.

The Election Commission also had all along been proceeding on the assumption that this Bill would become law on the 1st of January, 1956 and had been issuing instructions accordingly to the Chief Electoral Officers and the Electoral Registration Officers in the States.

In the circumstances the Representation of the People (Amendment) Ordinance, 1955 containing some provisions of the Bill as unanimously approved by the Select Committee was promulgated, so that there might be no difficulty in holding the biennial elections to the Legislative Councils and the next general elections in time. The Ordinance came into force with effect from the 1st January, 1956.

A memorandum containing the above information was placed on the Table of the House when the Ordinance was placed on the Table. This was in pursuance of Rule 89(1) of the Rules of Procedure of Lok Sabha which provides:

"Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House there shall be placed before the House along with the Bill a statement explaining the circumstances which necessitated immediate legislation by Ordinance."

The Representation of the People (Amendment) Bill was taken up during the Twelfth Session. The motion for consideration was adopted on the 17th February, 1956 and the Bill on the 18th February, 1956. The last clause of the Bill provided that the Representation of the People (Amendment) Ordinance was cancelled.

About Elections and Electors

[As the general elections are scheduled to be held early next year, we propose to publish in this Journal from time to time facts about Elections and Electors for the information of those who are interested in such matters.—Ed.]

Election Commission: Its Scope and Functions

UNDER a Constitutional provision, the entire electoral machinery in India has been centralised in an independent body called the Election Commission, consisting of the Chief Election Commissioner, as its Chairman, and such number of other Election Commissioners as the President may from time to time appoint.¹

The Election Commission has been made independent of executive control inasmuch as members of the Commission (and Regional Commissioners) shall not be removed by the President except on the recommendation of the Chief Election Commissioner, and the Chief Election Commissioner "shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present

and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity".²

The Election Commission has been vested with the following exclusive powers:

(a) Superintendence, direction and control of the preparation of the electoral rolls for all elections to Parliament and to the Legislatures of every State; and of elections to the offices of President and Vice-President;

(b) Conduct of all the above elections; and

(c) Appointment of election tribunals for the decisions of doubts and disputes arising out of or in connection with election to Parliament and to the Legislatures of States."³

The Election Commission has also an advisory function. The Constitution provides that the Commission will give its opinion to the President,⁴ and to the Governor⁵, upon any question relating to disqualification of any member of either House of Parliament or a State Legislature (as the case may be).

In addition to the above provisions, the Representation of the People Act⁶ provides that:

(i) The President may, from time to time, after consulting the Election Commission, alter or amend any order made by him regarding Delimitation of Parliamentary and State Constituencies.

¹. *Constitution of India* : Article 324.

². *Ibid* : Article 124, Clause 4 read in conjunction with proviso to Article 324.

³. Enquiry and decision of all doubts and disputes relating to election of President or Vice-President is vested in the Supreme Court under Article 71, Clause 1, of the Constitution.

⁴. *Constitution of India* : Article 103, Clause 2.

⁵. *Ibid* : Article 192, Clause 2.

⁶. Act XLIII of 1950, Ss. 12 and 13(2).

(ii) The Election Commission shall, in consultation with the Advisory Committee set up by the Speaker in respect of each State, formulate proposals as to the delimitation of constituencies in the State and submit proposals to the President for making the orders.

* * * *

Qualifications for Membership of Parliament and State Legislatures

FOR MEMBERSHIP OF PARLIAMENT OR STATE LEGISLATURES (PART A AND PART B STATES)

Constitutional Provisions

Any person, male or female, who is a citizen of India and not less than thirty years in the case of a seat in the Rajya Sabha or a Legislative Council and not less than twenty-five years in the case of a seat in the Lok Sabha or a Legislative Assembly and who possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament and is otherwise not disqualified, may be elected to Parliament or a State Legislature.¹

FOR MEMBERSHIP OF THE LOK SABHA

Statutory Provisions

The additional qualifications laid down by Parliament for membership of the Lok Sabha² are:

(a) a candidate must be an elector for any Parliamentary constituency;

(b) a candidate for election to a seat reserved for the Scheduled Castes or Tribes (other than those in the autonomous districts of Assam) must, in

addition, belong to those castes or tribes, as the case may be; in the case of a seat reserved for the autonomous districts of Assam, he must be a member of any of those Scheduled Tribes and be an elector for the specific constituency.

FOR MEMBERSHIP OF THE RAJYA SABHA

A candidate for election to the Rajya Sabha, as a representative of any Part A or Part B State (other than the State of Jammu and Kashmir) must be an elector for a Parliamentary constituency in that State. In the case of the States of Ajmer, Coorg, Manipur and Tripura, he must be an elector for any Parliamentary constituency in the State in which the election of such representative is to be held. For any other Part C State or group of such States, he must be an elector for a Parliamentary constituency in that State or in any of the States in that group, as the case may be.³

FOR MEMBERSHIP OF A LEGISLATIVE ASSEMBLY

A candidate for a seat in the Legislative Assembly of a State must be an elector for any Assembly constituency in that State. Where a seat is reserved for the Scheduled Castes or Tribes, he must, in addition, belong to those castes or tribes, as the case may be. In the case of a seat reserved for an autonomous district of Assam, a candidate shall not be qualified therefor unless he is a member of a Scheduled Tribe of that district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district.⁴

¹. Articles 84 and 173 of the *Constitution of India*.

². *The Representation of the People Act, 1951*: S. 4.

³. *Ibid*: Section 3;

⁴. *Ibid*: S. 5.

About Elections and Electors

FOR MEMBERSHIP OF A LEGISLATIVE COUNCIL

For a seat in the Legislative Council of a State to be filled by election, a candidate must be an elector for any Assembly in that State. A person shall not be qualified for a seat to be filled by nomination unless he is ordinarily resident in that State.¹

FOR MEMBERSHIP OF A LEGISLATIVE ASSEMBLY (PART C STATES)

A person shall not be qualified to fill a seat in the Legislative Assembly of a Part C State, unless he is a citizen of India; is not less than twenty-five years of age; in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes of that State, is a member of any of those castes or tribes as the case may be and is an elector for any Assembly constituency in that State; and in the case of any other seat, must be an elector for any Assembly constituency in the State.²

* * * *

Disqualifications for Membership of Parliament and State Legislatures

Articles 102 and 191 of the Constitution of India lay down the disqualifications for membership of either House of Parliament and of the Legislative Assembly or Legislative Council of a state³—

(a) *In the case of Parliament:* If a person holds any office of profit under

the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

In the case of State Legislatures: If he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent Court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under an acknowledgment of allegiance or adherence to a foreign State; and

(e) if he is so disqualified by or under any law made by Parliament.

The Constitution further provides that a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State⁴.

In addition, the statutory provisions relating to disqualifications are Sections 7 to 9, 139 and 140 of the Representation of the People Act, 1951. The disqualifications under Section 140 refer to corrupt and illegal practices and those under Section 139 to electoral

1. *Ibid* : S. 6.

2. *Government of Part C States Act, 1951, S. 7.*

3. Part A and Part B States : For Part C States, provisions of Articles 102 are applicable.

4. The Parliament (Prevention of Disqualification) Act, 1950, declares that the following offices do not constitute disqualification for membership of Parliament—

Office of Minister of State, or Deputy Minister or a Parliamentary Secretary or a Parliamentary Under-Secretary.

A corresponding Act of 1951 enumerates certain other offices in this category as do the Prevention of Disqualifications (Parliament and Part C State Legislatures) Acts, 1954 and 1955.

offences. The remaining Sections provide that a person shall be disqualified for membership of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—

(a) if he has been convicted of an offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such lesser period as the Election Commission may have allowed in his case, has elapsed;

(b) if, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the appropriate Government¹;

(c) if he is a director or managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest;

(d) if, having held any office under the Government of India or the Government of any State including an Indian State, he has been dismissed for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal.

If a contract has been entered into by a public company² of which the candidate is only a shareholder, he will not be disqualified. If the contract has been effected by a member on behalf of a Hindu undivided family, every member of that family will be disqualified. Where the share or interest in the contract devolves on a person by inheritance or succession or as a legatee, executor or administrator, he will not be disqualified until the expiration of six months after it has so devolved on him or of such longer period as the Election Commission may in any particular case allow.

* * * *

The official must feel more and more as a non-official and the non-official should feel not as an official exactly but one who is working in partnership with the official people for the same objects.

— Jawaharlal Nehru in a speech to an audience of public servants at Kurnool on 9th December, 1955: *Indian Journal of Public Administration*, Vol. I No. 4.

¹. 'Appropriate Government' is the State Government in respect of elections to the State Legislature and the Central Government in respect of elections to Parliament.

². 'Public Company' means a public company as defined in section 3 of the Companies Act, 1956.

The Office of the Speaker*

By **Shri G. V. Mavalankar,**

Late Speaker, Lok Sabha.

IN parliamentary democracy, the office of the Speaker is held in very high esteem and respect. There are many reasons for this, some of them are purely historical and some are inherent in the concept of parliamentary democracy and the powers and duties of the Speaker. Once a person is elected Speaker, he is expected to be above parties, above politics. In other words, he belongs to all the Members or belongs to none. He holds the scales of justice evenly, irrespective of party or person, though no one expects that he will do absolute justice in all matters; because, as a human being he has his human drawbacks and shortcomings. However, everybody knows that he will intentionally do no injustice or show partiality. Such a person is naturally held in respect by all.

In addition, his position is peculiar. In a sense, it is a natural one. His authority is supreme in the House and there could be no challenge to his decisions and orders. In the whole set-up of parliamentary democracy, the Speaker is the only autocrat, meaning thereby that his exercise of authority requires no previous consultation or concurrence of anybody and the authority is unchallengeable. This also lends to the respect for his authority

combined with some vague fear and a desire to serve self-interest. Every Member knows that his chances in the House depend upon the Speaker's estimate about the Member. Naturally, therefore, everybody tries to behave well with him.

Speakership in India has before it the English model. But what we follow in India is the substance of British parliamentary democracy and not necessarily its forms.

The Speaker has, broadly speaking, two spheres of functions—first, as the presiding authority of the legislature and secondly, as the head of the legislature secretariat.

In the legislative chamber or in the House of the People in Indian Parliament, his functions are practically the same as those of the Speaker of the English House of Commons. He regulates the debates and the general proceedings in the House. There is a difference between the English procedure and the procedure that we follow in India. At our place, the whole House never goes into a Committee. The Bills that require to be discussed more closely are referred to Select Committees. The discussions of estimates or budgets take place in the

*The full text of this article is given in the publication entitled "Parliamentary Democracy in India : A Symposium (February, 1956)" issued by the Harold Laski Institute of Political Science, Ahmedabad. This has been reproduced with the kind permission of the Honorary Director of the Institute.

House and the Speaker may or may not preside at these debates.

The Speaker is not expected to preside all through the discussions in the House. In fact, it is physically impossible for any person to sit continuously in the Chair for a period of six or sometimes seven to eight hours continuously. There is, therefore, another officer, the Deputy Speaker, who takes the place of the Speaker, whenever so desired by the Speaker. Even with the Deputy Speaker, there is always need of some other persons who will act in the Chair off and on, as both the Speaker and Deputy Speaker may not be available alternatively and each one may require some relief for reasons of health as also for convenience of work outside the House. There is, therefore, a panel of Chairmen. In the Lok Sabha, this panel consists of six members. The selection of the panel is made by the Speaker; and in nominating members consideration is given to the various parties in the House as also to sexes. It has been a rule with me to nominate some women on the panel and to select some members from opposition groups as members of the panel of Chairmen. I am very happy to say that there appears to be something inherent in the Chair as a result of which the moment a person occupies the Chair, he or she exhibits qualities of absolute fairness, justice, and independence. An opposition Member in the Chair forgets his role as a Member and acts as well as he should, while occupying the chair of the Speaker. It is the atmosphere of the House and the traditions of the Chair which probably bring about this happy result.

During the course of debates, there are so many small points that arise for

quick decision, and the Chair has, therefore, to be always on the alert. It is easier comparatively to watch whether a Member is speaking within the scope of the particular proposition, whether he is speaking relevantly, whether he is repeating. But sometimes, tense moments arise as a result of a Member making some caustic or unwarranted remark either against a party or against an individual and then it becomes more or less a question of controlling the chamber or groups of Members. The best course is generally not to allow such cases to arise; and one of the remedies is that the moment a Member makes an unwarranted or defamatory remark, the Chair should immediately intervene and call upon the Member to withdraw or make amends. The intervention of the Chair gives some time to the Members to cool down and the storm is probably nipped in the bud. But if the Chair is not alert and some such remark goes out and there is no intervention by the Chair, the necessary consequence is some storm in the House, hot exchanges of words and high tones. Of course, the usual experience is that whatever the temper, there is always a good humour also and all such storms are only momentary, though the potentiality is that they may take a serious form leading to the necessity of suspending the meeting. Fortunately no such occasion has arisen till now in the Indian Parliament.

Outside the House, the Speaker has to perform administrative duties. Some of these are directly related to the business that is going to come before the House, such as for example admission of questions, resolutions, amendments etc. A good deal of work

The Office of the Speaker

also relates to the management of the Parliament Secretariat of which the Speaker is the head by virtue of his office. This involves an amount of administrative work.

Since the new Parliament has come into being in 1952, an attempt has been made to increase and make effective the control of Parliament over the work and administration by the Executive by means of setting up various Committees who are allotted the functions of examining and inspecting the working of the various ministries. There is an important aspect of the Speaker's duties with reference to all these Committees. They take comparatively smaller time and cause lesser strain, but involve the greatest responsibility as also confer wide powers on the Speaker. It is he who appoints persons to preside over these Committees as Chairmen and these Committees being parliamentary committees they work under the supervision and control of the Speaker. The occasion to interfere or control these Committees rarely arises in practice, but the fact that he has the authority to supervise and control is in itself a great power investing the Speaker with a unique position of authority. These Committees are given directions by the Speaker whenever and wherever necessary. Further, the control of the Speaker automatically coordinates the work of various committees so far as the procedure and substance go and contributes materially to the evolution of sound parliamentary democracy.

The Speaker also ~~wields~~ holds a very important power which places him in the unique position of ~~helping~~ indirectly and remotely the building up of the

political life in the country through his power of recognition of parties and groups in Parliament.

The Speaker has also a very potent though indirect power over Members while they are in the House. I have already noted before that none of his decisions in the House can be challenged even though he may be wrong. But apart from this, he exercises a very effective power of control because of the rule that only that Member can put a question or can speak who is called upon by the Speaker to do so. The result is that Speakers have refused to call upon Members to put questions or to speak unless the Members behave properly and make amends in case they have done something which has offended the dignity of the Chair of the House. I know of one case when the late Shri Vithalbhai Patel refused to call upon one particular Member for any question or speech for a period of about one month. The result was as desired. The Member had to capitulate and apologise and then things went on normally with him.

The Speaker influences, though indirectly, the foreign relations of India in his capacity as President of the Indian Parliamentary Group which is specially formed for the study of all parliamentary questions and procedure as also for the study of all questions which Members have to deal with during the course of their duties as Members. The Parliamentary Group is divided into various study groups and naturally Members who study a particular subject always get better of those who do not study them. It is the Speaker who selects personnel for various parliamentary delegations to

foreign countries. Recently we sent delegations to Russia, Turkey etc. The Parliamentary Group is also affiliated both to the Inter-Parliamentary Union which is a world organisation as also to Commonwealth Parliamentary Association which is limited to the Commonwealth countries. The Speaker as a Member or Chairman of the Councils of these organisations and as the person selecting members to the Conferences organised by these bodies also exercises an amount of indirect influence on foreign relations and delegations. I have had occasions of visiting foreign countries and attending a number of Conferences. I believe not only myself personally, but our parliamentary life has also benefited by what I saw and learned from foreign countries. By such visits you naturally compare the points of vantage as also our shortcomings as compared with other nations. You think of improving yourself. The vision becomes wider and our associations lead to a better understanding of the peoples of the

world by us as well as by others so far as we are concerned.

The Speaker's position is thus unique and though he may not appear to exercise direct authority either in the administration of the country or in the foreign policy and relations of the country, he yet exercises indirectly and remotely an amount of influence on both. Naturally such a person is respected by his countrymen and he can sustain his position by virtue of his patriotism, character and above all by his being the servant of the people and also of the House, though he is, in a sense, master of the House. In addition he must have qualities of intellect and heart. A quick grasp of the questions at issue, presence of mind, infinite patience, a sense of humour etc. will make a Speaker both great and popular and if he sustains patience almost to an infinite degree and has a sense of humour, he will be able not only to discharge all his duties to the satisfaction of all but to feel genuine pleasure in his work.

Hurried legislation is not usually successful; prolonged sittings do not necessarily mean rapid progress.

— Sir Winston Churchill in a speech in the House of Commons on November 29, 1954 (The War Speeches of W. S. Churchill, Vol. III, 1952).

Future Parliamentary Activities

I. PARLIAMENTARY PROCEDURE AND PRACTICE

By **M. N. Kaul,**

Secretary, Lok Sabha.

[This is the first part of a paper read by Shri M. N. Kaul, Secretary, Lok Sabha, at the Seminar on Parliamentary Democracy held at Parliament House, New Delhi on the 25th and 26th February, 1956 under the auspices of the Indian Bureau of Parliamentary Studies. The other parts will appear in the fourth and fifth issues of this Journal.]

It is generally assumed that Parliament has reached saturation point in regard to procedural and other developments and nothing new is required to be done. Anyone who makes a deeper study of the present position and the needs of Parliament as a whole will feel convinced that quite a lot still remains to be done and early steps should be taken to evolve a plan for improvement and making the parliamentary system stronger and more efficient. The purpose of the present study is to give in an outline the directions in which efforts have yet to be made to bring about better conditions and a further growth of what has been achieved already.

The needs of Parliament may, broadly speaking, be divided into the following categories:—

- (1) Parliamentary Procedure and Practice.
- (2) Services (including amenities) for Members.
- (3) Extra Parliamentary Activities.

In the field of parliamentary activity the following measures should be considered for adoption to improve the present procedure:—

Committee of the Whole House to deal with amendments to Bills

We should have a Committee of the Whole House to deal with amendments to Bills. A less rigid procedure is required when a Bill is being considered clause by clause and amendments are discussed. Even today the atmosphere on such occasions is that of a Committee. It is necessary to give this a formal shape so that the rules which otherwise govern proceedings in the House might be relaxed in some directions to make the proceedings on the discussion of amendments more businesslike. For instance, a Member may not be prevented from speaking twice on the same question, the full quorum of the House may not be insisted upon and speeches might be shorter and to the point so that more work is transacted in a businesslike manner.

Legislative Committees

Parliamentary time must be saved for more important business and matters of general importance. There should be discussions on policy and principles rather than on details. The

Committee procedure should be utilised to a greater extent in order to discuss the details and the House should arrive at conclusions after careful consideration has been given to the details by the appropriate Committees. More Bills should be sent to the Committees, and the Committee procedure should be organised on different lines. For instance, press correspondents should be allowed at such Committee meetings, and a verbatim record of the evidence and proceedings should be kept and circulated to the Members of the House. The result will be that there will be less urge to repeat the same things in the House when the report of the Committee comes later before the House. The Speaker should be authorised to disallow amendments in the House which have already been discussed in the Committee and to allow such amendments which he considers important enough to be discussed in the House. If this procedure is adopted, the work of the House will be greatly reduced inasmuch as several Committees can sit at the same time and dispose of the work; the press and public would be informed about the trend of discussions and the proceedings; Members who are really interested in the measure will be able to spend their time usefully rather than wait in the House until the turn of Bills in which they are particularly interested comes up. The whole procedure in effect would mean the division of the whole House into so many miniature Houses.

Financial Committees—Formation of Sub-Committees

Similarly in the field of finance the House should discuss questions of policy and principles rather than

details. At present, we have two Committees which consider and scrutinise the estimates and accounts in detail. But the work involving scrutiny of estimates is of such considerable dimensions that in a given year a small portion of the field is covered and a large number of estimates escape detailed scrutiny every year. It is, however, important that there should be close parliamentary control and check on the finances, and hence the device of appointing a large number of Sub-Committees of the Estimates Committee, each responsible for a Ministry or a group of Ministries so that a larger field of public finance is covered by the Committee every year, should be adopted. The House would then be in a position to form a fairly good idea as to how things are shaping. With Government entering more and more into the economic affairs of the country, the responsibilities of Parliament are increasing every day and therefore methods have to be devised that parliamentary control over the affairs of the country, particularly in the field of economic and financial affairs, becomes more effective and adequate machinery is provided to safeguard the interests of the tax-payer. Similarly, the Public Accounts Committee should also work through its sub-committees to scrutinise not only the expenditure side of the Government, but also the public receipts. There is at present no means of knowing whether all that the public exchequer was entitled to receive by way of taxes and duties has in fact been received. The Committee also mainly proceeds on the basis of the report of the Comptroller and Auditor-General and it has no time to probe deeper into the affairs of any Ministry or Department. The work can be more intensive

if it is divided into a number of Sub-Committees.

Discussion of subjects and matters of importance

At present much of parliamentary time—nearly three-fourths of it—is spent on discussions of legislative measures. There should be a proportion between the time spent on law-making and that spent on discussion of matters of general importance and public policies. Parliament should as far as possible concern itself with general principles and discussions on matters of importance rather than on minor and secondary details of law-making. More opportunity should be provided for discussion of subjects, thus giving direction to Government in the matter of public policies.

Representative Committee to express Parliamentary opinion during inter-session periods on specified subjects

It is but right that Parliament should go into recess off and on. But the life of the country goes on. Important events take place during the inter-session period. Sometimes crises occur. If Parliament had been in session, it is conceivable that it would have expressed its opinion and focussed attention. At present by the time Parliament re-assembles, things have already become stale and it is not worthwhile discussing them then. Some machinery should be found whereby Parliament keeps itself in close touch with the affairs of the country and asserts itself even during the inter-session period so that its views and criticisms are known at a time when public feelings are running high and there is need that they are soothed and fears are allayed. Perhaps

the Rules Committee may apply its mind to the problem and give guidance to the House. The suggestion that there should be a large representative Committee of the House which could be called at short notice and at which matters of importance could be discussed in open session deserves consideration.

Advisory Committees to deal with certain matters of importance which cannot be discussed in the open House at the time

There are some matters on which pronouncements cannot be made at the time when matters are secret or are not ripe for public discussion. Sometimes matters are still in the stage of negotiation or decisions are in the course of formulation and yet public mind is agitated or Members feel concerned over how things are going and what shape they are likely to assume. Government also sometimes require guidance and wish to know how parliamentary mind is moving or thinking. At present there is no satisfactory procedure whereby these two objectives can be met. A solution can be found by having small Committees consisting of all shades of opinion and well versed in particular subjects—say foreign affairs, defence, or economic matters. Such Committees can be formed under the Speaker's control and Ministers can address them from time to time giving them within permissible limits the background material and an idea of the events that are taking place. The views of Members on a particular project can also be ascertained. Such Members who have made a deep study of the subjects will be in a position to understand and to advise. The element of secrecy will

also be maintained. Their advisory character will be ensured because their opinions will not be binding and Government will be free from embarrassment because they will not be required to make commitments of any sort. The Speaker's control would ensure that the Committees are Parliamentary Committees, the proceedings are privileged and nothing that is said at such Committees would be published or discussed outside. At the same time, it will be ensured that minorities have a fair deal and all the rules of decorum and form are observed.

Budget discussions to be spread over a long period

Budget is at present passed in one session only. During the short period of one month all the various aspects of administration are discussed and for want of time they are taken up in such quick succession that the effect of the discussion in the case of each individual subject in Parliament is not quite the same. Moreover, life is a continuous stream and things happen before and after a particular period of the discus-

sion, but since the opportunity has gone, Members in many cases have to wait till the next year to raise those matters. By that time events themselves become stale. It is important from the Parliamentary point of view that discussions should be spread out, should be more intensive, and their effect should be properly focussed. Members should have time to think about the various subjects that they are interested in and they should not be called upon to deal with them at the same time. The system in the U.K. gives us a model to follow. There the Budget discussions are held at convenient intervals from February to August. Thus the public affairs remain under the constant scrutiny of Parliament for nearly six months in a year. The Budget is completed in parts. A few subjects are taken up every month so that there is proper assimilation of ideas and guidance from Parliament. If Parliament's weight and influence are to be felt, the present system of Budget discussions has to be altered on the U.K. model, adapting it with such variations as may be necessary or convenient in our case.

Administration is an integrated system. A well-organized service is a quasi-organic unit. It has traditions, an esprit de corps, and a common outlook of its own. It has, if I may say so, a kind of collective soul.

— K. M. Munshi in his article "(Public Administration—The Services—Ministers and Governors" (*Hindustan Times Weekly*, June 17, 1956).

Appointment of Speaker of Lok Sabha

By S. L. Shakhder,

Joint Secretary, Lok Sabha Secretariat

ON the 26th January, 1950, when the Constitution came into force, the Constituent Assembly (Legislative) became the Provisional Parliament and the Speaker of the Constituent Assembly (Legislative) became the Speaker of Provisional Parliament. The Constitution provided that the Provisional Parliament and its Speaker should continue till the date when the President summoned the new Parliament elected under the provisions of the Constitution, *vide* Article 379 of the Constitution.

Accordingly, on the 17th April, 1952, when the President signed the Order, summoning the House of the People and the Council of States which had been elected at the General Elections held earlier in the year the Provisional Parliament ceased to function from that date and consequently the Speaker of the Provisional Parliament also ceased to hold the office of the Speaker from that date.

Subsequently, on the same day, i.e. 17th April, 1952, the President made an Order under Art. 95 (1), appointing the outgoing Speaker, Shri G. V. Mavalankar, a member of the House of the People, to perform the duties of the Speaker of the House until the first sitting of the House. The following is the text of the Order issued by the President:

"Whereas the offices of Speaker and Deputy Speaker of the House of the People are vacant;

In exercise of the powers conferred upon me by clause (1) of Article 95 of the Constitution, I, Rajendra Prasad, President of India, hereby appoint Shri Ganesh Vasudeo Mavalankar, a Member of the House of the People, to perform the duties of the Speaker until the first sitting of the said House."

It may be stated in this connection that Art. 94 provides that whenever the House of the People is dissolved, the Speaker does not vacate his office until immediately before the first sitting of the House of the People after the dissolution.

The President's Order referred to above, therefore, was in the nature of a link for the continuance of the Speaker between the fading away of the Provisional Parliament and the constitution of the House of the People.

The first sitting of the House of the People was fixed for the 15th May, 1952. According to the President's Order cited above, the office of the Speaker became vacant from the morning of the 15th May, 1952. The President, therefore, issued an Order on the morning of the 15th May, 1952, appointing Shri B. Das, a member of the House of the People, to perform the duties of the Speaker until the House elected the Speaker that day. The President's Order was issued in the following terms:

"Whereas the offices of Speaker and Deputy Speaker of the House of the People are vacant;

In exercise of the powers conferred upon me by clause (1) of Article 95 of

the Constitution, I, Rajendra Prasad, President of India, hereby appoint Shri B. Das, a Member of the House of the People, to perform the duties of the Speaker at the sitting of the House of the People on the 15th May 1952 till the election of the Speaker by the said House on that day."

A vacancy in the office of the Speaker may arise in one of the circumstances mentioned in Article 94, viz. by the Speaker ceasing to be a member of the House of the People, by at any time writing under his hand addressed to the Deputy Speaker resigning his office, or by his removal from office by a resolution of the House of the People passed by a majority of all the then members of the House.

It might be stated here that there are two ways of appointing Speaker. One is by election by the House by which method a permanent Speaker is appointed. The other method is that the President appoints a Speaker for a given period in order to provide for the Head of the House during the period the offices of Speaker and Deputy Speaker are vacant and until the House elects either the Speaker or the Deputy Speaker. This is to ensure that the Head of the House is always in office. The Speaker appointed by the President or the Deputy Speaker when performing the duties of the office of the Speaker have all the powers of the Speaker under the Constitution, Rules of Procedure or otherwise. However, in order to distinguish temporary Speaker appointed by the President from the permanent Speaker elected by the House the former is designated as Speaker *pro tem*.

The relevant rule from the Rules of Procedure and Conduct of Business in

the Lok Sabha regarding the conduct of election to the Office of Speaker reads as follows:

"7. (1) The election of a Speaker shall be held on such date as the President may fix, and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed any member may give notice in writing addressed to the Secretary, of a motion that another member be chosen as the Speaker of the House, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker if elected:

Provided that a member shall not propose his own name, or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business may, when called, move the motion or withdraw the motion in which case he shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House."

The Prime Minister communicates to the Secretary of the House the date that will be convenient for holding the election to the Office of Speaker. The Secretary of the House then submits a formal note embodying the recommendations of the Prime Minister to the President for his orders. After the President has approved the proposal a paragraph is issued in Parliamentary

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Bulletin Part II for the information of members in the following terms:

"In pursuance of sub-rule (1) of rule 7 of the Rules of Procedure and Conduct of Business in Lok Sabha the President has been pleased to fix.....
..... (day of the week)
date for the holding of the election to the office of the Speaker of Lok Sabha."

The date is so chosen that members have sufficient time to give notices of motions.

In the case of the election which was held in 1952, a notice was given by the Leader of the House, Shri Jawaharlal Nehru on the 13th May, 1952, in the following terms:

"I give notice of the following motion which I propose to move in the House on the 15th May, 1952:—

"That Shri G. V. Mavalankar be chosen as the Speaker of this House."

It was seconded by Shri Satya Narayan Sinha, Minister of Parliamentary Affairs. The notice also contained a statement signed by Shri G. V. Mavalankar that he was willing to serve as Speaker, if elected. Two more notices proposing Shri G. V. Mavalankar were received from Shri Shree Narayan Das and Pandit Thakur Das Bhargava seconded by Shri Hira Singh Chinaria and Shri S. N. Buragohain respectively. There were two other notices of motions from Shri N. Sreekantan Nair and Shri A. K. Gopalan seconded by Shrimati Renu Chakravarty and Shri Tridib Kumar Chaudhury respectively proposing Shri Shankar Shantaram More.

All these notices in the order of receipt in point of time were included in the List of Business for the 15th May, 1952, which was issued on the 13th May, 1952. As there was no other business on the 15th May, the business

relating to the election of the Speaker was put down as the first item. All the motions were moved and placed before the House by the Speaker *pro tem*. After the first motion was carried the rest were not proceeded with. The Speaker *pro tem* (Shri B. Das) declared the decision in the following terms:

"I declare that Shri G. V. Mavalankar has been duly elected as the Speaker of the House. I have now much pleasure in inviting Shri G. V. Mavalankar to occupy the Chair."

Then the Leader of the House accompanied by Maulana Abul Kalam Azad and the Leader of the Opposition (Shri A. K. Gopalan) went to the seat of Shri G. V. Mavalankar, bowed to him and conducted him to the Chair. Thereafter felicitations were offered by the Leader of the House and other members. Later the Speaker replied to the felicitations.

On the 27th February, 1956, Mr. Speaker, Mavalankar passed away at 7-45 A.M. There occurred a vacancy in the Office of the Speaker from that time and date. Shri M. Ananthasayanam Ayyangar, who was holding the Office of Deputy Speaker at that time began to perform the duties of the Office of the Speaker under the provisions of Art. 95(1) of the Constitution.

On the 3rd March, 1956, the President appointed 8th March, 1956 for holding the election to the Office of the Speaker. As on the last occasion the proposal was submitted to the President by the Secretary of the House after the date was proposed by the Prime Minister. This Order of the President was notified in Parliamentary Bulletin Part II dated the 3rd March, 1956.

On the 5th March, 1956, notice of the following motion was received from

the Prime Minister seconded by Shri Satya Narayan Sinha, Minister of Parliamentary Affairs and was accompanied by the statement of Shri M. Ananthasayanam Ayyangar that he was willing to serve as Speaker, if elected:

"I give notice of the following motion which I propose to move in the House on the 8th March, 1956:

"That Shri M. Ananthasayanam Ayyangar, a Member of the House, be chosen as the Speaker of this House."

Another notice proposing Shri Ananthasayanam Ayyangar was received from Shri Tulsidas Kilachand and seconded by Shri Frank Anthony. Both the notices were included in the order of receipt in point of time in the List of Business for the 8th March, 1956 which was issued on the 6th March, 1956.

II

On the 7th March, 1956, after the House adjourned for the day, Shri M. Ananthasayanam Ayyangar resigned the Office of Deputy Speaker and addressed the letter to the Speaker as provided in the Constitution even though the Office of Speaker was vacant at that time. Shri Ananthasayanam Ayyangar felt that the Constitution provided that two members of the House should respectively hold the Offices of Speaker and Deputy Speaker and since there was no automatic vacation of the office of Deputy Speaker in case he was elected as Speaker, Shri Ayyangar felt that if he did not resign the Office of Deputy Speaker before the motion for his election as Speaker was passed, a situation might arise when he would be holding two offices concurrently—viz. that of the Speaker and Deputy Speaker—even though the period during which he held these offices

concurrently might be infinitely small (*vide* Articles 93 and 94 of the Constitution).

At 5-30 P.M. on the 7th March, 1956, after receipt of resignation from Shri Ayyangar from the Office of Deputy Speaker, Secretary of Lok Sabha submitted a note to the President informing him that both the Offices of Speaker and Deputy Speaker were vacant and proposing that the Prime Minister had suggested that Sardar Hukam Singh, a Member of Lok Sabha, should be appointed to perform the duties of the Speaker until the election of the Speaker by Lok Sabha on the 8th March, 1956, the date previously appointed by the President for the purpose. The President approved the order at 6-10 P.M. in the following terms:—

"Whereas the offices of Speaker and Deputy Speaker of the House of the People are vacant;

In exercise of the powers conferred on me by clause (1) of Article 95 of the Constitution, I, Rajendra Prasad, President of India, hereby appoint Sardar Hukam Singh, a member of the House of the People to perform the duties of the Speaker till the election of the Speaker by the said House on the 8th March, 1956."

This order was immediately published in the Gazette of India and also in the Parliamentary Bulletin Part II. The resignation of the Office of Deputy Speaker by Shri M. Ananthasayanam Ayyangar was also published in the Gazette of India and the Parliamentary Bulletin Part II.

On the 8th March, 1956, when the House assembled at 11 O'clock, Secretary informed the House of the resignation of Shri M. Ananthasayanam Ayyangar from the Office of Deputy

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Speaker and also read out the order of the President regarding the appointment of Sardar Hukam Singh as Speaker *pro tem*. Thereafter the Question Hour began and at the end of the Question Hour, business relating to the election to the Office of the Speaker was taken up. As on the previous occasion, the motion moved by the Leader of the House was placed before the House by the Speaker *pro tem*. Shri Tulsidas Kilachand and Shri Frank Anthony in whose names the other identical motion stood were not present in the House and so only the first motion was proposed. After it was carried, the Leader of the House and the Deputy Leader of the Opposition (Shri Hiren Mukerjee) walked to the seat of Shri M. Ananthasayanam Ayyangar, bowed before him and conducted him to the Chair. Then after

felicitations, the House passed on to the other business.

A question also arose in this connection whether, when the Offices of Speaker and Deputy Speaker were vacant, a Chairman on the Panel of Chairmen under the Rules of Procedure could function. Clause (2) of Article 95 of the Constitution refers to the absence of Speaker and Deputy Speaker when any one on the Panel of Chairmen might preside over the House. As the term "absence" implies that the incumbent is in office, and is temporarily unable to discharge his functions, it was held that the Panel could not function whenever the offices of Speaker and Deputy Speaker were vacant, but that if the President appointed a Member to perform the duties of the Speaker, the Panel could function in his absence.

The duly elected majority must rule; but the Opposition has its rights and duties. The Opposition has been elected by its supporters to put their point of view in Parliament. And it is in accordance with the spirit of our parliamentary democracy that the Government should be prepared to listen to and to consider Opposition arguments and representations, for our belief in government by majority certainly does not mean that that majority should act in an arbitrary spirit.

— Herbert Morrison in "Government and Parliament".

Common Secretariat for a Bicameral Legislature

By S. H. Belavadi,

Secretary, Bombay Legislature Department.

IN the case of bicameral legislature a question often arises whether the two Houses should have separate Secretariats or a common Secretariat to serve the needs of both. Bombay has chosen the latter course and the experience of its working so far, has proved the wisdom of that course. It is my intention to give in this article the details of actual working of this Secretariat in its dual capacity, so that it may serve as a guide to those who may think of following suit.

An objection is frequently taken that constitution of a common secretariat is not strictly covered by the provisions of Article 187 of the Constitution, which, it is contended, provides for common posts and not for common Secretariat as such. There is certainly no prohibition against making all posts in the Secretariat common to both the Houses, although it can easily be arranged to have in common a few important posts and to allot the remaining posts for the work of the Assembly and Council separately, under the over-all control of the Secretary who can be the Secretary to both the Houses. It will thus be seen that arrangements can easily be worked out to provide a common Secretariat for the two Houses, within the four corners of the existing provisions of the Constitution.

Let us see how this is achieved in the Bombay Legislature. A separate Department known as the Bombay Legislature Department has been created to serve both the Houses. The Department is kept under the administrative control of the Board, which consists of the Chairman of the Legislative Council and the Speaker of the Legislative Assembly, subject to the ultimate authority of the Governor. The Secretary of the Department who under the rules acts as the Secretary to both the Houses, exercises such powers as are delegated to him by the Board. He is responsible for the smooth working of the Department. He is assisted by a staff which consists of a Deputy Secretary and an Assistant Secretary who are Gazetted Officers and other non-gazetted personnel. The Speaker and the Chairman have a joint responsibility in the administration of the Department and their interests being common *vis-a-vis* the Executive, there is little or no chance of conflict between them and the work is generally carried in an atmosphere of goodwill and friendliness. In dealing with the Executive also, it derives an added strength by the fact that the proposals are supported both by the Speaker and the Chairman.

This Department has six Branches, viz. "A" Branch (Legislative Branch), "B" Branch (Questions, Resolutions etc.

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Branch), "C" Branch (Accounts and Establishment Branch), "D" Branch (Committee Branch), the Reporters' Branch and the Library Branch.

"A" Branch which is a Legislative Branch consists of one Superintendent, 3 Senior Assistants, 2 Junior Assistants and 1 Clerk. Ordinarily, one Senior Assistant and one Junior Assistant are in charge of the Council work pertaining to the Branch, although there is no hard and fast rule that the Assembly or the Council work should be done exclusively by particular Assistants only. Distribution of work is generally done in such a way that each Assistant gets fairly equal amount of work, whether it pertains to the Assembly or the Council.

"B" Branch, which deals with questions, resolutions etc., has a staff of 1 Superintendent, 2 Senior Assistants, 1 Junior Assistant, 1 Steward and Record-keeper and 4 Clerks. One Senior Assistant is in charge of the questions and adjournment motions pertaining to the Council and he also assists the other Senior Assistant who is in charge of the corresponding work of the Assembly. One Junior Assistant, however, deals with resolutions and statutory motions pertaining to both the Houses. The work relating to printing of Assembly and Council question lists and maintenance of registers of questions and resolutions is done by one common clerk. The Steward who is also the Record-keeper is in charge of the Council Hall premises which includes both the Assembly Hall and the Council Hall and the furniture therein. There is one Inward Register for entering posts relating to both the Houses and one Outward Register for entering posts despatched to the Department.

"C" Branch, which is Establishment Branch, consists of 1 Superintendent, 1 Senior Assistant, 1 Junior Assistant, 1 Cashier, and 4 Clerks. It mainly deals with establishment matters pertaining to the Department, preparation of T.A. and D.A. Bills of M.L.As. and M.L.Cs., maintenance of registers regarding payments made to members of either House, maintenance of attendance registers of M.L.As. and M.L.Cs. and the preparation of the Budget estimates of the Department. All the posts in this Branch may be regarded as common to both the Houses as the Branch deals with its work evenly and uniformly, whether it pertains to the members of one House or the other.

"D" Branch, which is newly constituted, is the Committee Branch. It consists of 1 Superintendent, 1 Senior Assistant, 1 Junior Assistant and 1 Clerk. It deals with the work pertaining to the Estimates Committee, the Public Accounts Committee and other Committees appointed by either House such as the Privileges Committee, and the Petitions Committee, and Subordinate Legislation Committee and the Rules Committee which are now proposed to be formed. The work of this Branch pertains mainly to the Assembly but it will have to attend to similar work, if any, arising in the Council.

The Reporting Branch, which consists of 1 Chief Reporter, 8 English Reporters, 5 Marathi Reporters, 2 Hindi Reporters, 1 Gujarati Reporter and 1 Kannad Reporter, deals with reporting the proceedings of the Assembly and the Council and of the various Committees appointed by the two Houses, such as, the Select Committee,

the Estimates Committee, the Public Accounts Committee etc. The work of compiling and editing the Assembly and the Council Debates is also done by this Branch in its Editing Section, which consists of the Chief Reporter and two other Reporters. Ordinarily 5 English Reporters and 4 Marathi Reporters are allotted to the work of the Assembly and 3 English Reporters and 1 bilingual Reporter, knowing both English and Marathi, are allotted for the reporting work in the Council. However, this arrangement is liable to be modified dependent upon the exigencies of the work.

There is a common library which serves the needs of both the Houses. The staff which looks to the library work consists of one Librarian, one Assistant Librarian (not yet filled up) and three clerks.

The Assistant Secretary is generally in charge of the establishment matters and other routine matters.

The Deputy Secretary is mainly in charge of the Council work at the Officers' level although in important matters the Secretary is consulted and files are sent through him.

It will thus be seen that internal arrangements within the Branches for the division of Assembly and Council work have been worked out wherever convenient but the point to be noted is that the entire staff of the Department is common to both the Houses and any one is liable to be put on duty pertaining to either the one or the other House.

In legislative matters, however, the Chairman and the Speaker retain their individual freedom as they must and are masters of their respective Houses. Yet it is easier to obtain uniformity of procedure in both the Houses because of the common set-up. There is also better coordination between the two Houses for the same reasons.

The existence of a common Secretariat makes also for economy. If each House is to have a separate Secretariat, it would mean a little larger staff than is necessary. The staff being common to both the Houses, it is easier to utilise fully the services of the members of the staff in one kind of work or another and there is no wastage of man-power.

Lastly, it also makes for economy of time for the disposal of business before the two Houses. It rarely happens that a Bill which is passed in the Assembly is held over in the Council or *vice versa*. There have been occasions when the Bills passed by the Assembly were amended by the Council and the Assembly concurred in those amendments in the same Session. The whole Business before the Assembly and the Council can be so arranged that it can be disposed of in the minimum time. This perhaps would not have been the case if the two Houses were to act on their own assisted by separate Secretariats.

I have tried to indicate how the constitution of a common Secretariat is not only feasible under the Constitution but is also easily workable in practice.

Democracy in Ancient India

By Dr. Radha Kumud Mookerji,

Member, Rajya Sabha

IT is not generally known that it was left to India to give to mankind the earliest conception of democracy, and its expression in appropriate institutions. The very terms *Sabhā* and *Samiti* were first invented in the *Rig Veda*, terms which are the stock-in-trade of Politics all over the country. Even in the *Rig Veda*, these two institutions are differentiated from each other in their status and functions. The *Sabhā* was the House of the Elders, of the wisemen, and the aristocracy, corresponding to the Upper House in modern legislature. The *Samiti* was the General Assembly of the people. Both these institutions were possessed of great influence, with the Head of the State, the King, who was very anxious to win them over to his side by the power of eloquence for which he always prayed.

The *Atharva Veda* emphasizes further the value of the principles of democracy by describing the *Sabhā* and the *Samiti* as the twin daughters of *Prajāpati* (the Lord of Creation) who sends them down as His agents to complete His work of creation as mere material cosmos by building up its moral aspects or human factors. These popular bodies were thus recognized even in that early age in India as the first aids to democracy, as the most potent force for the uplift of humanity. The democratic ideal utters

itself even in the very last hymn of the *Rig Veda*. It ends on a democratic note. The hymn is addressed to the Deity called by the unusual abstract name *Samjñāna* or *Samjñāna* to be taken (as explained by *Sāyana*) as the very Deity of democracy as representing the collective political consciousness which is evenly spread among the whole people, the National or Cosmic mind to which the individual mind must offer its worship as the source of its vitality and potency. The formulae of this prayer are an impassioned exhortation to democratic thought and behaviour, an impulse to national congregation (*Samgachchadhvam*), fulfilling itself in a unity of utterance (*Samvadadhvam*), unity of policy (*Mantra*), a spirit of cooperation (*Samiti*), a unity of minds (*Chiuta*), hearts (*Hridaya*), and plans (*Samkalpa*), of ideals and aspirations (*Ākūti*). Members of the Assembly had also the primary duty of knowing their own minds (*sam vo manamsi Janatam*) beforehand, by preliminary consultations, to be of one mind in the Assembly, as is done at modern parliamentary party meetings.

The chief features of the working of democracy as Government by discussion and by decision by the vote of majority are also indicated in Vedic literature. Rules of debate were also evolved. There is a reference to

“rebuke administered to the great men of the *Sabhā* (*Mahājana-tiras-kāra*)” for their sins against the Assembly [*Vājasaneyī Samhitā*, III. 45, repeated m. xx. 17]. Order was maintained in the *Sabhā* by appropriate officers. It had its Speaker called *Sabhāpati* [*Vājasaneyī Samhitā* XVI. 24], its sergeant called *Sabhāpāl* [*Taitt. Br.* III. 7, 4, 6] and its member a *Sabhāsad*.

Members were anxious to win over the *Sabhā* by speeches which may please them (*Charu Vadāmi Samghateshu*) so that they speak with one voice (*Savāchasaḥ*). A member must so speak that he can “draw unto himself (*Ādade*) the entire enlightenment (*Varchaḥ*) and wisdom (*Vijñānam*) of the Assembly” whose attention must be riveted on his speech as the delight of all (*Mayi vo ramatām manah*) [*Atharva Veda* VII. 12].

As regards decision of democracy by Vote of the Majority, it is indicated by the term *Narishṭa* applied to the *Sabhā* in the *Atharva Veda* [VII. 12, 3] which *Sāyaṇa* explains as “inviolable, not to be overridden” (*Ahimsitā paraī ranabhibhāvya*), because in the *Sabhā* the many meet and speak with one voice which is binding on others (*Bahavaḥ Sambhūya Yadi ekam Vākyaṁ Vadeyuḥ tat hi na paraī atilaṅghyam*).

The democratic principle was applied in Vedic India even in the field of Education and Culture. The *Rig Veda* mentions Assemblies of learned men which it calls *Sanḡha*, a term, which was later appropriated by Buddhism. It describes how the discussions and expositions carried on in these Assemblies helped to hammer

into shape the difficult Sanskrit language together with the thought that gave life to it. As stated in *Rig Veda* x. 71, 8 in these *Sanḡhas Brāhmanas* united in fellowship come together (*Samycjanta*) as comrades (*Sakhāyaḥ*) for the purpose of developing further the truths they had realised in their hearts (*Hridā tashteshu*) or reached by their minds (*Mānasojaveshu*). Both Vedic Sanskrit and Vedic Philosophy were the products of these *Sanḡhas*.

The Vedic tradition of democracy attained its fuller development in the later politics of ancient India. The Central conception of the State was that its true Sovereign was *Dharma*, Law and Constitution, which was upheld and enforced by the King or the Supreme Executive, called the *Danda*. Thus Hindu Monarchy was a limited, Constitutional Monarchy. At the same time, there was an abundant growth of regular republican States, designated by several terms. For instance, the *Mahābhārata* applies the term *Sanḡha* to a republic, e.g. the *Vṛishnisanḡha* under *Kṛishṇa* described as *Sanḡha mukhya*. It also uses the term *Gana* in the same sense. Confederation of Republics it calls *Sanḡhātagna*. The Grammarian *Pāṇini* takes cognizance of republican developments, indicated by technical terms which he cites as examples of his *Sūtras*. He notices the term *Nikāya* for religious Assembly, *Sanḡha* or *Gana* for a republic which was worked by a party-system, the party being called a *Varga*. The term *Sanḡha* indicated a confederation of Republics like the *Trigarta Sanḡha* or *Andhaka-Vṛishṇi Sanḡha*. *Pāṇini* knows of a federal army, *Kshaudraka-Mālavisenā* formed by the two republics. In fact, *Pāṇini*'s grammar which dates back to at least 500 B.C. is a

mine of material, historical and social, cultural and economic, and had utilized that material in search of actual examples from life to illustrate its scientific rules of grammar. Together with its *Gaṇa pāṭha* it has mentioned the existence of as many as eighty republics of ancient India. Some of these republics were quite live institutions, even three centuries later, at the time of Alexander's invasion which they resisted most heroically. Buddhist India is represented by many republics such as *Lichchhavis*, a federation, *Sākya*s (of whom was born the Buddha), the *Moriyas*, *Mallas*, and the like.

Indeed, the working of the Buddhist *Saṅgha* shows how its procedure corresponded to advanced democratic and even parliamentary practices. The Speaker of the Assembly is called *Vinayadhara*, the whip *Gaṇapuraka*, Regulator of seats *Āsana prajñāpaka*, Resolution *Jñapti*, Vote *Chhanda*, Decision by Vote of Majority *Bhūyasikā Kriyā*. Unanimous decision by the Assembly was the ideal. Its possibilities were explored by a committee composed of Leaders of Parties whose decision was binding on the Assembly. Such a committee was called *Udvāhikā Sabhā* to carry members over to a decision. A village was also a self-governing republic, a centre of life and light through the ages, while further exercises in self-government, which imparted to the decaying social tissues of people necessary vitality and vigour, were given by making every group self-governing, groups like *Kula* (family), *Jāti* (caste), *Śreṇi* (guild), *Pūga* (village community), *Gaṇa Saṅgha* and *Samūha* (Municipal Corporation). The State encouraged these natural groupings and associations of

the people. Indian polity believed more in decentralization than centralization in administration and the resulting over-government of the people. Free India must take a lesson from this traditional principle of Indian polity and apply it for the revival and restoration of the village Republics as the only means of rural reconstruction.

Suggestions for Modern Parliamentary Democracy

I suggest that more attention should be paid in the working of our parliamentary institutions to the achievement of the ideal of unanimity of decisions by carrying the minority with them as far as possible, without resort to the vote of the majority which should be regarded as the last resource, when all other means to that end fail. To achieve this objective, Parliament may take recourse to the ancient Indian democratic device of appointing a representative Committee constituted by the leaders of different political groups and parties in the Legislature, and the points at issue may be referred to this Committee for purposes of reaching a unanimous decision which will then be reported to the parent body who will treat it as binding on them as the settlement reached on their behalf by a Committee of members functioning as arbitrators.

My second suggestion is that the right of interruptions of speeches in Parliament by its members should be more liberally recognised as a legitimate privilege which will make its proceedings less dilatory and more fruitful. I was personally able to appreciate the value of this privilege and of the latitude given to such interruptions in the House of Commons

when they were freely indulged in by its members against such a distinguished parliamentarian and speaker as Sir Winston Churchill who was not allowed to utter the next sentence of his speech until he was ready to answer, on the basis of facts and figures, the objections made by a member of the Opposition, in a manner which would silence further criticisms and not provoke interruptions. Interruptions, if well-answered, will make long speeches less necessary and effect a great saving of valuable parliamentary time.

My third suggestion is that the Upper House of which I happen to be a Member functions in a manner which will be more consistent with its status as an integral part of the Legislature in all non-financial legislative proposals on which its opinion may be

sought at stages at which it may influence decision. The opinions expressed in the Upper House on Legislation are not generally made available to the other House at a time when they may be profitably considered by it. The ways and means by which this objective may be fulfilled may be fully explored.

My last suggestion is that a permanent Statutory Body to be called the Statutory Legal Commission be set up to advise Parliament as to legislation that may be called for, and always its proper drafting. The business of legislation is a highly technical and specialized subject which should be left to be treated by a body of legal experts and High Court Judges. It may be stated that it was John Stuart Mill who first made such a proposal for the constitution of a permanent Legal Commission to advise Parliament on Legislation.

Israel's Parliament*

By Moshe Rosetti,

Clerk of the Knesset, Israel

ISRAEL'S Parliament though less than seven years old and perhaps therefore, one of the youngest in the world, was nevertheless not without a background of quasi-parliamentary tradition. The nature of this background will perhaps explain the form which Israel's parliamentary government has taken. Theodor Herzl, who founded the Zionist Congress, the deliberative body of the Jews of the world, in 1898, had himself been a political correspondent for an Austrian paper in the Palais Bourbon, and the standing orders for the Congress which met every two years were considerably influenced by continental parliamentary procedure. Some of the members of the First Knesset had themselves been connected with parliamentary life in continental countries and thus, here too, the influence of their experience was felt. But over and above all this, the people of Israel, prior to the establishment of the State, had been under a British Mandate for almost thirty years and had followed with the closest interest British parliamentary life and it is therefore no accident that Israel's form of government leans mostly towards the British model. Thus, in the development of its parliamentary life there has grown up a practical compromise between the British form of parliamentary government and the continental traditions which have survived.

In the first place, the separation of powers between the executive and the legislature and the method of forming governments is entirely based upon the British model. The Transition Law which was one of the first to be passed by the Knesset contains the following clauses:

Section 9: After consultation with representatives of the parties in the Knesset, the President of the State shall assign to one of the members of the Knesset the task of forming a Government.

Section 10: The Government shall be composed of the Head of the Government and a number of ministers from among the members of the Knesset or from outside.

The question of the responsibility of the Government, its collective character, its accountability to the Knesset and its resignation when it no longer enjoys the confidence of the Parliament, is entirely based upon the British pattern; this original Transition Law has undergone certain modifications in the course of time as the Knesset learned by experience that certain of its provisions were impracticable, but it has formed the basis of Israel's parliamentary government since its inception.

I would not hesitate in saying that in the seven years of the existence of the

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Israel Parliament, every modification and change which has been made either in its Transition Law or in its procedure has gone further and further along the British line. But the continental influence has remained and as indicated is a brake upon this process in two ways. Firstly, the method of election. Israel's Election Law passed by the Provisional State Council, laid down a principle which has remained the basis of elections in Israel ever since. It is that the elections shall be "...national, secret and proportional."

The Knesset consists of 120 members all of whom are elected on nation-wide lists and the country is not divided up in any way into constituencies. This form of election must inevitably lead to a large number of parties. In the election which was held in 1949, it took only 5,300 votes to elect one member. It will readily be seen that small parties which would be unlikely to secure election in any constituency can readily muster the necessary minimum throughout the country and, indeed, the First Knesset consisted of sixteen parties. Labour was divided into left and right parties; the religious parties were divided according to their economic outlook; and other parties on the basis of their attitude to foreign affairs. By this method no single party secured a complete majority and from that time until this, the Knesset has been governed by coalition governments in various forms, but with the majority party, Mapai (the Israel Labour Party), always as the basis of the coalition. In the Knesset which has just dissolved, there was a coalition of the two main parties, Mapai and the General Zionists, with several religious groups, progressive parties and

Arab groups added, which enjoyed a majority of 80 per cent. of the total votes and has had an uninterrupted rule of two years.

This factor must inevitably have an effect upon the attempt to govern parliamentary life in the tradition of the Anglo-Saxon countries, for, though the Government in its coalition form present a single policy, the Opposition is by no means homogeneous and consultation between the Government and the Opposition to fix the agenda of the house is hardly possible. How, then, is parliamentary business conducted in the Knesset? The procedure lays down that the Government is responsible for the agenda of the Knesset. It thus becomes the initiator of most of the legislation. If any question arises as to the allocation of business or the conduct of the affairs of the Knesset, the matter is referred to a committee which is set up in the same ratio of members is as the House as a whole. Thus, the bulk of the work of the Parliament is controlled by the Government. But in order to provide for the needs of the private member, the following provision was made: the Knesset has five sessions a week, each one lasts approximately two and a half hours, the rest of the time being devoted to committee meetings. Every tenth session is given over to the private members and during that session members of any party may submit a motion, "to add to the agenda". This can take the form either of a motion to ask for a discussion on a matter of public interest (this may be roughly compared to the motion for the adjournment in the British Parliament), or it may take the form of a private Bill in which, in effect, the member

having laid the Bill on the table of the House asks for leave to introduce the Bill in his name. The mover of either of these two forms of motions is given the right to deliver a five-minute speech in which he is expected to confine himself mainly to the reasons which led him to submit the motion and the nature of its urgency. There is generally a reply by a member of the Government and the motion may then be dealt with in one of three ways:

(1) The Knesset agrees—in which case it is placed upon the agenda together with the motions and Bills of the Government;

(2) It may be referred to a committee for report;

(3) It may be completely rejected.

This procedure gives the private member a place in the procedure of the Knesset which might otherwise be rigidly controlled by the Government.

The second influence which operated upon the Knesset and which retarded the development of Anglo-Saxon procedure is the method of committees. It is indeed in this respect that the British tradition of parliamentary government differs from that of the continental, for, in the degree that power is shared with the committees, the rigid separation of powers is modified. The Knesset does indeed operate a system of commissions or committees which are a familiar feature of continental parliaments and to some extent the American Legislature. There are nine committees in the Knesset and they are all elected in the same ratio as is the Knesset as a whole. The functions of the committees are laid down as follows:

(1) To examine and amend and report on Bills referred to them by the

Knesset which are reported to the House for final approval.

(2) To enquire into administrative matters and the working of the executive and report their findings.

The committees are so divided that the subjects which fall within the scope of each committee are clearly defined and in theory a committee would be allowed to open a discussion on any of the functions of the executive, thus detracting from the power of the executive. Later modifications of the Standing Orders have, however, limited the powers of the committees and they can in effect now discuss matters which are referred to them by the Knesset as a whole and even then their functions are limited to presenting a report and laying it upon the table. Any subsequent action can be only at the desire of the Government or the initiative of a private member. Thus the exclusive power of the executive and its responsibility only to the House as a whole is preserved.

The function of the committee in relation to laws is a novel and interesting one and in the opinion of many has helped to produce a process of legislation which has effected considerable time-saving. The following is briefly the process of a law as it goes through the Knesset.

(1) The Government, having prepared the Draft Law, publishes it in the Official Gazette and lays it upon the table where it must rest for forty-eight hours before the first discussion is opened.

(2) The first reading opens with an explanatory speech by the minister in charge, followed by a debate. The time allocated to the debate is laid down by a committee of the Knesset, and the time is divided between the parties in

the ratio of their members. (There can be no fillibuster nor is there need for the use of a guillotine).

(3) The Bill is then referred to the appropriate committee in which the entire discussion in the committee stage takes place. Members of the committee who have moved amendments which have been defeated may give notice that they will introduce the amendments when the Bill comes back to the Knesset. (The committee sessions are not public).

(4) The Bill is brought back to the Knesset and the Chairman of the committee, acting as rapporteur, informs the House of the changes which have been made by the majority in the committee. The members of the committee who have reserved the right to introduce amendments as explained in the previous paragraph, then rise to introduce their amendments in speeches limited to five minutes for each amendment. A reply is given by the Chairman of the committee and the amendment is then re-voted.

(5) When all the amendments have either been voted down or accepted, the Bill in its new form is submitted to the vote of the House and accepted in its entirety, and after signature by the President and publication in the Gazette, it becomes law.

A brief examination of this process will show that it is comparable to the first, second and third readings and report stage of the British House of Commons.

The submission of Questions in the Knesset is very similar to the British counterpart. The first half-hour of every session is devoted to Questions. The member submits his question to the minister in writing who is required to reply within two weeks verbally from the rostrum of the Knesset. At the same time, the text of the question is distributed amongst the members. There is, however, a

modification: one supplementary question only is permitted and that from the original questioner. In the course of the four years of the last Knesset, some 2,000 such questions were submitted and answered.

The procedure of the Knesset has undergone many modifications and at a very early stage the Knesset wisely decided not to attempt to produce a complete system at one stroke but to move empirically and change and add in the light of experience. In fact, a decision was taken to this effect and incorporated in the Standing Orders of the Knesset. The decision says:

(a) A question which concerns the debates shall be decided by the Knesset Committee. Any decision of this kind will become a binding precedent so long as no new Standing Order has been adopted.

(b) The Knesset Committee is authorized to decide on any changes in the Standing Orders and any such change will serve as a precedent for the process of debate in the Knesset and will override previous decisions.

(c) Should there arise any dispute on the interpretation of a specific clause or a specific provision of the Standing Orders, or a precedent during a debate in the Knesset, the Speaker will make a ruling and this ruling will be binding. Every member of the Knesset has the right to appeal after the meeting on the question of the interpretation which has been given by the Speaker. This appeal will come before an interpretative committee of seven members which includes the Speaker of the Knesset and two of his deputies.

It will thus be seen that procedure by the committee and confirmed by the Knesset itself and the series of the Knesset is now composed of provisions which have been prepared

precedents which have either been made by rulings of the Chairman or subsequently incorporated by the committee, which I have mentioned above.

On this basis, Israel's parliamentary life has undergone a process of growth, development and change which has created a stable and practical deliberative assembly. Despite the multi-party system which arises from the method of election it has enjoyed a steady parliamentary life for seven years. The last Knesset which has just come to an end went its full term of four years and for the last two years had a permanent coalition. There have been crises but they have always been overcome because of the elasticity of the system.

One of the most positive features in its parliamentary life is the confidence enjoyed by the Speaker, the same person having occupied the Chair for the whole seven years and in fact in this Knesset was elected unanimously at the beginning of the term, an achievement not to be underrated in a Parliament consisting of parties of so varied a character.

The streamlined and model method of procedure which has been described above is of special importance in view of the magnitude of the legisla-

tive task which lies before this young Parliament. Israel inherited a complicated system of law. In the field of criminal law and civil law it has a system which was introduced during the Mandatory period and which is based almost entirely on British precedent; in land tenure and property it operates a number of archaic laws which have remained over from the Turkish days; in matters of marriage, divorce and personal status each religious denomination is subject to the jurisdiction of its own courts. The problem of amendment and codification is probably a task for generations. The number of legislative changes which have already been made is very considerable and great strides have been made towards the fulfilment of the task. The success of what has already been done is in a large measure due to the form of Government which has been adopted and which has won commendation from expert sources. Taking into consideration the diverse character of Israel's population drawn as it is from so many parts of the world, there is every reason to be gratified with the form of democratic government which has been created and which looks as if it has become a permanent feature of the life of the country in an area in which true democracy has made little progress.

Organization of Political Parties in Britain*

THE British Party System has been for several centuries the pivot round which the English Constitutional processes turn, although the system itself is unknown to the Constitution. The main parties in Britain today are the Conservative Party, the Labour Party and the Liberal Party. Besides these three parties, others have arisen or 'splintered' off, generally over some specific issue. They are usually defeated or re-absorbed. The word 'Unionist' in the full title 'Conservative Unionist Party' denotes the Liberals who broke with their party over Home Rule for Ireland in 1886 and were eventually absorbed. National Liberals, a right-wing group, support the Conservatives. Ulster Unionists stand for the maintenance of the union of Northern Ireland with Great Britain and also support the Conservatives. The Co-operative Party which represents the interests of the co-operative movement, votes with the Labour Party. The Independent Labour Party, which along with the Trade Union movement, formed the origin of the present Labour Party, has now dwindled to a small left-wing pacifists' group, and is no longer represented in Parliament. The Communist Party of Great Britain at the 1951 and 1955 general elections failed to secure even a single seat.

Although the three main political parties in Britain disagree with each

other upon their political programmes, they agree upon certain basic principles, including those of free institutions and representative parliamentary democracy.

National Organisation

Each party is based on constituency parties (or associations), the local units of which represent the rank and file membership of the party and its affiliated organizations. Every member of the constituency association has a right to vote in the election of its office-holders and, generally speaking, may participate in the selection of a Parliamentary candidate. The constituency associations strive constantly to increase their membership by public meetings, house-to-house canvassing and the distribution of party literature. They send representatives to the national party's annual conference.

In each main party, constituency units combine to form area organizations which, in turn, are the sub-divisions of the national union, or its equivalent. The national organization, presided over by a central executive, holds a national conference every year.

The Conservative Party: The most broadly based of the party's organisations is the National Union of Conservative and Unionist Associations. It is

*Prepared by the Editor on the basis of the sources indicated at the end of the article.

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a federation to which are affiliated constituency associations and central associations (in boroughs with two or more constituency associations). Its main functions are to advance the party's cause and to serve as a deliberative and advisory body which keeps the leader informed of party opinion. The resolutions which are passed help in the formulation of party policy.

The other main organs of the National Union include the Central Council, which meets annually and considers the report of the Executive Committee of the National Union, and reviews motions which have been submitted.

The Executive Committee has authority to perform all ordinary and emergency acts on behalf of the Central Council during the intervals between meetings of the Central Council, and includes: the leader of the party and other principal officers and officials of the party; six representatives from each Area Council, namely: the Area Chairman, the Area Treasurer, the Chairman of the Area Women's Advisory Committee, a Young Conservative, a Trade Unionist, and one elected representative. The Areas containing more than 30 constituencies have additional representation. Meetings of the Executive Committee, at which matters of general political and party importance are dealt with, are held bi-monthly.

There are a number of Advisory Committees, Central Committees and Boards, *e.g.*, on Trade Unions, Local Government, Political Education, Publicity and Speakers, as well as the Advisory Committee on Policy, which

is responsible to the leader of the party, and the Standing Advisory Committee on Parliamentary candidates.

The Labour Party: The national Labour Party consists of three main types of organizations: trade unions, constituency associations and certain Socialist societies such as the Fabian Society. Trade Unions and other national organizations are directly affiliated to the Labour Party. The constituency parties, which are the focal point of all political propaganda work in the divisions, function through a small executive committee drawn from, and acting for, a larger general committee which in turn is composed of representatives of the various units: individual members' and women's sections, Leagues of Youth, trade union branches, and so on, in the area.

The Labour Party's National Executive Committee consists of 28, two of whom, the leader and the deputy leader of the Parliamentary Labour Party, are *ex-officio* members. The other 26 are elected every year by the Annual Conference on the following basis:

12 by the Trade Union delegates;

7 by the Constituency Parties and Federation delegates;

5 women elected by the Conference as a whole;

1 treasurer, also elected by the Conference; and

1 member, elected by the Socialist, Co-operative and Professional Association delegates.

The National Executive Committee carries on most of the work through a series of standing sub-committees, which correspond with the major divisions of the party's work. It chooses its own chairman and vice-chairman, and meets at least once a month.

In Parliament

The Party in Parliament consists of the Members of Parliament belonging to the party. Party organization inside this body is carried out by officials called Whips. The Chief Whip acts as a sort of Chief of Staff to the party leader. With his assistants, the Chief Whip on the Government side is responsible for planning Government business for some months ahead. Certain subjects for debate are arranged "through the usual channels," by discussion with the Opposition Whips. It is the duty of the Whips of each party to see that a sufficient number of Members are in the House to vote for (or against) a particular measure. The Whips of each party act as liaison officers between the private Member and the Government (or the Opposition 'Shadow Cabinet', that is, those Members who are likely to form a Government if their party comes to power).

Besides the official organization supervised by the Whips, Members form themselves into committees or groups for the study of specific subjects and of policy concerning them. In this way the Conservative Party has committees on more than a dozen subjects from agriculture and food to transport, and the Labour Party has some twenty groups who meet to study such varying subjects as the administration of the national industries, finance or fisheries.

An essential element in the party machinery in Parliament is the party meeting. This differs in structure and practice from one party to another, but in each party there is a regular meeting of Members for the discussion of policy.

The work of the Parliamentary Labour Party (when the party is in opposition) is under the direction of a Parliamentary Committee, consisting of the following *ex officio* members: the Chairman of the Parliamentary Labour Party, the Deputy Chairman, the Chief Whip, the Chairman of the Labour Group in the House of Lords, the Chief Whip of the Labour Peers, plus 12 elected representatives of the Labour M.P.s and one elected representative of the Labour Peers. The Parliamentary Committee meets once a week but *ad hoc* meetings are also held as the exigencies of the Parliamentary situation demand.

In 1945, when the Labour Party was in office, a small Liaison Committee was set up. Its duty was to arrange for Ministers to attend a Party meeting so that they could explain their policies or Bills or answer any criticism. The Labour Party has its standing orders on the conduct of its Members, for encouraging co-operation between them and giving the entire party a cohesion in action. The standing orders of the Parliamentary Party, which were revised in March, 1952, are as follows:

(1) The privilege of membership of the Parliamentary Labour Party involves the acceptance of the decisions of the Party Meeting. The Party recognises the right of individual Members to abstain from voting on matters of deeply-held personal conscientious conviction.

(2) The Parliamentary Party have the right to withdraw the Whip on account of things said or done by Members of the Party in the House. The Member or Members concerned shall have the right to be heard at the Party Meeting before the Whip is withdrawn.

(3) The National Executive Committee shall be informed of any decision to withdraw the Whip.

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(4) It is the duty of the Parliamentary Committee to bring before the Party Meeting cases of serious or persistent breaches of Party discipline, and in appropriate cases to recommend to the Party Meeting that the Member or Members concerned shall be reported to the National Executive Committee. The Member or Members concerned shall have the right to be heard by the Parliamentary Committee and the Parliamentary Party.

(5) For the purpose of securing concerted action in the House, Members shall consult the Officers of the Parliamentary Party before tabling any motion, amendment or prayer, or other proposal which may involve party policies or decisions.

(6) These Standing Orders may be amended, rescinded, altered, added to, suspended or reinstated for such period and under such conditions as may be determined, after due notice, by a duly constituted meeting of the Parliamentary Labour Party.

The Conservative Party in Parliament has a small committee known as the Conservative Members' Committee (also called the 1922 Committee), the meetings of which are not normally attended by Ministers. When the Party is in opposition the Party leaders can and do attend the meetings of this Committee.

Annual Conference

Each main party meets in annual conference, the Conservative and Labour Parties usually in October, and the Liberal Party in April. Broadly speaking, each party's annual conference receives and discusses the report of the Executive Committee of the main national organization: that is, of the Labour Party or of the National Union of Conservative and Unionist Associations. The conference also

debates a number of resolutions covering a wide range of public affairs.

The Leader

The powers of the party leader and the method of his appointment vary, but in all parties the leader of the national party is the leader of the party in Parliament.

In the Conservative Party the leader is elected by a body consisting of the parliamentary party in the House of Commons and the House of Lords, the prospective candidates and the Executive Committee of the National Union of Constituency Associations. Once elected, and so long as he retains the confidence of the electing body, the leader is responsible for the policies of the party, and, while the decisions of the party conference and the various party organizations are conveyed to him so that he may be kept constantly aware of the opinion of the rank and file, he is regarded as 'the main fountain and interpreter of policy'. His work in Parliament is not subject to any formal review by those who have elected him. He does not normally attend the annual conference of the national union, but appears only after the conference has adjourned and customarily delivers a major address which is not subject to debate.

The leader of the Parliamentary Labour Party becomes *ipso facto* the leader of the Labour Party. The Labour peers share in his election and also elect a leader of their own in the House of Lords. Unlike his Conservative opposite number, the leader of the Labour Party, while in opposition, does not choose his own deputies and front bench associates; they are elected by the Parliamentary Labour Party.

Central Offices

Each main party has a central headquarters, staffed by professional workers. The Conservative Central Office (along with its twelve area offices) acts as the party's 'civil service'. It provides a cadre of full-time professional party workers who operate the machinery of the party under the ultimate direction of the leader. The Central Office is presided over by a chairman who is of Cabinet rank and the principal full-time official is the General Director.

The Labour Party:—The headquarters of the Labour Party is commonly called "Transport House". Its chief official is the Secretary of the Labour Party, who is chosen by the National Executive Committee and approved by the party conference.

Finance

The sources of income of the main parties vary. The central income of

the Conservative Party is derived from voluntary subscriptions collected individually, with the addition of contributions from the constituency associations assessed on an agreed basis. The constituency associations in their turn depend upon the voluntary subscriptions of supporters, supplemented by various other means, such as fetes, bazaars, dances, whist drives and collections at meetings.

The income of the Labour Party is mainly provided by affiliation fees. Constituency parties pay a minimum of 6d. a year to the national party for each individual member, each Central Labour Party pays £6 a year, and each federation from £1 to £4 according to the number of constituency parties. The largest element in the party's income comes from the affiliation fees of trade unions, at 6d. a year from all members who have not signed a paper declining to pay the fees.

Sources :—1 Thomas, Ivor Bulmer: *Party system in Great Britain.*

2 McKenzie, R. T.: *British Political Parties.*

3 Morrison, Herbert: *Government and Parliament.*

Some Parliamentary Activities at a Glance

Debates in Parliament and State Legislatures

The Prize Competitions Bill, 1955

AFTER the motion for the consideration of the Prize Competitions Bill, 1955 had been adopted by the House on the 26th September, 1955, Dr. Krishnaswami (Kancheepuram) raised a point of order that it would be improper to discuss a matter that was *sub judice*. Article 252 of the Constitution, he said, empowered Parliament to legislate on State matter if two or more States by passing resolutions delegated such power to it. The present delegation proceeded on the basis that four States had passed resolutions authorising Parliament to legislate on the subject of prize competitions. Dr. Krishnaswami pointed out that since an appeal by the Government of Bombay regarding competency to legislate with regard to prize competitions was pending before the Supreme Court it would be difficult to have a real debate without reference to, and discussion of, matters which were *sub judice*.

After a discussion for about forty minutes in which eight members participated, the Speaker ruled that the appeal pending before the Supreme Court was with regard to the competence of the Bombay Legislature and

not with regard to the competence of Parliament. He said:

"I am quite clear in my mind that we shall not and we need not discuss the facts of this case (the case pending before the Court) though arguments are perfectly competent on the question of the evil nature of these prize competitions, how they are arranged and how they are worked and all that. The court is not going to hear the general question; the court will restrict itself to particular facts of the case. Therefore, if we do not refer to the facts of that particular case to support any argument here, there is no bar as to why this question could not be taken up in this House and I do not see how the appellants or the respondents, whoever may be interested, can be prejudiced by a discussion in this House."

While giving his ruling the Speaker also mentioned that a Private Member's Bill* proposing regulation and control of prize competitions had been discussed by the House even while the appeal was pending. He overruled the point of order and allowed the motion to be proceeded with.

* * *

S.R.C. Report: Procedure for discussion

*Suggestion for Speeches by 'representative' spokesmen of Members—
Decision regarding Substitute
Motions—Submission of Written
Memoranda by Members*

During its eleventh session, the Lok Sabha held a discussion on the Report

*Refers to the Indian Penal Code Amendment Bill by Shri Nageshwar Prasad Sinha which was moved on December 24, 1954.

of the States Reorganisation Commission from the 14th to the 23rd December, 1955. Apart from its subject-matter, the discussion was also important from a procedural point of view. The Business Advisory Committee of the House had allotted 54 hours* for the discussion of the Report, and in order to make the best use of this time and to have all points of view on the subject expressed in the House, the Speaker outlined the following procedure for the discussion of the subject in the House. Speaking on 9th December, 1955, he said:

"I have been considering the best way of guiding the debate, so that all shades of opinion will have a chance of expressing their views relating to matters and recommendations contained in the Report. . . . The idea of having a discussion at this stage is not to record any definite conclusions about the implementation of the Report but only to enable the Government to know the views of the hon. Members of this House, so that Government may take them into consideration, while formulating their proposals for legislation.

"This is obviously the first round of discussions, as Members will get further opportunities of discussing and placing before the House specific points when Government introduce legislation. The present debate is, therefore, intended more for the purpose of a general discussion, keeping in view the broad points and broad recommendations about the formation of separate units composing the Indian Union. . . . It will be better, if hon. Members, having a common view on reorganisation and its various facets, informally discuss among themselves the particular points which they would like to place before the House, and indicate to the Chair, for its guidance, the names of Members who will place them before the House on

behalf of Members who share those views in common. . . . Though the Chair is not bound to call each such Member, it will do its best to give them a chance, so as to have the debate fully representative of the different views.

"I shall also be thankful if, while supplying such names to the Chair, the specific points in respect of which those Members would like to speak, are also broadly indicated. If this is done, the Chair will be able to know before hand the number and variety of points and will also be able to call upon such representative speakers to participate in the debate. In this way, every broad point will be not only before the House for consideration, but it will also enable the Government better to consider the views of the House and formulate their proposals."

A large number of communications were received from the Members in response to this suggestion, but the communications instead of giving the names of those who would represent and speak on behalf of Members sharing views or a set of views in common, gave a large number of individual names of Members with the various points they would like to speak upon. The broad scheme outlined by the Speaker was generally followed for carrying on the debate.

Another important feature of the discussion from a procedural point of view was with regard to the moving of amendments or substitute motions by the Members. On the 14th December 1955, after the Home Minister had initiated the debate and the Speaker had proposed the motion that the Report of the States Reorganisation Commission be taken into consideration, three substitute motions, two by Dr. Lanka Sundaram and one by Shri

*The discussion actually lasted for 55 hours and 29 minutes.

Debates in Parliament

Madhao Reddi, were moved. A question arose as to how the result of voting on these substitute motions would affect the course of subsequent legislation on the subject.

The Speaker observed:

"It may be that the idea of an amendment is to invite pointed attention to a particular aspect in the form of amendments. But it will be a difficult thing to say as to what will happen if the House negatives the amendment. Although anything that the Government will do for the implementation of this Report is not coming up in this session, it will be rather awkward and embarrassing, as Government will have consideration for the views expressed by this House. That is more important than the right of individual Members to move amendments. It is a matter of propriety."

He further added:

"There is also another aspect to it, namely, that the State Legislatures have not yet fully expressed their opinions in all cases. . . . It will not be proper for this House to come to any decision without knowing the opinions in the States. But these are all matters of propriety and I cannot bar a Member from tabling an amendment; I can only appeal to Members not to have any amendments. Every Member has the right to move an amendment, but whether he should exercise it or not is a different matter. . . . My appeal that there should not be any amendment and there should not be any decision now is made for the reason that if once a decision is taken, it will be placing this House and Parliament in a very embarrassing and awkward position. The Members' viewpoints may, therefore, be stated in their speeches."

The House agreed with this view of the Speaker and the consensus of opinion was that it was neither desirable nor proper to move amendments or substitute motions at this stage of the discussion. The appropriate occasion for moving an amendment was

thought to be when the Reorganisation Bill was brought before the House.

A third feature of the discussion with regard to procedure was the submission of written memoranda by Members who did not get an opportunity to voice their views on the subject in the House. On 19th December, 1955, the Speaker said that in order to enable every Member to participate in the debate during the remaining period of the time allotted, it was necessary to fix a time-limit on speeches and to sit for longer hours. As there was a possibility that in spite of this all Members may not get a chance to speak, he suggested that Members might give a short written statement, not exceeding two printed pages, of the particular views which they wanted the Government to take into consideration in respect of the Report. Such statements might be placed on the Table of the House, and they might be taken as part of the proceedings. He fixed the 23rd December, 1955, upto 6 P.M. as the time-limit by which the Members might submit their memoranda. The suggestion was agreed to by the House.

On 21st December, 1955, the Speaker made the following further announcement with regard to his suggestion for the submission of written statements:

"I find there is some misapprehension or misunderstanding about what I stated in respect of Memoranda which Members may submit. . . . The point is that while Members may submit these memoranda, Members who get a chance of voicing their views here will not be entitled to have the memoranda being taken as part of the proceedings. But Members may submit their memoranda, because one does not know who will get a chance and who will not get a chance to speak here. The memoranda of

those who get a chance to speak here will be excluded from the proceedings."

He added that joint memoranda by two or more Members together would not be allowed.

One hundred and forty-six Members sent in written memoranda, 145 of which were included in the proceedings, and in all 124 Members participated in the debate.

* * *

**Sales Tax Laws Validation Bill—
Power of Parliament to enact legislation with retrospective effect Deputy Speaker's Ruling**

On the 28th February, 1956, when the Lok Sabha took up for consideration the Sales Tax Laws Validation Bill, 1956, which sought to validate the levy and collection of sales tax by States on inter-State trade or commerce between the 1st April, 1951 to the 6th September, 1955, an objection was raised that Parliament had no power to pass a law, retrospectively as would have the effect of validating State Laws which were already null and void in view of the judgment* delivered by the Supreme Court. It was contended that the enactment of the proposed Bill would be *ultra vires* of Parliament.

The Attorney-General, Shri M. C. Setalvad, who was called to give his opinion on the legal and constitutional point raised, stated that under Article

286(2)** Parliament had been empowered to provide that a State shall levy inter-State sales tax. The Bill merely proposed to make a law which would enable the sales tax levied under the State laws to be valid. If Parliament could do something prospectively, it could, according to ordinary rule, do it also retrospectively, unless there was something in the language of the Article which prevented it from doing so. He added that the Rule of Law was that unless the power conferring legislation had in it something to indicate that the legislation would not be retrospective, the power was both for prospective as well as retrospective legislation.

Agreeing with the views of the Attorney-General, the Deputy Speaker ruled:

"It is not denied that Parliament can pass a law authorising a State or States to levy taxes on sales which are of an inter-State nature. Thereafter, if a State passes a law and levies a tax, the levy of that tax is quite legal... This Bill seeks to validate that law and incidentally to validate the levy of the tax under that law... It has been rightly pointed out by the Attorney-General that unless there is a prohibition, this Parliament can always pass laws and give effect to them retrospectively. Bar is not imposed upon the exercise of the power of the Parliament under article 286(2) of the Constitution. If to-day Parliament can authorise any State or all the States to impose sales-tax on inter-State transactions, it can do so with retrospective effect also... Therefore there is nothing improper in

*The Supreme Court in the case of the Bengal Immunity Co., Ltd. *vs.* The State of Bihar and others, delivered on the 6th September, 1955, wherein it was held that until Parliament by law made in exercise of the powers vested in it by clause 2 of Article 286 provides otherwise no State could impose or authorise the imposition of any tax on sales or purchase of goods when such sales or purchases took place in the course of inter-State trade or commerce.

**Art. 286(2) of the Constitution reads :

"Except in so far as Parliament may by law otherwise provide, no law of a State shall impose, or authorise the imposition of, a tax on the sale or purchase of any goods where such sale or purchase takes place in the course of inter-State trade or commerce."

this Act requiring or authorising the Bihar Legislature to pass a legislation in advance i.e., with retrospective effect. The Bill is not unconstitutional, it is not *ultra vires*."

* * *

Discussion on the Budget Leakage— Procedure for preparation and presentation of budget

On the 20th March, 1956 the Lok Sabha held a discussion on the recent budget leakage and the measures necessary to prevent such leakage in future. The discussion was initiated by Dr. Lanka Sundaram who suggested certain changes in the present budget procedure for ensuring its secrecy.

Taking part in the debate, the Prime Minister said that the Government had in mind various proposals to prevent any such leakage in future and one of them was to have a secret press attached to the Finance Ministry. He agreed that financial policy was the primary responsibility of the Finance Minister but added that in large matters such as the principles governing these policies, the proposals could not be kept an exclusive preserve of the Finance Minister, but had to be considered jointly with other Ministers.

Winding up the debate, the Finance Minister outlined* the present procedure for the preparation of the budget proposals and said that copies of the budget speech were printed a few days in advance in order to enable the Government to send copies to the Accountants General and Comptrollers to be opened by them at 5 P.M. on the budget day and distributed to the representatives of the Press and commercial bodies at various places in the country.

Copies were also sent for distribution to the Governors of States, the Chief and Finance Ministers and important officials. Upto 1936-37, the entire budget including the budget proposals were printed, but in that year the budget speech was divided into Parts A and B—the former being printed as before, and the latter, together with the Finance Bill, being roneoed in the Finance Ministry and distributed soon after the presentation of the budget. The entire budget papers were circulated to the Members, immediately after the conclusion of the Finance Minister's speech. Part A of the speech was distributed in the press gallery as soon as the Finance Minister rose to deliver his speech and Part B, the Explanatory Memorandum² and the Finance Bill, soon after the speech was over.

The procedure for cyclostyling Part B of the speech and the Finance Bill could not, however, continue during the early forties, when with the increase of the war-time taxation, the Finance Bill became more complex. It was, therefore, arranged to get the Finance Bill printed at the Government of India Press at New Delhi and Part B of the budget speech at the Rashtrapati Bhavan (then Viceroy's) Press.

In the case of both the presses, the material for printing was always sent in double sealed covers marked top secret and the security arrangements were left to the officers in charge of the presses. Within the Finance Ministry itself the budget proposals were handled at the highest level by senior officers who consulted certain senior officers of other Ministries like the Commerce and

*The full text of the Finance Minister's speech may be found in the Lok Sabha Debates of the 20th March, 1956.

Industry, Food and Agriculture etc. only on individual proposals concerning those Ministries and to the extent absolutely necessary. These consultations were as far as possible done verbally and were reduced to writing only at a very late stage. In drafting the Finance Bill, senior officers of the Law Ministry were also consulted.

In order to enable changes in the customs and excise duties to take effect immediately after the introduction of the Finance Bill in Parliament, budget packets containing the new proposals and instructions were sent to the Collectors of Customs with instructions to open them at 6 P.M. on the Budget day.

In the last two years, arrangements had been made for the translation of the budget speech into Hindi, sufficient precautions being taken to maintain the secrecy, and the Hindi documents were printed in the same way as the English documents with the same security arrangements in the presses.

The Finance Minister concluded by saying that the present arrangements involved taking into confidence only the absolutely minimum personnel required and that no major changes in the procedure appeared necessary. He also stated that the Government had decided to make arrangements within the Finance Ministry itself to print top-secret documents like Part B of the Budget speech and the Finance Bill. He further suggested that the Estimates

Committee might, if they liked, examine the Budget procedure also while considering the form of the Budget.

* * *

Cut Motions on Excess Grants: Scope of Discussion (Uttar Pradesh)

Demands for excess grants were made for the first time by the Government in the U.P. Vidhan Sabha on September 12, 1955. The demands totalled Rs. 51,21,000, being the amount spent in 1950-51. The opposition groups pleaded for the right to move cut motions, but the Government opposed them on the ground that the grants did not fall under the category of supplementary demands.

The Speaker, Shri A. G. Kher, before giving his ruling, quoted two precedents in respect of discussion on excess grants. A similar procedural point was discussed¹ in the U.P. Legislative Council on December 18, 1931 and in 1935, Sir Abdur Rahim, President of the Central Legislative Assembly, also dwelt² on it when Shri Satyamurti raised the question regarding the scope of discussion on excess grants.

After quoting these precedents, the Speaker gave his ruling in the following words:

“As for the right of the Members of this House regarding cut motions, I think that as long as I am not shown some Article of the Constitution or some

¹In response to a doubt expressed by Shri C. Y. Chintamani regarding moving cut motions to excess grants, the Finance Minister of U.P. remarked :

“..... there is nothing whatever to prevent him moving a reduction. The results, were it carried, would probably be unpleasant to somebody or other, but still it is clearly within the competence of the House to move it.”

²Sir Abdur Rahim remarked :

“Is there any difference in that respect between supplementary grants and excess grants? I have looked up the Parliamentary procedure and I do not find that there is any distinction as regards the scope of discussion so far as supplementary grants and excess grants are concerned.”

Parliamentary Questions

clear rule barring cut motions, I must decide that reduction can be made and reduction means a cut motion. Token reductions as are proposed to demands during budget discussions on policy cannot be allowed in case of excess grants. For example, a token cut of Re. 1 is moved to a budgeted grant with a view to discuss the general policy of the Government. That cannot be done here. But if the House wishes to reduce the grant, to that extent the House has a right to reduce it. I wish to state that a cut motion of this nature can be brought in respect of demands for excess grants".¹

* * *

Parliamentary Questions

Lok Sabha

Pondicherry Assembly

(September 1, 1955)

In reply to a question regarding the Pondicherry Assembly, the Deputy Minister for External Affairs (Shri Anil K. Chanda) stated that the Pondicherry State Representative Assembly would be governed by French rules and that it was essentially a consultative and advisory body of elected representatives of the people of the State which concerned itself mainly with the budget, accounts and other detailed aspects of the administration of the State. It had no legislative powers but could pass resolutions on various aspects of the State administration which would be binding on the Administration unless annulled by the Head of the State with the approval of the Government of India. The Minister further stated that the reason for not giving sovereign rights, legislative powers and rights of taxation to

Pondicherry Assembly was that the *de jure* transfer had not taken place and till then no fundamental changes could be made in the administration of the State.

* * *

Indian Administrative Service

(September 20, 1955)

When asked to state whether any quota of I.A.S. and I.P.S. officers recruited annually was fixed for every State, the criterion adopted for such fixation and the basis on which such officers were allotted to the various States, the Deputy Minister of Home Affairs (Shri Datar) stated that such a quota was fixed in so far as recruitment by competitive examination to these services was concerned. The annual recruitment rate for the IAS/IPS cadres of the various States was prescribed on an actuarial basis which, however, varied according to the actual gaps in the State cadres. Direct recruits to the I.A.S. were allotted to the various States having regard to the preferences expressed by them and their relative positions in the merit list, as also to the policy of the Government to allot a definite proportion of outsiders to each State cadre with a view to maintaining the All-India character of the Service. Allocation of direct recruits to the Indian Police Service cadres of the various States was, as far as possible, made from amongst the candidates qualifying for appointment from the States concerned or an adjacent part 'C' State.

* * *

¹Translated from Hindi (L. A. Debates, 27th March, 1935, p. 2861).

Separation of Audit from Accounts

(November 23, 1955)

When asked to state the progress made in the separation of Audit and Accounts of States and Central Government, the Minister for Finance (Shri C. D. Deshmukh) informed the Lok Sabha that the scheme of separation had been introduced at the Centre in three Departments with effect from 1st April, 1955 and in two others from 1st October, 1955. The scheme was to be extended to one more department from 1st December, 1955. In the States the separation had been introduced in two departments of the West Bengal Government from 1st August 1955 and one Department of the Saurashtra Government from 1st October, 1955.

Committees at Work

Rules Committee (Lok Sabha): Amendment to the Rules of Procedure

The Rules Committee of the Lok Sabha, which was reconstituted on 2nd May, 1955, presented its First Report to the House on 6th December, 1955. Some of the important recommendations made by the Committee are summed up below:

(i) Under rule 2, the term "precincts of the House" may be defined as "the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify."

(ii) Discretion may be given to the Speaker to entertain notices of identical Bills in special cases where he thinks that such a course is necessary in the interest of Parliamentary work. A new rule may, accordingly, be added after rule 85 that notices of an identical Bill shall not be entered in the list "unless the Speaker otherwise directs."

(iii) A proviso may be added to rule 94 that a member in charge of the Bill may, with the approval of the Speaker, authorise another Member to pilot the Bill after introduction, in case he is unable to do so. The present rule is that a motion in respect of a Bill (excepting amendments) can be moved only by the Member in charge of the Bill which sometimes causes inconvenience to the private Members and also deprives the House of the opportunity to discuss an important Private Members' Bill if the Member in-charge is unable to pilot it.

(iv) It may be provided under Rule 131 that in case of Bills which have undergone amendments, the third reading of the Bill shall not be taken up, unless the Speaker otherwise directs, on the same day on which the consideration of the Bill has been concluded. The present practice of taking up the third reading immediately after the second reading leaves no time for the Members to study the Bill as amended.

(v) Provision may be made under rule 167 to pass by a simple majority the Short Title, the Enacting Formula and the Long Title of a Bill which seeks to amend the Constitution, as they are only formal provisions and do not affect the Bill on its merit.

(vi) Ministers may be debarred from membership of the Committee on Petitions, subordinate Legislation and Government Assurances and rules 181, 265 and 278 may be amended accordingly. They are at present debarred from membership of the Estimates and Public Accounts Committees only.

(vii) The membership of the Estimates Committee may be raised from twenty-five to thirty and rule 243 may be amended accordingly. This is found necessary, because for a complete and exhaustive examination of the Estimates of a Ministry, three or four sub-committees, each dealing with one or more subjects under the Ministry are required. One or two sub-committees are also needed to pursue the recommendations made in the previous reports of the Committee.

Committees at Work

(viii) The precincts of the House being privileged and sacrosanct, the permission of the Speaker should be obtained for the service of a legal process or arrest within the precincts of the House, irrespective of whether he is a Member of the House or not.

(ix) Rule 329 may be amplified with a view to the incorporation in the Rules of the established practice that there should be no reference to strangers in the Galleries on the floor of the House. This applies equally to clapping and applause when any stranger, whatever be his status, enters the Galleries or the Special Box.

(x) It may be provided in rule 385 that the division bells be rung even when the count on a question is taken by asking the Members to rise in their seats. At present the bells are rung only when a regular division is held and not when the count is taken by asking the Members to stand in their seats.

(xi) Rule 387 may be so amended as to provide for the determination of the period of suspension in each case according to the seriousness of the offence, whenever any Member is being "named" by the Speaker. At present a member on being "named" is suspended for the remainder of the session, even though the offence may not be so serious as to call for such long suspension.

The above recommendations were approved by the Lok Sabha and the amendments to the Rules of Procedure were notified in the Bulletin—Part II dated 22nd December, 1955.

* * *

Financial Committees

Acceptance of Membership of Government Committees by Members of Financial Committees of Parliament

The Speaker has given the following directives regarding the acceptance of membership of any Committee constituted by Government, by the Chairman

or a Member of the Estimates or the Public Accounts Committee of Parliament:

"Whenever the Chairman or any member of the Estimates Committee or the Public Accounts Committee is invited to accept membership of any committee constituted by Government the matter shall be placed before the Speaker before the appointment is accepted.

"Where the Speaker considers it inappropriate that a Chairman or member of the Estimates Committee or Public Accounts Committee should serve on the committee constituted by Government so long as he remains a member of the Estimates or Public Accounts Committee, the latter shall not accept the appointment of membership of the Committee constituted by Government.

"Where in the interest of Parliamentary work, the Speaker permits a Chairman or member of the Estimates or Public Accounts Committee, as the case may be, to accept the membership of a committee constituted by Government, he may require that the report of the Government Committee shall be placed before the Estimates or Public Accounts Committee as the case may be for such comments as the latter committee may deem fit to make, before it is presented to Government."

* * *

Examination of Official Witnesses

The importance of a proper approach by the Estimates and the Public Accounts Committees of Parliament in the matter of their examination of official witnesses has been stressed by the Speaker in a number of addresses delivered by him at the sittings and conferences of the two committees. Extracts of the relevant observations made by him in this connection from time to time are given below:

"The members of the Committee, the Ministers at the head of the administration and the officials concerned

can all be compared to a group of a happy family, members of which are going to put their heads together for the solution of problems and betterment of the citizen's life in the country. It would be wrong to assume that every official is an autocrat, has some ulterior motive, or has not the interest of the public at heart. The Committee should instead make the best use of the experience and information of the permanent official, which is an asset. This would be best achieved if a spirit of comradeship and mutual respect could be encouraged between the Committee and Government officials."

[P.A.C. Meeting 10-4-1950.]

"Whenever we think that a particular thing is wrong, we should be careful not to express ourselves very strongly to members of the services and then condemn them for a bureaucratic or anti-democratic outlook. We must cultivate with them the best atmosphere and the best selections. When we interrogate officials, let us not do so, as if they are our opponents and we are cross-examining them as lawyers."

[E.C. Meeting 5-12-1950.]

"Our approach to the examination of Government officials should not be that of an opponent who is sitting only to find faults, though it is the duty of the Committee to find out defects and to correct them. A man in the services is no less honourable or less patriotic than a man who comes to the Parliament. We can never proceed further if we have an approach of antagonism or distrust towards the Government officials. It is only trust that begets trust and it is always courtesy which begets courtesy. We cannot carry on a Government on democratic lines unless we understand and realise that everyone has got his self-respect, and appreciates courtesies and confidence that you place in him; that is the only way of securing the loyalty and co-operation of the services; not by regulations and rules. In cases where you find that money has not been properly spent or proper sanction has not been obtained, unless one is convinced by

proof, not by mere suspicion, that there is misappropriation or mishandling, our approach has always to be one of sympathy and one of give and take. The Committee would be getting more and more help from the Government officials who are in the know of day-to-day administration, if our attitude to them is one of sympathy more than of criticism."

[P.A.C. Meeting 9-5-51.]

"Suspicion of the actions of the authority sometimes breeds disregard and suspicion in the mind of the authority also of the criticism of its actions. This results in an atmosphere of suspicion and conflict instead of one of confidence and co-operation.

"Every one of us has, therefore, to treat every other individual as a colleague, having the qualities of patriotism, and a desire to serve the people in the same degree, and we should work as one united team notwithstanding differences of viewpoints and ideas."

[E.C. Meeting 20-11-1954.]

"The Committee does not sit as an inquisition nor does it try to find fault with the Executive officials and Ministers. On the contrary, it should criticise not as an opponent but in a friendly and constructive manner. It must apply itself to the work as a partner in a joint effort aimed at betterment and efficiency in the administration."

[P.A.C. Meeting 30-4-1955.]

* * *

Public Accounts Committee

Press Statements by Government Officials on the Reports of the Public Accounts Committee.

In September 1955, an official of the Government of India was reported in the Press to have made certain public comments on the Report of the Public Accounts Committee. This was

Committees at Work

brought to the notice of the Speaker by a Member of the Committee who sought his permission to raise the matter on the floor of the House, as in his opinion this involved a breach of privilege of the House, inasmuch as the officer had rushed to the Press to give a statement without giving an opportunity to the Committee to consider his viewpoint and had criticised the conclusions of the Committee. Later, the Member gave notice of a short notice question on the subject in the Lok Sabha.

In replying to this question on 30th September 1955, the Minister for Revenue and Defence Expenditure stated *inter alia* that it was "clearly improper for Government officers to make public comments on the reports of Parliamentary Committees or on any proceedings of the Parliament." He added that the Officer concerned had since expressed his sincere regret for the incident and Government expected that no such case would take place in future.

In order to prevent the recurrence of such incidents in future and to establish healthy parliamentary conventions, the Public Accounts Committee desired that a directive should be issued to the official witnesses to the effect that they should not make public statements refuting the recommendations or observations made by the Public Accounts Committee in its reports but should follow the well-established parliamentary practice of placing the Government's views before the Committee, in case they had reasons to disagree with the Committee's views, so that the Committee might, if it thought fit, present a further report to the House after considering the views of

the Government. Similarly, if there were any factual statements in the report of the Committee, on which the Government had reason to disagree, such matters should always be brought to the notice of the Committee in the first instance and not given publicity in any manner. It was further added that according to the Parliamentary law of privileges, statements, comments or observations criticising the contents of the reports of a Parliamentary Committee made without the knowledge of the Committee or without the permission of the Speaker might involve and be considered a breach of privilege of the House.

A directive was accordingly issued with the approval of the Speaker to all the Ministries of the Government of India for their guidance on the 30th November, 1955 *vide* Lok Sabha Sectt. Office Memorandum No. 27-PAC/55, dated the 30th November, 1955.

* * *

Procedure for the implementation of the recommendations made by the Public Accounts Committee

The Comptroller and Auditor-General made a reference to the Lok Sabha Secretariat in April, 1954 suggesting that with a view to ensuring expeditious action being taken on the recommendations of the Public Accounts Committee, the Cabinet Secretariat might be entrusted with the work of consolidating the comments of the various Ministries of the Government of India and submitting a Minute to the Committee early in the year following that to which the Report relates, on the lines and practice obtaining in the U.K. These suggestions were examined. While it was agreed that the Executive should

take expeditious action on the recommendations of the Committee, it was felt that centralising these functions in the Cabinet Secretariat did not seem to be the solution for the delays that occurred at present. The matter was placed before the Chairman, Public Accounts Committee, who observed that such a course would divide the responsibilities of the Ministries in the matter of furnishing information to the Committee regarding the implementation or otherwise of their recommendations. It would also mean duplication of official machinery purely for purposes of co-ordination, the responsibility for which has devolved on the Lok Sabha Secretariat, as under the new constitutional set up the Lok Sabha Secretariat is functioning as the Secretariat of the Committee. As this arrangement under which the Ministries concerned were directly accountable to the Committee had worked satisfactorily for the last 5 years or so, the Chairman felt that no change need be made therein. The Speaker, too, before whom this matter was placed, agreed to the views expressed by the Chairman.

(Under Rule 15 of the Rules of Procedure of the Public Accounts Committee—Internal Working—the recommendations of the Committee on the Accounts of a particular year, which are examined by them are summarised by the Lok Sabha Secretariat in the form of a statement which is forwarded to the Ministries concerned for further necessary action. The Ministries concerned are required to keep the Lok Sabha Secretariat informed of the action taken by them on the recommendations of the Committee. The statement is brought up to date by the Lok Sabha Secretariat and placed before the Committee when they next take up examination of the Accounts relating to the respective Ministries. A complete

list of all such points showing in each case the action taken or proposed to be taken is thus prepared and placed before the Committee.)

* * *

Appearance of Secretaries to Ministries at Sittings

Ever since the inception of the Public Accounts Committee more than three decades ago, a tradition came to be established at the Centre that the Secretaries to Departments (now Ministries of the Government of India) invariably appeared before the Public Accounts Committee, when the examination of the accounts relating to their Departments was taken up by the Committee.

In 1929-30, the Public Accounts Committee made the following observation in para. 77 of their Report:

“We have to note that in some cases the representatives of the Departments, who appeared before us, have not always been able to answer our questions with full responsibility. We wish to emphasise our view that the officer responsible for the control of any department must always include the control of expenditure and accounts as an important part of his own direct responsibility and should be ready, if necessary, to appear before the Public Accounts Committee.”

Since one of the functions of the Committee is to act as a check on unwise methods of expenditure, questions by the Committee may trench upon the Ministry's administrative functions or departure from financial regulations, or they may embrace all matters where administrative action, not distinctly sanctioned or approved by Parliament, appears to involve loss to public. When a case of proved negligence resulting in loss or extravagance is

Committees at Work

brought to the notice of the Committee, the Ministry concerned is required to show that it has taken necessary steps, by disciplinary action or otherwise, to prevent a recurrence. When such an irregularity is found and is the subject of examination by the Committee it is only the Secretary or a senior officer of the Ministry who would be in a position to give a final answer on that point.

During the war years, there had been some relaxation in this practice, as the Government machinery was geared to war efforts and the Secretaries were pre-occupied, and the Public Accounts Committee had allowed officers of the rank lower than the Secretary to give evidence before them. The Committee, however, did not want to continue this *ad hoc* dispensation for any time longer than it was necessary.

As, however, cases occurred even after the war of Ministries deputing officers lower than the Secretary's rank to appear before the Public Accounts Committee, the Committee desired that a directive should be issued to all the Ministries with a view to preventing the recurrence of such cases. It stated that the Secretaries to Ministries should invariably appear before the Committee at the time of the examination of the accounts relating to their Ministries. In case a Secretary was unable to appear before the Committee owing to some unavoidable reasons, he might intimate in advance the reasons for his absence and also the names of officers deputed by him to appear on his behalf so that the Chairman of the Committee might postpone the sitting, if necessary. The matter was also placed before the

Speaker who agreed to the issue of a circular to all the Ministries on the above lines.

* * *

Public Accounts Committee (Bombay)

Issue of Ordinance to authorise the Government to incur expenditure when the Legislature has been dissolved before the Elections

While examining the cases where the Bombay Government had incurred expenditure in excess of the Grants during the year 1951-52, the State Public Accounts Committee were informed that the excess expenditure related to the period immediately following the General Elections when the old Legislature had been dissolved and the new Legislature had not come into existence, and that it was not therefore possible for the Government to approach the State Legislature for a Supplementary Demand in time. Such a situation, it was added, would, however, occur only when the Legislature had been dissolved prematurely and when the amount provided in the Contingency Fund of the State was not adequate to meet the contemplated expenditure. Thereupon the Accountant General, Bombay expressed the view that under the proper system of Exchequer Control, excess expenditure should not take place and that to meet emergencies of such a nature, it would be far better to approach the Governor for the issue of an Ordinance to cover the contemplated unavoidable expenditure rather than go before the Legislature subsequently for an excess vote. The State Public Accounts Committee commended this suggestion and recommended that it should be accepted.

* * *

*Discussion of the Report of the Public
Accounts Committee in the House*

On the 9th September, 1955, during the discussion on the Report of the Public Accounts Committee, when the Finance Minister, who also is the Chairman of the Committee, rose for reply on behalf of the Government, the Speaker observed that so long as the Finance Minister happened to be the Chairman of the Public Accounts Committee, it was necessary that he took part in the debate more as the Chairman of the Committee than as a representative of the Government. If the Finance Minister replied to the debate, a doubt would be created in the minds of the Members as to whether he was speaking as Chairman of the Public Accounts Committee or as a member of the Government and they would be justified in that. It was therefore better, he added, if other Ministers replied to the points with which they were concerned.

* * *

Joint Committee

*Extension of time by the Speaker on
behalf of the House*

The Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1955, were to present their report by the 15th November, 1955. At their sixth sitting held on 17th October, 1955, the Committee found that they would not be able to complete their work by the 15th November. The Lok Sabha was then not in session and was scheduled to meet only on the 21st November, 1955. The Joint Committee therefore authorised the Chairman to approach the Speaker for extension of time upto the 15th December, 1955. The Chairman thereupon sent a note to

the Speaker who granted the extension of time asked for on behalf of the House.

When the Lok Sabha reassembled on the 21st November, 1955, the Speaker made an announcement in Lok Sabha informing the House of the extension of time granted by him on its behalf. Being a Joint Committee, a message regarding the Speaker's announcement was also sent to the Rajya Sabha on the same day.

In similar circumstances, the same procedure was followed in the case of the Joint Committee on the Citizenship Bill.

* * *

Parliamentary Committees

*Sittings of Parliamentary Committees
outside Parliament House*

The following directions were given by the Speaker on 28th February, 1956 regarding the holding of sittings of Parliamentary Committees outside Parliament House:

(i) The sittings of the Committees and sub-committees, whether formal or informal, at which officers or staff of the Lok Sabha Secretariat are required to be present, shall invariably be held within the precincts of the Parliament House. If for any reason it becomes necessary to hold a meeting of a Committee outside the Parliament House, the matter should be referred to the Speaker for his directions.

(ii) When Committees are on a study tour, informal sittings may be held at the place of the visit, but at such sittings no decisions will be taken nor any evidence recorded.

* * *

Procedural Matters

BILLS

The Constitution (Eighth Amendment) Bill: Clause by Clause consideration of Bill postponed to enable Government to have informal discussion with Members

On the 12th December, 1955 after the Minister of Law and Minority Affairs (Shri Biswas) had moved the motion for consideration of the Constitution (Eighth Amendment) Bill, the Speaker, Shri G. V. Mavalankar suggested to the House that as the points involved in the Bill had already been debated sufficiently in connection with the motion for referring the Constitution (Seventh Amendment) Bill to a Select Committee on the 30th November, 1955, the consideration motion might, if the House so agreed, be put to the vote of the House without any further debate.

It was agreed that after the motion for consideration of the Bill had been adopted in the course of the day, further clause by clause consideration of the Bill might be taken up the following day so that the Law Minister and the Home Minister who were concerned with the Bill might meet informally Members who were interested therein and have a discussion with them. Thereupon Shri V. G. Deshpande and Shri Kamath did not move their amendments for reference of the Bill to Select Committee.

The motion for consideration of the Constitution (Eighth Amendment) Bill was thereafter put to the vote of the House by division, as required under Rule 169 of the Rules of Procedure. The motion was carried by a majority of the membership of the House and

by a majority of not less than two-thirds of the Members present and voting.

Further consideration of the Bill was then postponed till the 13th December, 1955. The members of the House interested in the Bill had an informal meeting with the Ministers of Law and Home Affairs in the Central Hall after the House adjourned that day. Clause by clause consideration of the Bill was taken up the following day i.e. the 13th December, 1955.

* * *

**Life Insurance Corporation Bill:
Motion for Reference to a Joint
Committee**

The Life Insurance Corporation Bill, 1956 was introduced in Lok Sabha on the 17th February, 1956. Under Clause 5 of the Bill, the original capital of Rs. 5 crores of the Corporation was to be provided by the Central Government. The Bill, therefore, involved expenditure from the Consolidated Fund, if passed and put into operation, under Article 117(3). According to Clause 28, the sums assured by all policies issued by the Corporation and all the contracts for assurance executed by the Corporation shall be guaranteed as to payment by the Central Government. Thus the Bill made provision for a matter specified in sub-clause (b) of clause (1) of Article 110 of the Constitution. Hence the Bill was a Financial Bill attracting the provisions of Article 117(1) of the Constitution. The President's recommendations under clauses (1) and (3) of Article 117 of the Constitution for the introduction and consideration of the Bill respectively had also been duly received.

On the 23rd February, 1956, the Department of Parliamentary Affairs intimated that the next motion in respect of the Bill was for reference of the Bill to a Joint Committee. In view of the first proviso to Rule 92 of the Rules of Procedure and Conduct of Business in Lok Sabha, a motion for reference to a Joint Committee could not be made in respect of a Financial Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution.

The Department of Parliamentary Affairs was informed that this being a Financial Bill, the motion for its reference to a Joint Committee was in contravention of the Rules of Procedure and Conduct of Business in Lok Sabha. The Department, thereafter, sent a revised motion for reference of the Bill to a Select Committee. The revised Motion was considered and adopted by Lok Sabha on the 20th March, 1956.

* * *

Withdrawal of Bill pending in Lok Sabha

On the 15th March 1956, when the Minister in the Ministry of Home Affairs moved that the Manipur State Hill People (Administration) Regulation (Amendment) Bill, 1954 be withdrawn, some members suggested that when the Government desired to withdraw a Bill, they should circulate a statement giving their reasons for such withdrawal in order to enable Members to be prepared for a discussion on the motion. The Minister agreed to this suggestion and discussion on the motion was thereupon postponed.

The following direction has since been issued by the Speaker on the subject:

“When a Bill pending in Lok Sabha is sought to be withdrawn by Government, a statement containing the reasons for which the Bill is being withdrawn should be circulated to Members by the Ministry concerned sufficiently in advance of the date on which the motion for withdrawal is sought to be made.”

* * *

Finance Bill, 1956—Scope of correction of printing errors after introduction

The Finance Bill, 1956 was introduced in the Lok Sabha by the Minister of Finance on the 29th February, 1956 after the presentation of the Budget for 1956-57. On 1st March, 1956, the Chief Draftsman in the Ministry of Law suggested the correction of certain printing errors in the Finance Bill, as introduced. The Deputy-Speaker did not accept the following correction suggested by the Official Draftsman which related to rates of duties of Customs:—

“In page 15, line 10, for ‘55’ read ‘155’?”

The Deputy Speaker also suggested that in future whenever rates of duties of Customs are mentioned in clauses of Bills, they should be indicated both in figures and letters so as to avoid any complications of this nature.

On the 3rd March, 1956 the Minister of Finance, with the permission of the Chair, made the following statement in the Lok Sabha:—

“I find that in the Finance Bill, 1956 which I introduced in the Lok Sabha on the 29th February, there is a

Procedural Matters

printer's error of some consequence in the 7th line of clause 30 at page 15 of the Bill. The object of clause 30 is, as explained in the note on this clause to continue for another year i.e. upto 31st March, 1957, the surcharges which were in force on the 29th February, 1956. The 7th and 8th lines of clause 30, as now printed read as follows—

'a sum equal to 55 per cent. of such amount in the case of goods comprised in Item No. 22(4)';

These lines should correctly have read as follows:

'a sum equal to 155 per cent. of such amount in the case of goods comprised in Item No. 22(4)';

In fact, sub-clause (a) of clause 30 of this year's Finance Bill is verbatim reproduction of sub-clause (a) of Section 22 of the Finance Act, 1955.

I have considered how best this inadvertent error could be rectified and have decided to introduce a formal amendment in due course, which will have the effect of continuing the surcharge on Item No. 22(4) at 155 per cent., as if no error had been made in the Bill. I may add that the provisions of the Collection of Taxes Act do not apply to reduction, so that the reduction will have no effect until the House has passed the Bill. The reduction can only be made by a notification. No such notification has been issued and therefore, there is sufficient time for us to bring an amendment of the nature I have pointed out."

The Speaker has since issued the following direction regarding the scope of correction in a Bill, as introduced or a Bill, as reported by a Select or a Joint Committee:—

"No alteration shall be made in a Bill as introduced or a Bill as reported

by a Select Committee or a Joint Committee except by way of an amendment adopted in the House:

Provided that the Speaker shall correct an obvious printing or clerical error at any stage of the Bill by the issue of a corrigendum to the Bill:

Provided further that in the case of a secret Bill printed by the Ministry concerned before introduction, such a correction in the Bill, as introduced, shall not relate to an error affecting taxation."

* * *

POINT OF ORDER

Ruling on a point of order which is pending is not necessary if the change in situation meanwhile makes the point infructuous.

On November 30, 1955, a motion for reference of the Constitution (Seventh Amendment) Bill* to a Select Committee was moved in the Lok Sabha. Under Article 368 of the Constitution and Rule 169 of the Rules of Procedure of the House, a motion in respect of a Bill amending the Constitution is deemed to have been carried by the House if it is passed "by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting". The voting on the motion in question was 246 for and 2 against, and as such, since the voting had failed to fulfil the first condition, the motion was declared as not carried in accordance with the Constitution and the Rules. This was the first time when

*The Bill sought to amend the proviso to Article 3 of the Constitution under which no Bill for the purpose of forming a new State, increasing or diminishing the area of any State or altering the boundaries or name of any State can be introduced in Parliament unless the views of the State Legislatures concerned with respect to the provisions of the Bill have been ascertained by the President. The object of the Bill was to empower the President to prescribe a time limit within which the States affected by reorganisation proposals should convey their views to him.

an official motion on a Bill or an official Bill was not carried in the present Parliament for technical or other reasons.

On December 8, the Law Minister, sought leave of the House to introduce the Constitution (Eighth Amendment) Bill. A point of order was raised that the Rules of Procedure of the House barred the moving of any motion which raised a question substantially identical with the one on which the House had given a decision in the same session. The opinion of the members who spoke in support of the point of order was that the Bill contained a redraft of the same matter and there was no change in substance between the previous and the present Bill.

The Minister contended that the present Bill was different in vital part from the previous one inasmuch as it empowered the President to extend the set time-limit whenever he considered it necessary. In addition, he said, the Bill prescribed that no legislative measure for the creation of new States or for altering the areas or for changing the boundaries of existing States could be introduced in Parliament until after the expiry of the period prescribed by the President for ascertaining the views of the States.

It was, however, argued on the other hand that the right of extending the time-limit was inherently vested in the person who originally fixed the time-limit and hence the new Bill was substantially the same.

The Speaker reserved his ruling on the point of order till December 12. Meanwhile on December 9, a motion

for suspension of Rule 321 of the Rules of Procedure of the House in its application to the motion for leave to introduce this Bill was moved by Shri G. S. Altekar. An objection was raised that since the decision of the Speaker on the point of order on the previous day was pending, a motion for the suspension of the Rule would not be proper at that stage.

Sardar Hukam Singh mentioned the analogy of a judicial proceeding where a point was raised and the Judge reserved his judgement. If the parties compromised or the party concerned withdrew his case, the judgement might not be required or be relevant so far as that particular case was concerned. He further said that the adoption of the motion for suspension of the rule would not prejudice any conclusion which the Speaker might arrive at on the point of order.

Shri M. Ananthasayanam Ayyangar contended that the House could adopt the motion for suspension of the Rule and then it would be unnecessary for the Speaker to give his ruling.

Agreeing with the views of Sardar Hukam Singh and Shri M. Ananthasayanam Ayyangar, the Speaker observed that no principle was involved in the objection which has been raised as the question was with respect to determination of certain facts. All that the Chair was called upon to decide was whether these two Bills were identical. The decision of the Chair would be restricted only to that particular question and could not be a precedent for other Bills. The substantial identity of Bills would be determined on merits of each case.

Procedural Matters

The Chair was not going to decide about the procedure generally. The Chair considered that the motion for suspension of rule 321 was in order.

The motion was adopted and thereafter the Constitution (Eighth Amendment) Bill was introduced in the House.

With the introduction of the Bill, the pending point of order became infructuous and the Chair observed that he did not propose to give his promised ruling.

* * *

BUDGET

Supplementary Demands for Grants: Change of Expenditure relating to Industrial Finance Corporation from 'Voted' to 'Charged': Chair advises Government to consult the Comptroller and Auditor General and the Public Accounts Committee in such cases in advance

In the Supplementary Demands for Grants 1955-56, under Demand No. 37 (Miscellaneous Departments and other

expenditure under the Ministry of Finance), a supplementary amount of Rs. 11,30,000 was asked for under the following sub-heads:—

—Miscellaneous Departments :

A.2 Controller of Insurances—

A.2(3) Other Charges (Charged) Rs. 5000(a)

B.—Miscellaneous :

B. 8 (4) Payments to the Industrial

Finance Corporation	
(Charged)	Rs. 11,25,000(b)

TOTAL	Rs. 11,30,000
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An explanatory note* was given in respect of sub-head (b) of the above Demand.

On the 10th December, 1955 during the discussion on Supplementary Demand No. 37, Shri K. S. Raghavachari raised the question as to why certain amounts which were not originally 'charged' were converted into 'charged' expenditure. He contended that the matter should have been brought to the notice of the House or the Speaker and then a decision taken on that matter rather than the Government appropriating the right of changing the classification of expenditure from 'voted' to 'charged' without the knowledge of the House.

*Under Section 5 of the Industrial Finance Corporation Act, 1948, the repayment of principal and payment of annual dividend on the shares of the Industrial Finance Corporation are guaranteed by the Central Government. In the years in which profits of the Corporation are not sufficient to enable it to pay the guaranteed dividend, the Government makes subvention to the Corporation. This year the Corporation asked for a subvention of Rs. 11.25 lakhs for payment of dividend to the shareholders for the following reasons:—

- (i) Interest on advances given to the Sodepore Glass Works had not been charged ;
- (ii) Interest accrued on the accounts of six companies had not been taken credit for in the Profit and Loss Account ; and
- (iii) A sum of Rs.15 lakhs had been set apart on the advice of the Corporation's auditors for bad and doubtful debts.

This did not leave anything for payment of the dividend and accordingly the whole amount of Rs. 11.25 lakhs had to be provided by the Government of India. There was a provision of Rs. 7 lakhs in the Budget and so an advance of Rs. 4.25 lakhs was made from the Contingency Fund of India. Meanwhile the Government of India were advised that such payments should be treated as charged on the Consolidated Fund of India and not voted as had been done in the Budget. In view of this decision a Supplementary Appropriation for the whole amount i. e. Rs. 11.25 lakhs is required. The sum of Rs. 7 lakhs already included in the voted portion of the Grant would, however, be surrendered.

The Minister of Revenue and Defence Expenditure (Shri Arun Chandra Guha) explained that a sum of Rs. 7 lakhs had been put in the budget previously as a 'voted' item but the Law Ministry's interpretation was that since it was a statutory obligation, it should be put as a 'charged' grant and not a 'voted' grant.

The Deputy Speaker (Shri M. Ananthasayanam Ayyangar) who was in the Chair, observed as follows:—

"This item has not been included as an item on which the vote of this House is called for. If it is a 'charged' item then no voting is necessary. If it is not a 'charged' item then voting will be necessary by this House, for the additional Rs. 4 lakhs because Rs. 7 lakhs has already been voted upon. Therefore, it is for them to consider."

On the 12th December, 1955, when the discussion on the Supplementary Demands for Grants was resumed, the Speaker (Shri G. V. Mavalankar) observed as follows:—

"A point... was raised the previous day in respect of Demand No. 37 being marked as a charged demand. I am referring to the item of Rs. 11 lakhs and not to the other item. The total amount is Rs. 11,30,000. Out of this, a sum of Rs. 11,25,000 is required to enable the Government to pay interest, I believe, in respect of shares of the Industrial Finance Corporation. When the Government come with a charged demand, naturally, as the hon. Deputy Speaker observed that day, it does not come before the House for voting. It can be discussed. I do not wish at present to go into the merits of the opinion which Government have received from the Law Ministry. On the surface of it I have no quarrel with that opinion, because the Government are bound to pay interest in respect of the shares and, therefore, if the Corporation is unable to earn sufficient profits, Government are bound to make up the deficit. In that sense, the amount can

be a charged one. But the difficulty which I felt on reading the grounds given by Government was that the Industrial Finance Corporation did certainly make profits... There is a distinct item of Rs. 15 lakhs which they set aside from the profits on the advice of auditors for bad and doubtful debts. That means, profits are appropriated to meet a certain contingency which may or may not arise in future. The debts may or may not be bad and they may be realised; and perhaps the auditor was perfectly right in making this recommendation. But so far as this House is concerned, the question arises, to my mind, that it amounts to an appropriation of profits for a certainly good purpose but it has got the effect of taking the entire amount from the vote of the House. So this adjustment of accounts in that manner does not satisfy me that the amount could be said to be properly charged. Hon. Members will see that Government have already got Rs. 7,00,000 provided for in the General Budget—the House has voted that amount—to meet the Rs. 11 lakhs and odd. They want now, in effect, Rs. 4 lakhs. The procedure that they propose is to have this amount of Rs. 11 lakhs sanctioned and surrender Rs. 7,00,000. So far as actual rupees, annas and pies are concerned, it makes no difference, but so far as the Parliament is concerned, I feel that it has got the effect of taking out of the jurisdiction of House a vote on certain affairs of the Industrial Finance Corporation. This one is included in the Appropriation Bill—this amount of Rs. 11,30,000. So my suggestion would be that whenever there is occasion for changing a voted item into a charged one, it is better—I am not giving my ruling because the matter requires further consideration—if the Comptroller and Auditor General and the Public Accounts Committee are also consulted in the matter, and then the item is taken either to be a charged item or a voted item. My only point is that Parliament should have some kind of say in the matter and some control in matters of finance. I am, therefore, suggesting to the hon. Minister that he

may reduce from the Appropriation Bill this amount of Rs. 11,30,000 or Rs. 11,25,000—whatever it may be—and then there is no occasion for any discussion on that point. That is the procedure which I would suggest; at best to have what the Government want without touching the constitutional rights of the Parliament.”

The suggestion was accepted by the Government and the sum of Rs. 11,25,000 was deducted from the Grant so that the amount of grant under Supplementary Demand No. 37 was reduced to Rs. 5,000 only. This amount was taken out from the relevant Appropriation (No. 4) Bill, 1955 which was amended accordingly.

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STATEMENTS

Ministers may read their speeches instead of delivering them *ex tempore*

The Hindu Succession Bill, 1955 was taken up for consideration by the Lok Sabha on the 13th December, 1955. While the Minister for Legal Affairs (Shri Pataskar) was speaking on the law of succession amongst the Hindus, a member rose on a point of order and invited the Chair's attention to the fact that the Minister was reading his speech. The Deputy Speaker who was then in the Chair observed:

“Government Members are entitled to read so that their statements may be accurate. A statement made is scanned and is quoted. Hon. Members must make a difference between private members and Ministers. Newcomers can look to their notes as also the Ministers; and Ministers can read their statements to be accurate.”

The States Reorganisation Commission: Inclusion in the proceedings of written statements by Members who were unable to participate in the debate

On the 19th December, 1955, before the House took up further consideration of the S.R.C. Report, the Speaker explained to the House that in view of the shortage of time it might not be possible to give a chance to every member to speak on the Report and observed:—

“I suggest that hon. Members may give a short statement of the particular views which they want the Government to take into consideration in respect of this particular Report not exceeding say, about two printed pages. They might place them on the Table irrespective of the fact whether they get chances to speak or not and they might be taken as part of the proceedings. That will give every Member an advantage of having his say to the Government.”

On the 21st December, 1955, the Speaker clarifying the statement made by him on the 19th December, 1955 observed:—

“I find there is some misapprehension or misunderstanding about what I stated in respect of memoranda which Members may submit, not exceeding two printed pages of the size of the report in respect of their views on the States Reorganisation Commission Report. The point is that while Members may submit these memoranda, Members who get a chance of voicing their views here will not be entitled to have the memoranda being taken as part of the proceedings. So members may submit their memoranda because one does not know who will get a chance and who will not get a chance to speak here. The memoranda of those who get a chance to speak here will be excluded from proceedings.”

A paragraph was issued in the Bulletin Part II on the 20th December, 1955 inviting the attention of the Members to the announcement made by the Speaker in the House and asking them to send in written statements by the 23rd December, 1955. All memoranda received from members who were unable to take part in the discussion were accordingly included in the printed Debates.

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DISCUSSIONS

Procedure for discussion on S.R.C. Report (Vindhya Pradesh Vidhan Sabha)

A discussion was held on the Report of the States Reorganisation Commission on the 23rd, 25th and 28th November 1955 in the Vindhya Pradesh Vidhan Sabha. In connection with this discussion, the Speaker observed that as no procedure was prescribed for such matters in the Rules of Procedure of the Vindhya Pradesh Vidhan Sabha he would lay down a procedure which was in consonance with the practice. He said that the procedure would be that as the intention was only to draw the attention of the Members to this matter, there would be no formal motion before the House; the Members would simply place their views and no question would be put in the end.

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ASSURANCES

Intimation to Members about the implementation of assurances

On 12th September, 1955, the Minister for Parliamentary Affairs (Shri

Satya Narayan Sinha) laid on the Table of the Lok Sabha certain statements showing the action taken by Government on various assurances and undertakings given by Ministers and on suggestions made by Members during the previous sessions. A Member referred in this connection to the earlier practice (which had been given up) of intimating the Members concerned whenever such statements were laid on the Table and suggested its revival.

The suggestion was accepted by the Minister for Parliamentary Affairs, who stated on 23rd September as follows:—

“This practice of informing the Hon. Members was started by my Department during the Seventh Session as an experimental measure. The practice was discontinued during the Eighth Session as it was considered advisable not to make it a permanent feature. However, it is now evident from the Member's demand (and I hope other Members also share the same view) that my Department should resume this practice, which appears to have proved useful. I may, therefore, inform the House that this practice of informing the Members concerned about the implementation of assurances arising out of their questions will be revived with effect from the next session of Parliament.”

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SESSIONS

The oldest Deputy opens a new session of the French National Assembly

The proceedings in either Chamber of French Parliament are controlled by a body known as the Bureau (*le Bureau*). Its appointment is now laid down both as a right and as a duty by

the Constitution of France*. The Bureau is elected annually, at the commencement of a session, and the posts are distributed among the political parties in proportion to their representation in the Chamber. Under the present Standing Orders, the Bureau of the National Assembly consists of a President, six Vice-Presidents, fourteen Secretaries and three Questeurs.**

For the purpose of constituting this Bureau, a temporary Bureau, known as the "Age Bureau", is first set up, composed of the oldest Deputy, the *doyen d'age*, as President with six youngest Deputies as Secretaries, chosen from a list prepared beforehand by the permanent staff. On the opening of a session at the first meeting of the Assembly, the oldest Deputy, by tradition, makes a speech in which he reviews the political situation.**

ELECTION OF PRESIDING OFFICERS

Election of Speaker and Deputy-Speaker—Consultation with Opposition Parties

On 20th March 1956, Sardar Hukam Singh, a Member of the Opposition, was elected Deputy-Speaker of the Lok Sabha. His name was proposed for the office by the Prime Minister and seconded by the Minister for Parliamentary Affairs, Shri Satya Narayan Sinha. Opposition Members, abstained from the House, when the voting took place. Regretting their absence, the Prime Minister said:

"I have no doubt that the choice of Sardar Hukam Singh has the unanimous consent of the House, of even

those who unfortunately are not present here. They have not, I am sorry, come here, perhaps because they did not quite like the procedure adopted in this matter; it is not the name, but it is the procedure. I had occasion only yesterday to discuss this matter with some hon. Members opposite and I told them that this had not struck me previously. We all believe that the Speaker and the Deputy-Speaker should be persons who function in that high office with complete impartiality and without any bias towards any party. We believe also that in the selection of the Speaker or the Deputy-Speaker, wherever possible, and to whatever extent possible, consultation should take place with representative Members of the House and of the parties. Naturally, in this and other matters, the chief responsibility necessarily lies with the Government, which represents the major party. But it should be the business of Government and the leader of the major party in such cases to consult others too, in order as far as possible to arrive at a unanimous choice. It may be, of course, on occasions that there is no unanimity—that will be unfortunate—and the decision will have to be by a majority. So, there is no doubt, in my opinion and my colleagues' opinion, about the desirability in such cases of previous consultation.

"The other question was whether the proposal or the motion for this purpose should be made by me or by some hon. Members opposite. It was not a very major question. Both could have made it. What I would have liked personally was that while the motion was to be made by me, I should have liked some hon. Member in the Opposition to second that motion, while I proposed."

While replying to felicitations on his election, Sardar Hukam Singh said:

"Since I came here, I have been a Member of the Opposition. I hope to continue in that position as a Member of the Opposition...I belong to a party

* Article 11.

** Lidderdale : *The Parliament of France*, p. 102 ; London, 1954.

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that has only two Members in this House. I hope this House would permit me to continue in that Party, because I desire to continue. But this much I can assure that when I am in the Chair I will try to do even justice to every Party and Member.

“There is a greater responsibility cast on the Government by this. It is

a new experiment that they have made in choosing one of the Opposition Members. If I fail perhaps their selection might not be justified...If I fail, that experiment fails, and perhaps no Opposition Member might ever be selected for this post in future. If I succeed perhaps I would have done service to the Opposition and carried their cause further.”

Out of the entire enrolment of the Senate, when I was there, there were thirty to forty who worked like Trojans; there were fifteen or twenty who worked pretty well, and the rest did comparatively little. Most of the senators who really apply themselves never get much attention in the headlines. They have no time to make personal attacks on other senators or people outside the Senate. On that account they do not always make good news copy.

— Harry S. Truman in “The Truman Memoirs”:
Part II (*Life*, November 14, 1955).

Constitutional Developments

INDIA

The Constitution (Fifth Amendment) Act, 1955

THE text of the Constitution (Fifth Amendment) Act, 1955, which received the assent of the President on 24th December, 1955 is reproduced below:

THE CONSTITUTION (FIFTH AMENDMENT) ACT, 1955 (24th December, 1955)

An Act further to amend the Constitution of India

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

1. This Act may be called the Constitution (Fifth Amendment) Act, 1955.
2. In article 3 of the Constitution, for the proviso, the following proviso shall be substituted, namely:—

“Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless where the proposal contained in the Bill affects the area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.”

* * * *

SUDAN

The Sudan Declaration of Independence by Parliament

The Sudanese House of Representatives adopted on December 19, 1955 four resolutions declaring the Sudan a sovereign independent Republic and providing for the election of a Constituent Assembly and a five-man committee to exercise the powers of the Head of State. The text of the resolutions is reproduced below:

(1) “That an address be presented to the Governor-General in the following terms: ‘We, the members of the House of Representatives in Parliament assembled, declare in the name of the Sudanese people that the Sudan has become a fully independent sovereign State, and request your Excellency to ask the two condominium Powers (i.e. Britain and Egypt) to recognize the declaration forthwith.’”

(2) “In view of the fact that the creation of a Sudanese Head of State is a necessary consequence of recognition of the independence of the Sudan, the House is of the opinion that a committee of five Sudanese should be elected by Parliament to exercise the powers of the Head of State under the temporary Constitution to be enacted by the present Parliament, until such a Head is elected in accordance with the provisions of the final Constitution of the Sudan; that the chairmanship of the committee should be by monthly rotation; and that the committee should fix its own rules of procedure.”

(3) "That the House is of the opinion that an elected Constituent Assembly should be set up to draft and approve the final Constitution of the Sudan and electoral laws for future Parliaments."

(4) "That the House is of the opinion that the claims of the Southern mem-

bers of Parliament for a federal Government for the three Southern provinces should be given full consideration by the Constituent Assembly." [Source: Keesing's Contemporary Archives. p. 14609].

* * * * *

The Civil Servant exists to translate the impossible demands of politicians and populace into the actuality of effective government. He is thus like the politicians' natural enemy and indispensable ally—natural enemy because it is he who provides the unruffled evasions and the practical objections which form the Ministers' Siegfried line of defence against importunate back-benchers; indispensable ally because without his patient, loyal, and unself-seeking co-operation none of the aspirations or ideals of the politician would be worth the breath in which they are expressed.

— Lord Hailsham quoted in *New Commonwealth*, January 23, 1956.

Privilege Issues

Lok Sabha

Leakage of Bank Award Commission Report. Convention to be adopted by the Press and others

On the 5th September 1955, the Minister for Labour, Shri Khandubhai Desai referred, in the Lok Sabha, to the publication in a newspaper of extracts from the Bank Award Commission Report before it was presented to Parliament and expressed regret that such a leakage should have occurred.

While rejecting a suggestion that the matter should be referred to a Committee for investigation on the ground that it concerned the privileges of the M.P.s, the Speaker, Shri G. V. Mavalankar observed as follows:

"...it is equally the duty of the Press to help in the observance of Parliamentary conventions; it is a wrong practice to obtain information in that manner and give publicity to it before a particular matter is placed before Parliament. I trust and hope that the Press will follow this kind of convention and help the House in that direction.

"...After all, Parliamentary conventions have to grow, and therefore we shall require the co-operation of all concerned including the Press...."

* * * *

Budget Leakage—Decision of the Speaker on question of Privilege

On the 3rd March 1956, two Members of the Lok Sabha (Shri A. K. Gopalan and Dr. Lanka Sundaram) gave notice of an adjournment motion

to discuss an alleged leakage of the Budget proposals for the Year 1956-57, which had occurred in Bombay before the Budget was presented to the Lok Sabha by the Finance Minister on 29th February. After the notice had been read out, the Prime Minister stated that the Government had come to know of this leakage and had instituted an enquiry as to how it had happened. He also stated that as soon as the enquiry was completed a report would be placed before the House. On the 5th March, the Finance Minister gave some additional information on the subject in the Rajya Sabha, which was made an issue of privilege by some Members of the Lok Sabha on the following day on the ground that this additional information had not been given to the Lok Sabha earlier of concurrently with the Rajya Sabha. Again on the 12th, after the Prime Minister had made a statement in the Lok Sabha that the leakage had occurred from the Government Press where it was being printed, some Members raised the question of privilege inasmuch as the leakage had occurred before the proposals had been presented to the House and demanded the appointment of a Committee to enquire into the matter.

The Speaker thereupon stated that he would look into the whole matter and give his decision at a later date.

On the 19th March the Speaker gave his ruling as follows:

"In the matter of determination of the privileges of the House, we are

governed by the provisions of article 105(3) of our Constitution, which states that the powers, privileges and immunities of the House are such as were enjoyed by the House of Commons in the United Kingdom at the commencement of our Constitution. The precedents of the United Kingdom should guide us in determining whether any breach of privilege was in fact committed in the present case. So far as I can gather, only two cases occurred in which the House of Commons took notice of the leakage of the budget proposals. They are known as the Thomas case and the Dalton case. In neither of these cases was the leakage treated as a breach of privilege of the House nor were the cases sent to the Committee of Privileges for enquiry. The prevailing view in the House of Commons is that until the financial proposals are placed before the House of Commons, they are an official secret. A reference of the present leakage to the Committee of Privileges does not therefore arise.

Though the leakage of budget proposals may not constitute a breach of privilege of the House, the Parliament has ample power to enquire into the conduct of a Minister in suitable proceedings in relation to the leakage and the circumstances in which the leakage occurred. In the two English cases aforesaid, matters were brought to the notice of the House of Commons by a resolution or a motion for appointment of special committees or tribunal to enquire into the matter and report the facts thereon to the House.

In the Dalton case, Mr. Dalton who was the Chancellor of the Exchequer admitted that he did not think of the consequences at the time of the disclosure and in the Thomas case, it was alleged that he disclosed the budget secrets, which he got to know as a Cabinet Minister. It is neither alleged nor even suggested in the case before us that the Finance Minister was himself responsible for any unauthorised disclosure of the financial proposals. Regarding other persons, the Government has already taken steps to investi-

gate into the matter and it is stated that persons have also been arrested and that prosecutions are being launched against them. In the circumstances it is not clear as to what special advantage would be gained by appointing a special committee which to a large extent will go over the same ground which had been previously covered during investigations by the Government."

Delhi

The Nai Duniya Case

On the 16th October, 1954 Shri Mustaq Ahmad, a member of the Delhi Vidhan Sabha, gave notice in writing of his intention to raise a question of privilege in the Vidhan Sabha concerning the following news-item published in the Urdu Daily—*Nai Duniya*—dated the 16th October, 1954:—

"In Delhi Assembly Mir Mustaq ignored the problem of the poor. At the time of voting, he supported Government.

Yesterday, during a discussion in Delhi Assembly on the Panchayat Raj Bill, the question, whether the Scheduled Castes can be exempted from the levy of the taxes, was also debated. Mr. Jag Pravesh supported the view strongly. The members of the Congress also supported it. But the Praja Socialist Member Mir Mustaq Ahmad opposed it and at the time of voting sided with Government."

In his letter addressed to the Secretary, Delhi Vidhan Sabha, Shri Mustaq Ahmad stated that the above news-item contained a "false, perverted, partial and an injurious account" of the proceedings of the Vidhan Sabha on the 13th October, 1954 relating to a discussion on the Delhi Panchayat Raj Bill, 1954. He added that the paper by giving a partial report of the account of the debate had attempted to lower his prestige before the public in

general and his constituency in particular. Shri Mustaq Ahmad contended that by wilful mis-representation of what had been said in the House the paper had committed a breach of privilege of the House.

The question of breach of privilege was raised in the Vidhan Sabha at its meeting held on the 23rd February, 1955. The Deputy Speaker who happened to be the Chairman of the Committee of Privileges referred the matter for the decision of the new Speaker who was due to be elected shortly. The question was taken up by the new Speaker on the 3rd March, 1955, who after ascertaining the views of the House, referred the matter to the Committee on Privileges.

In a report dated the 19th September, 1954 the Committee on Privileges opined that the paper in publishing the speech of Shri Mustaq Ahmad only and not of other members who had opposed the amendment before and after Shri Mustaq Ahmad's speech, had not given the correct and faithful report of the proceedings. The Committee held that the report published by the Editor of *Nai Duniya* was deliberate and calculated to lower the honour and prestige of the member. The Committee came to the conclusion that a breach of the privilege of the House was committed by not publishing the faithful and correct reports of the Vidhan Sabha and of the member concerned in misrepresenting his speech. But as the Editor of *Nai Duniya* had offered unconditional apology, the Committee recommended that the matter might not be pursued further and the apology might be considered sufficient. The report of the Committee on Privileges was consid-

ered by the Delhi Vidhan Sabha on the 29th September, 1955 and was adopted without discussion.

* * *

Hyderabad

The Narasimha Rao Case (Extra-territorial jurisdiction of the House)

On the 18th June, 1952 a question of breach of privilege was raised in the Hyderabad Legislative Assembly by Shri V. D. Deshpande, M.L.A. when he stated that the facts of the arrest of Shri K. L. Narasimha Rao, M.L.A. on the 24th May, 1952 were not brought to the notice of the Speaker immediately after the arrest of the said member. The question of the alleged breach of privilege was referred to the Committee of Privileges on the same day by the House.

On the basis of evidence tendered and the documents placed before them, the Committee of Privileges came to the conclusion that the Sub-Inspector of Police, Palwancha (Shri V. Sitaramaiah), after he had effected the arrest of Shri K. L. Narasimha, M.L.A. had failed to inform the Speaker about the arrest. When his attention was drawn to this omission and a report was called for in this regard he had made a wrong statement before the Committee by alleging that they had no orders requiring them to communicate the fact of the arrest at an early date to the Speaker. The Committee held that this failure on the part of the Sub-Inspector was a clear breach of privilege which had been aggravated by his incorrect statement. The Committee accordingly recommended "that the said Shri V. Sitaramaiah, Sub-Inspector of Police, Palwancha, be brought to the bar

of the House and be admonished for this breach of privilege." The Report of the Committee of Privileges which was signed on the 10th September, 1952 was adopted by the Hyderabad Legislative Assembly on the 10th December, 1952.

Before the decision of the Hyderabad Legislature could be implemented, the Sub-Inspector of Police had been repatriated to the Madras State on whose cadre he was borne. The Hyderabad Government was thereupon approached to move the Government of Madras to cause the appearance of the said Sub-Inspector before the House to receive the punishment of admonition, as recommended by the Committee. The Government of Andhra, to whom the original file on the subject was transferred by the Madras Government after the formation of the State of Andhra, informed the Government of Hyderabad that the admonition would be communicated by them to Shri Sitaramaiah, if so desired.

As this was contrary to what the Committee of Privileges recommended, the matter was placed by the Speaker before the Hyderabad Legislative Assembly on the 10th March, 1955. During the debate that followed Shri V. D. Deshpande, M.L.A. urged that the issue should be referred back to the Committee of Privileges and it should be left to that body to decide whether admonition in person was necessary or its communication through the Government of Andhra would suffice in view of the altered circumstances of the case. The Chief Minister (Shri B. Ramakrishna Rao) contended that a reference once again to the Committee of Privileges after the House had adopted its report was not permissible

under the Rules of Procedure of the Assembly; recommitment of a report to the Committee could be made at the consideration stage of the report only. He further said that they could not compel the Government of Andhra to produce Shri Sitaramaiah at the bar of the Hyderabad Legislative Assembly and under the circumstances it would be sufficient to communicate the admonition to Shri Sitaramaiah through the Government of Andhra. The Speaker, however, held that in the changed circumstances the Committee of Privileges ought to have another opportunity to re-consider the decision regarding the mode of admonition. He accordingly referred this question to the Committee of Privileges of the House. In its report signed on the 22nd September, 1955 the Committee of Privileges made the following observations:

"The House of Commons (U.K.) has the power to commit any person for contempt of the House and can issue a warrant for the arrest of any person alleged to be guilty of contempt. As the writ of our State Legislature can run only within the jurisdiction of the State, we cannot, therefore, get any precedent in the matter from the House of Commons. The position in the United States of America is somewhat similar to that of India. A demanding State in the U.S.A. also cannot force the return of a person from another State merely on the ground that he had offended the dignity of their Legislative body. In the Canadian House of Commons, in matters of privilege and contempt, a Legislative Assembly acts in its capacity analogous to a High Court of Justice, and, as such it has no jurisdiction beyond its own territorial confines, either for serving a process or enforcing its order by arrest. It would, however, be quite in order for such a Legislative Assembly to make an order for punishment for contempt of a person outside its own confines, but this

would be enforceable only if the offender came within its area and the process is served or arrest made within its territory.

It is clear from the above that this Legislature cannot exercise any extra-territorial jurisdiction in forcing the attendance of the said Sub-Inspector of Police to receive the admonition and that even if a warrant-at-large is issued by the Speaker it cannot be either served or executed beyond the territorial limits of the State.

The Committee, therefore, recommend that the Speaker should request the State Government to pursue the matter with the Andhra Government to cause the appearance of Shri Sitaramaiah before the Bar of this Assembly to receive the admonition. In case the Andhra Government, for some reason or the other was unable to cause the appearance of the said person within a reasonable time, before the House, the Speaker should issue a warrant-at-large to arrest Shri Sitaramaiah if he, at any time, set foot within the jurisdiction of the State."

* * *

Madras

Definition of the term "Precincts of the House"

In pursuance of rule 187 of the Madras Legislative Assembly Rules the Speaker of the Madras Legislative Assembly referred, on March 14, 1955, to the Committee of Privileges the question of the construction that should be put on the expression "Precincts of the House" *vis-a-vis* the Assembly. While announcing his decision to refer the matter to the Committee of Privileges the Speaker said that a Judicial Sub-Magistrate in the District of South Kanara had issued a bailable warrant against a member of the Legislature and that intimation about the issue of the warrant was received by the Secretary of the Legislature when the

House was actually sitting. In another case an attempt was made by a constable to serve a summons on a member within the Assembly building when the House was sitting. Since there was a likelihood of legal process being served within the precincts of the House when the House was actually sitting, it was necessary to define the extent of the precincts especially in view of the location of the library, the canteen and the committee rooms in different places.

In the course of his speech the Speaker made a reference to the Police Order of 1889 and the report of the Select Committee on Privileges of the House of Commons (1945) which held that the service of process upon a member, stranger or officer of the Legislature within the precincts of the House while the House was sitting was a breach of privilege.

The Committee of Privileges took up consideration of the question referred to it on the 31st March, 1955. In order to arrive at a decision the Committee obtained information from the House of Commons, Canada and the House of Representatives, Australia. They also heard the views of the Advocate-General Madras and the ex-Secretary of the Madras Legislature (Shri R. V. Krishna Ayyar).

The Committee noted that in other countries the precincts included not only the Chamber where the House met, but also the rooms where the associated offices for the convenience of members were located. The associated offices were the Committee Room, Speaker's Chamber, Office of the Clerk of the House, the Office of the Secretariat, and the library. The Committee

also noted that in these cases all the associated offices were located in one and the same building.

Since in the case of the Madras Legislative Assembly, the associated offices were located in separate buildings connected by public roads, the Committee decided that as regards buildings that were away from the Chamber only those should be treated as precincts of the House as were subject to the control of the Speaker and to which the public did not have an unrestricted access. On this principle the Post Office, the Party Rooms and the Members' Residences were excluded from the precincts.

An exemption to the above rule was, however, made for members only in the case of public roads connecting the different buildings in which the associated offices were located, as it was felt that otherwise the members would not be able to use the associated offices and discharge their duties. In so far as strangers were concerned the Committee was of the view that precincts should be taken to mean only the Assembly Chamber.

The final conclusions were embodied in the report to the Assembly dated the 24th September, 1955 as follows:—

1. "Precincts of the House" shall mean and include the entire Assembly buildings, the Ministers' rooms, the Library, the Canteen and the Com-

mittee Room together with the verandas and steps to these buildings and the pathways leading from the Assembly Chamber to the other aforesaid buildings in respect of members and, as far as strangers are concerned, 'precincts' means the Assembly Chamber including its verandas and steps.

2. In so far as the persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the precincts of the House so long as they are within the Committee Room, its verandas and its steps." * * *

Ceylon

Disrespectful conduct in the precincts of the House, a breach of Privilege

On the 6th April 1955, the Leader of the House of Representatives, Ceylon (the Hon'ble J. R. Jayewardene) made a formal complaint to the Speaker under Section 26(1) of the Parliament (Powers and Privileges) Act, No. 21 of 1953†, that Mr. E. Samarakkody, M.P. for Dehiowita, was guilty of the offence of disrespectful conduct in the precincts of the House by occupying the Speaker's Chair during the sitting of the House, and that Mr. W. Dahanayake, M.P. for Galle, was guilty of aiding and abetting Mr. Samarakkody in this offence by proposing that he occupy the Chair.

*In a report presented to the House on the 6th December, 1955 the Rules Committee of the Lok Sabha has recommended that (i) no arrest shall be made within the precincts of the House without obtaining the permission of the Speaker and (ii) no legal process, civil or criminal, shall be served within the precincts of the House (viz., the chamber, the lobbies, the galleries and such other places as the Speaker may from time to time specify) without obtaining the permission of the Speaker.

†Section 26(1) of the Parliament (Powers and Privileges) Act, No. 21 of 1953 provides:—

"For the purpose of enabling the Attorney General to furnish a report in relation to any case of an alleged offence under this Part, the President or the Speaker, as the case may be, may—

(a) on complaint of the alleged offence being made to him in chambers by any member, or
(b) if required so to do by resolution of the House, refer the case to the Attorney-General for report."

Privilege Issue

In terms of Section 26(2) of the above Act*, the Speaker authorised the Deputy Speaker to record the evidence of certain persons who had knowledge of the connected incidents, and from the evidence tendered, the following facts emerged.

On the 6th April 1955, at about 8-30 p.m. when the House was in session, the Speaker "named" Mr. S. Chandrasiri, M.P. for Moratuwa, for disobeying his orders, and the House thereupon passed a motion suspending the member from the sitting of the House. The Speaker then asked the Member to leave the House, but the latter refused to comply with the order. The Speaker thereupon ordered the Serjeant-at-Arms to remove the Member from the House, and after stating, "I suspend the sitting of the House", retired to his Chamber. The mace remained on the Speaker's table signifying that the House continued to sit. As the Member again refused to leave the House on the Serjeant's request, the latter went out to bring in police aid.

At this point, Mr. W. Dahanayake, M.P. for Galle, proposed that Mr.

Mr. Samarakkody, M.P. for Dehiowita do take the Chair and another Member seconded the motion. Neither the Deputy-Speaker nor the Deputy Chairman of Committees was in the House, when this motion was moved.† There being no objection taken to the motion, Mr. Samarakkody took the Chair. Mr. Chandrasiri thereupon commenced speaking and continued to speak in the House, until the Serjeant-at-Arms entered with the police and removed him from the House. On the entry of the Serjeant-at-Arms with police officers, Mr. Samarakkody vacated the Speaker's Chair.

In terms of Section 26(6) of the Act‡, the Speaker referred the complaint of the breach of Privilege made by the Leader of the House to the Attorney-General, Ceylon, for his report.

In his report submitted to the Speaker on 25th May, 1955, the Attorney-General stated that there was sufficient evidence to warrant the taking of further steps under the said Act against Mr. Samarakkody for the offence of "disrespectful conduct in the precincts of the House" and Mr. Dahanayake in respect of "abetment"

*Section 26(2) provides :—

"Where a case is to be referred to the Attorney-General under sub-section (1) the President or the Speaker or any other member, if authorised in writing so to do by the President or the Speaker, or the Clerk of the House if so authorised—

(a) shall record on oath or affirmation the statement of the member making the complaint of the alleged offence, and

(b) may record on oath or affirmation the statement of any other person whose evidence is or may be in the opinion of the President or Speaker relevant."

†Section 17(5) of the Ceylon Constitution Order in Council, 1946, provides that in the absence of the Speaker, the Deputy-Speaker and the Deputy Chairman of Committees at a sitting of the House, a member proposed and seconded in that behalf may preside at the sitting.

‡Section 26(6) provides :—

"Where a case is referred under sub-section (1) to the Attorney-General for report, the record of all statements taken under sub-section (2) shall be transmitted to the Attorney-General and the Attorney-General shall, after consideration of such statements, report to the President or Speaker stating whether, there is, in the opinion of the Attorney-General, sufficient evidence to warrant the taking of further steps under this Act in respect of an alleged offence under this Part; and such report shall contain, for the information of the House, a summary of the facts which in the opinion of the Attorney-General, are capable of being proved upon the evidence contained in the statements."

of the above offence*. Regarding the suspension of the sitting by the Speaker on 6th April, he said:

"The only question upon which I entertain some little doubt is whether the sitting of the House was suspended in the manner provided in Standing Order 86†, which refers to a suspension of a sitting for a time to be named by you. The reasonable inference is that no time was named by you at the time of suspension. The practice in the British House of Commons... also appears to be to suspend after naming the time for resumption. I do not, however, think that the omission to name the time for resumption can be availed of to found an argument that the House was not suspended but adjourned... Notwithstanding a departure from the usual practice in respect of suspended sittings, the evidence... is sufficient to arrive at the conclusion that the House was technically sitting in spite of the fact that you had left the Chair."

The report of the Attorney-General was tabled by the Speaker on 24th June 1955, and on 6th July 1955, the House adopted a motion by the Leader of the House asking the Attorney-General to refer the case to the

Supreme Court under Section 23 of the Act‡. This is the first case under the Parliament (Powers and Privileges) Act, No. 21 of 1953.

The Supreme Court heard the case from the 21st to the 24th November 1955 and gave its judgment on December 2, 1955. While delivering the judgment, the learned judge dealt with certain important points involved in the case. The first point at issue was whether the suspension of the sitting by the Speaker on the 6th April 1955 was valid. The Attorney-General affirmed that it was valid, while the respondents argued that it was not, in law, valid and effective, as the Speaker had not specified the period of suspension. After discussing this point at length, the Court assumed (without deciding) that the suspension was valid.

The second point at issue was whether, on the assumption that the suspension was valid, the conduct of the two members, even if it constituted disrespectful conduct, was justiciable by the Court.

*These two offences are mentioned in Part B of the Schedule to the Parliament (Powers and Privileges) Act, No. 21 of 1953 as offences punishable either by the House or by the Supreme Court.

†Standing Order 86 provides :—

"In case of grave disorder arising in the House, Mr. Speaker may, if he thinks it necessary to do so, adjourn the House without question put or suspend its sitting for a time to be named by him".

‡Section 23(1) provides :—

Upon application made to the Supreme Court in that behalf by the Attorney-General and supported by evidence on affidavit, the Court —

- (a) may, if satisfied after perusal of the application and such evidence that any member or other person appears to have committed any offence under this part, cause notice to be served on such member or person calling upon him to show cause why he should not be punished for that offence, and
- (b) may, if no cause or no sufficient cause as aforesaid is shown to the satisfaction of the Court, after such inquiry as the Court may consider necessary, convict him of the offence and sentence him to imprisonment of either description for a term not exceeding two years or to a fine not exceeding five thousand rupees or to both such fine and imprisonment.

Privilege Issue

The judge referred in this connection to Sections 3 and 4 of the Act*, which guaranteed to the member freedom of speech, debate and proceedings in the House and protected him from liability to civil and criminal proceedings in any court of law for any matter brought by him before the House by way of bill, motion etc. He also referred to Sections 22 and 23 of the Act† which conferred on the Supreme Court jurisdiction over all offences under the Act and contemplated the possibility of the Court convicting a member for an offence under the Act. But, according to the learned judge, this contemplation did not amount to an expression of intention by the Legislature that the Court will have power to convict a member even in a case where his conduct would otherwise be protected by the freedom of speech, debate and proceedings. As the action of the respondents would have been in order and part of the proceedings but for the suspension, he felt that their conduct fell within the scope of Section 3 of the Act and that

Sections 3 and 4 of the Act "must receive a liberal construction, wherever possible, in favour of the plea of immunity," and also mentioned that the Standing Orders contained "provisions which contemplate that members do move motions which are out of order."

He, therefore, gave the following judgment:

"The conclusion which I reach for these reasons is that, assuming the suspension to have been valid, and assuming an intention on the part of the respondents to be disrespectful, their conduct, being conduct included within the scope of sections 3 and 4 of the Act, cannot be questioned or impeached in proceedings taken in this Court under section 23 of the Act. The jurisdiction to take cognisance of such conduct was exclusively vested in the House of Representatives. The respondents are accordingly discharged from the notices served on them."

A copy of the judgment was placed on the Table of the House by the Speaker on 6th December, 1955.

* * *

*Section 3 provides:

"There shall be freedom of speech, debate and proceedings in the House and such freedom of speech, debate or proceedings shall not be liable to be impeached or questioned in any court or place out of the House".

Section 4 provides :

"No member shall be liable to any civil or criminal proceedings, arrest, imprisonment, or damages by reason of anything which he may have said in the House or by reason of any matter or thing which he may have brought before the House by petition, bill, resolution, motion or otherwise."

†Section 22 provides :

- (1) Each of the acts and omissions specified in the Schedule to this Act is hereby declared to be a breach of the privileges of Parliament.
- (2) Every breach of the privileges of Parliament which is specified in the Schedule to this Act (whether in Part A or Part B thereof) shall be an offence under this Part punishable by the Supreme Court under the provisions hereinafter contained in that behalf.
- (3) Every breach of the privileges of Parliament which is specified in Part B of the Schedule to this Act and which is committed in respect of or in relation to any House shall be an offence under this Part punishable by that House under the provisions hereinafter contained in that behalf.

Section 23 :

Please see above.

Conferences

CONFERENCE OF PRESIDING OFFICERS OF THE LEGISLATIVE BODIES IN INDIA

Shilong

(November 2—4, 1955)

THE thirteenth Conference of the Presiding Officers of Legislative Bodies in India was held in Shilong from the 2nd to the 4th November 1955, under the Chairmanship of Shri G. V. Mavalankar, the Speaker of the Lok Sabha.

Shri R. L. Purushotham Reddy, President, Representative Assembly, Pondicherry, attended the Conference by special invitation.

The Conference opened with a welcome speech by the Speaker, Assam Legislative Assembly. Thereafter, the Chairman delivered his inaugural address.

Before taking up the agenda, the Conference passed a condolence resolution on the death of Shri V. G. Limaye, the late Deputy Chairman of the Bombay Legislative Council.

There were sixteen points on the agenda, out of which the Conference considered eleven points during the three days of its meeting. A resumé of the discussion on some of the important points is given below:

(1) *Privileges*: (i) The Conference considered as to what procedure should be adopted when a member of any

State Legislature or of Parliament commits a breach of privilege against another House or Legislature or its members or committees thereof. After some discussion, it was decided to appoint a Committee of Speakers to examine the matter in all its aspects and to make a report to the Conference as early as possible. The Chairman of the Conference thereupon nominated a Committee consisting of the following Speakers:

- (i) Shri D. K. Kunte, Speaker Bombay Legislative Assembly—Convener.
- (ii) Shri S. K. Mukherjee, Speaker, West Bengal Legislative Assembly.
- (iii) Shri A. G. Kher, Speaker, U.P. Legislative Assembly.
- (iv) Shri K. S. Vaidya, Speaker, Hyderabad Legislative Assembly.

The Chairman also stated that the Committee of Speakers would be assisted by a Committee of Secretaries in its work.

(ii) The other question on privileges considered by the Conference was whether in *interim* order of the Supreme Court permitting a Member, whose election had been set aside by the Election Tribunal, to mark his attendance on the first day of the

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sitting of the House simultaneously with the directions restraining him from taking part in the proceedings of the House amounted to an interference with the procedure or conduct of business in the House, and whether a question of breach of privilege could be raised on this score. The consensus of opinion on this point was that the *interim* order of the Supreme Court did not amount to interference with the regulation of procedure and conduct of business in the House, and that, therefore no question of breach of privilege could be raised.

(2) *No-Confidence Motions*.—Regarding measures to check the tendency to move no-confidence motions against Governments at frequent intervals, the Conference felt that the rules framed at present to decide the admissibility of these motions were quite adequate and no further restrictions should be imposed.

(3) *Walk-outs*.—The Conference felt that there should not be any walk-outs against the rulings of the Chair. There could be no hard and fast rules to deal with such walk-outs but they could be discouraged by just being ignored.

(4) *Select Committees*.—There was unanimity of opinion on the following points:

(i) Refusal of Members of the Opposition to serve on a Select Committee would not invalidate a Committee appointed by the House.

(ii) It should not be left at the discretion of the Chairman of a Select Committee to decide whether it could meet outside the premises of a Legislature or in any other place. The permission of the Speaker should be taken

in this regard because a Select Committee was a Parliamentary Committee and it was the responsibility of the Speaker to see that it functioned properly.

(iii) If a Select Committee on a Bill did not expect to submit their report to the House within the specified period and the House was not in session, the Chairman of the Committee or a member of the Committee so authorised should move the Speaker for the extension of time for the presentation of the Report. In such a case, the fact of the extension granted by the Speaker should be specifically mentioned in the Report for the information of the House. Such extension should not normally be beyond the date of the commencement of the next session of the House, and the fact of extension of date should be communicated to the House as soon as it assembled.

(5) *Joint Committees*.—Regarding the constitution of joint committees of both Houses of a State Legislature on Bills and on matters of public importance, the Conference felt that there was no Constitutional bar to the formation of such joint committees, although there was no provision in the Constitution for a joint sitting of the two Houses of a State Legislature.

(6) *Indian Parliamentary Service*.—The preliminary and final reports of the Committee of the Secretaries on the proposed Indian Parliamentary Service, which had been adopted by the Conference of Secretaries, were placed before the Conference. It was decided that the reports should be considered at the next Conference.

At the invitation extended by the Speaker of Rajasthan Legislative Assembly, it was decided to hold the next Conference of Presiding Officers in Rajasthan sometime in September or October, 1956.

Conference of Secretaries of Legislative Bodies in India

Shillong

(November 1, 1955)

THE fourth Conference of the Secretaries of Legislative Bodies in India was held at Shillong on the 1st November 1955 under the Chairmanship of Shri M. N. Kaul, Secretary of the Lok Sabha. Forty Secretaries and other officers were present. Shri A. R. Mukherjea, Secretary of the West Bengal Legislature, presented the final report on the proposed Indian Parliamentary Service. A resolution was adopted by the Conference that the scheme for the constitution of an All-India Parliamentary Service, as embodied in the reports of the Committee of Secretaries, should be presented to the Conference of Presiding Officers.

The Conference after some discussion also decided to remit the following two points to the Committee of Secretaries for consideration and report:—

(i) In which authority the administrative control of a Legislature Secretariat should vest when a proclamation is issued by the President under Article 356 of the Constitution assuming to himself the function of the Government of a State so that the independent status assigned to such Secretariat by Article 187 is not disturbed, and how this object should be achieved?

(ii) The necessity to have qualified staff trained in finance and accounts work to be exclusively attached to the Legislature Secretariat to help the work of the financial committees.

The Conference agreed that the Lok Sabha Secretariat should circulate to the Secretaries of State Legislatures a questionnaire on the above subjects for eliciting the relevant information for being placed before the Committee of Secretaries.

On a point raised by the Secretary of the PEPSU Vidhan Sabha regarding the position of the Legislature Secretariats on the merger of States on the recommendation of the Report of the States Reorganisation Commission, the Chairman observed that this point might be considered by the Committee of Secretaries and that the Secretaries might submit well-considered memoranda on the subject to the Committee for its consideration. The Secretaries of PEPSU, Saurashtra, Mysore, Andhra and Uttar Pradesh Council agreed to forward memoranda on the subject.

The Conference then discussed the following points:—

(1) Where the Secretary to the Legislature is the appointing and punishing authority for the non-gazetted staff, what is the extent or control exercised by the Presiding Officers over the Secretary in the matter of appointment of the above staff.

(2) Whether the previous sanction of the President is necessary to a Bill which seeks to impose a Tax on the entry of goods for sale in a particular area and whether the Chair is entitled to disallow the introduction of such a Bill if there is no previous sanction.

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As regards point (1) above, it was decided that since this was a question of personal relationship between the Secretary and the Speaker, all questions of appointment and punishment should be determined in the best manner possible and as such no decision on the matter need be recorded.

On the second point the Chairman, Shri M. N. Kaul, observed that so far as the jurisdiction of the Speaker was concerned, it was conceded on all

hands that the Speaker had the jurisdiction and the power to decide whether the President's sanction was necessary or not. The Speaker might however, make a reference to the Attorney General where there was a complex issue. But the reply to the reference was always in confidence to the Speaker and would not be cited or quoted by anybody. In any case the Speaker was the final authority on all such matters.

If the votes of members were dictated by public opinion outside the House, government by discussion would become an empty sham. It would be as if a jury, which is also representative of the public conscience, should find a prisoner guilty not on the evidence but in deference to the prevailing impression among readers of the newspapers.

—*The Times* (London) in its Editorial
February 29, 1956.

Answers to Enquiries on Parliamentary Procedure and Practice

REPORT OF COMPTROLLER AND AUDITOR-GENERAL: DISCUSSION IN PARLIAMENT

Question.—Can the Report of the Comptroller and Auditor-General laid before Parliament under Article 151 of the Constitution be discussed in the House?

Answer.—According to rule 241(1) of the Rules of Procedure of the Lok Sabha, “there shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the House for the expenditure of the Government of India, the annual finance accounts of the Government of India and such other accounts laid before the House as the Committee may think fit.” Under this rule, the Appropriation Accounts and Audit Reports thereon laid before the House automatically stand referred to the Public Accounts Committee for examination and report. There is no provision in the Rules of Procedure to permit any general discussion in the House on the Audit Reports.

A member is, however, free to ask a question for eliciting further information on any matter dealt with in the Audit Report or raise a discussion, if it is a matter of urgent public importance and if it is otherwise permissible under the Rules. But the Speaker would determine whether a question or, in an exceptional case, a discussion

may be permitted in the House on any matter contained in the Audit Report, pending a report from the Public Accounts Committee. He would exercise his discretion in such matters very carefully and may, if he thinks necessary, call upon the Member and the Government to satisfy him why such a question or discussion or statement should be allowed.

* * *

PUBLIC ACCOUNTS COMMITTEE: RIGHT TO DISCUSS QUESTIONS OF POLICY

Question.—(i) Has the Public Accounts Committee the right to discuss questions involving policy as they arise in the course of the scrutiny of accounts?

(ii) Does the approval given by the House to any of the financial transactions of the Government prevent the Committee from scrutinising those items?

(iii) Can the Committee invite the attention of the Government to the defects in their policy in case such a policy led to waste and inefficiency?

Answer.—The Public Accounts Committee is not concerned with questions of policy in the broader sense. In all matters which have been definitely defined by the settled policy of the Government, the Committee does not

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attempt any enquiry. What it scrutinises is the application of policy—its form and its results. In the course of this scrutiny, the Committee is within its field to enquire whether or not there has been any extravagance or waste in any transaction. Obviously,

the dividing line between the two cannot be easily drawn. Indeed it would be impossible sometimes to discuss the one without encroaching upon the other, when questions of wise spending, economy and waste come into play.

Not having to listen to another Member's speech is, at times, one of the blessed reliefs of Parliament.

— J. P. W. Mallalieu in his article "No Palace Revolution" (*The New Statesman and Nation*, April 14, 1956).

Decisions from the Chair

[This Section contains some select decisions given by the Chair during the sessions of the Union Parliament, the State Legislatures and the British House of Commons—*Ed.*]

Adjournment Motions

When the facts are in dispute with regard to a matter on which an adjournment motion is sought to be moved, the House cannot proceed with that motion within the terms of the Standing Order.

(H.C. Deb., dt. 30-11-53; Col. 774)

Privileges

A complaint of the use made by officials of a constituent's letter sent to them by a Member is not a matter either of order or of Parliamentary privilege. It must be settled in the same way as any other complaint against the conduct of an officer for whom a Minister is responsible.

(H.C. Deb., dt. 23-2-54. Col. 207--210 and 1932-33)

Bills

(Money Bill)

A money Bill should be transmitted to the Rajya Sabha as soon as it is passed by the Lok Sabha unless the Speaker has given a direction to the contrary. The period of 14 days mentioned in clause (2) of Article 192 of

the Constitution is to be computed from the date of receipt of the Bill in the Rajya Sabha Secretariat.

(L.S. Deb., Part II, 1-8-55)

Quorum

The convention that the question of quorum should not be raised between 1 P.M. and 2-30 P.M. and that the House shall not be counted during this period was made in the interests of the business of the House. By the very fact of adopting the convention un-animously, the House has come to the conclusion that the provision about the continuance of the quorum is a directory one. So long as the convention stands, it is the duty of every Member to observe that convention, because it is a direction of the House itself for the purpose of enabling it to carry on its business more effectively.

(L.S. Deb., Part II, 3-9-55 & 5-9-55)

Questions

The Chair has nothing to do with the method of answering of questions by Ministers and cannot direct Ministers that they should answer in a particular manner.

(Madras Legislative Assembly Deb., Vol. XXIV, p. 971)

A Minister has discretion, on grounds of public interest to refuse to answer a question and the Chair can-

Decisions from the Chair

not force him to answer it. The Chair cannot cross-examine a Minister to find out whether a document is of a confidential nature or not.

(Madras Legislative Assembly Deb., Vol. XXV, p. 106-107)

Motions

Criticism of judges can be made only on a substantive motion brought for the purpose.

(Madras Legislative Assembly Deb., Vol. XXIV, p. 925)

I have found, and I believe that most of those who are members of Congressional committees will agree, that where fair procedures are followed the investigations are most effective.

— Vice President R. M. Nixon in *This Is Nixon* by James Keogh.

Editorial Note

WITH this issue we enter the second year of our Journal. We have dedicated this issue to the memory of our late Speaker, Shri G. V. Mavalankar, who guided us in our venture. Tributes paid to him by the President as also by the Prime Minister, the Vice-President and in the two Houses of Parliament have been included. A brief life-sketch of Shri Mavalankar and the last article written by him a few months before his death on "The Office of the Speaker" also appear in this issue. Our thanks are due to the Harold Laski Institute of Political Science, Ahmedabad for the permission accorded to us for reproducing the article by Shri Mavalankar from the *Symposium on Parliamentary Democracy*.

We have also reproduced in this issue an article by Moshe Rosetti Esq., Clerk, of the Knesset, Israel, on "Israel's Parliament", which, we are sure, will be read with interest by our readers. We are grateful to the author as well as to the Editor "Parliamentary Affairs", Hansard Society, London, for their kind permission to reproduce this article. Our thanks are also due to Dr. Radha Kumud Mookerji, M.P., for his very learned article on "Democracy in Ancient India" and to Shri S. H. Belavadi, Secretary to the Bombay Legislature for his article on the working of a common Secretariat for the two Houses of the Bombay Legislature.

In view of the forthcoming General Elections in the early part of next year, we have included in this issue three short notes under a separate section giving general information on some aspects of elections such as the scope and functions of the Election Commission, qualifications and disqualifications for membership of Parliament and State Legislatures, etc. A few more similar notes will appear in the next issue, and we trust these will be of use to those interested in the subject.

We have introduced two more new features in this issue which we hope will be of interest to our readers. One is "Answers to Enquiries on Parliamentary Procedure and Practice" which is intended to give information to our readers, in the form of questions and answers, on the various aspects of Parliamentary procedure. The other is a collection of important and select decisions given by the Chair from time to time in Parliament and State Legislatures in India and also in the British House of Commons during the recent sessions.

The many messages of good wishes which we have received and are still receiving from the wide circle of our readers have given us much encouragement and hope and we thank them all for their kind messages. We feel sure that with their continued encouragement and valuable suggestions we can look to the future with confidence

Book Reviews

Year of Decisions 1945 by Harry S. Truman (Hodder and Stoughton, 1955, pp. 526, 30s) Vol. I

THE first volume of the Memoirs of Mr. Truman, former President of the United States, entitled 'Year of Decisions, 1954' is mainly a narrative of the events of a trying and crucial period in world history, after he was called upon to shoulder the reigns of the Government of the U.S. at a time when World War II was drawing to a close in Europe but was still at a critical stage in Asia and when victory was in sight but the problems of peace had still to be faced.

Mr. Truman's account of the international and domestic problems which he had to face and of his meetings with distinguished statesmen, foreign and American, will be read with great interest. According to him the Presidency of the U.S.A. carries with it a personal responsibility unparalleled in character. Almost one of the earliest decisions he had to take in regard to the explosion of the Atomic Bomb on Japan. He writes:

"The final decision of where and when to use the atomic bomb was upto me. Let there be no mistake about it. I regarded the bomb as a military weapon and never had any doubt that it should be used."

At the same time he gave immediate consideration to the establishment of international machinery for the preven-

tion of war and the maintenance of peace.

"My first act as President of the U.S. had been to re-affirm the American desire for a world organisation to keep the peace".

He writes: he did not want to run the risk of another League of Nations tragedy with the U.S. standing in isolation on the side-lines.

Mr. Truman's views regarding the powers of the President of the U.S.A. and succession to the Presidency are of topical interest. The President of the United States is responsible for the faithful execution of the laws and is the only person in the Executive Branch who has the final authority while every one else in the Executive is merely his agent.

Right from the day he stepped into the Presidency, Mr. Truman realised that he had to be President in truth or let the American system founder. At the very first cabinet meeting, on the day of Mr. Roosevelt's death, he told Ministers that they must not hesitate to give him their advice.

"I made it clear that I would be the President in my own right, and I would assume full responsibility for such decisions as had to be made. I left them in no doubt that they could differ with me if they felt it necessary, but all final policy decisions would be mine."

The reasons for most of the ministerial changes in Mr. Truman's Cabinet, of which he has given a detailed account,

could possibly be viewed in the light of this conviction.

About succession to the U.S. Presidency in the event of the death of both the President and the Vice-President, Mr. Truman writes:

"It was my feeling that any man who stepped into the Presidency should have held at least some office to which he had been elected by a vote of the people. I already had in mind the idea of recommending to Congress a change in the order of succession in case the Vice-President as well as the President were to die in office. I felt that the Speaker of the House, as an elected representative of the people of his district as well as the chosen representative of the majority of the elected representatives of the people, was the proper man under our form of government to be the next in line after the Vice-President to assume the Presidency."

On the relations between the President and the Vice-President of the U.S.A., Mr. Truman writes:

"The relationship between the President and the Vice-President is complicated by the fact that the Vice-President is in between the legislative and executive branches of the administration without, in the last analysis, being responsible to either. The Vice-President cannot become completely acquainted with the policies of the President, while the Senators for their part, look on him as a presiding officer only."

He frankly admits that very few Vice-Presidents have been in complete agreement with the policies of the President with whom they have served.

Relations with the Press

Keenly conscious of the important role played by the press, Mr. Truman not only continued the practice of holding periodic press conferences but he

adopted the practice established by his predecessor of barring direct quotation of his replies and comments while permitting indirect quotation. "The idea of a press conference," he says, "is to find out what the President thinks about pending matters, but it must be obvious that he should not be quoted directly on every question."

About the functioning of the Cabinet, Mr. Truman says:

"Under Roosevelt, the Cabinet meetings were rather formal affairs. . . . there was no exchange of views in round-table fashion, and there was no 'on-the-table' discussion of matters that were pending. My approach was different. I had each member of the Cabinet lay important matters before the Cabinet as a whole, and each person was given an opportunity to discuss the subjects that were under consideration and to give his views."

At another place, he writes:

"The Cabinet presents the principal medium through which the President controls his administration. I made it a point always to listen to Cabinet officers at length and with care, especially when their points of view differed from mine."

While he had tolerance of the views of others, Mr. Truman did not like that any difference of opinion should be aired in public by a dissenting member of the Cabinet, or that any Cabinet Minister should keep him in the dark about major developments. Another feature of Mr. Truman's administration was the continuation of the meetings of the Big Four in an enlarged form. The 'Big Four' was the term applied to a group made up of the Vice-President, the Speaker of the House, the Majority Leader of the House and the Majority Leader of the Senate with whom the

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President discussed various domestic and foreign problems.

Mr. Truman writes about the speeches made by the President to the Congress, which form one of the principal means of informing the public about the policy of the Administration as follows:

"Almost every Presidential message is a complicated business. Many individuals and departments of the Government are called on to take some part in it in order to maintain full co-ordination of policy. Experts and researchers are assigned to check and compile data because no President can or should rely entirely on his own memory. Careful consideration must be given to every element of a Presidential speech because of the impact it may have on the nation or the world. All Presidential messages must begin with the President himself. He must decide what he wants to say, and how he wants to say it. Many drafts are usually drawn up, and this fact leads to the assumption that Presidential speeches are 'ghosted'. The final version, however, is the final word of the President himself, expressing his own convictions and his policy. These he cannot delegate to any man if he would be President in his own right."

About the relations between the Congress and the Executive, Mr. Truman makes the following observations:—

As Senator and as Vice-President I had observed the gradually widening breach between Congress and the Chief

Executive. This is natural and even inescapable under our system of checks and balances, but party lines were too often crossed in the contest between the two branches of government, and important legislation was compromised and sometimes lost because Congress felt a need to assert its authority.

One of the earliest acts of Mr. Truman as head of the Administration was the reorganization of the Executive Branch of the Government to make it more efficient. He noticed that there was too much duplication of functions and too much confusion in the way. Touching on this subject in Chapter XXVI of the Memoirs, he writes:

The Re-organization Act of 1939 provided a method for improving the organization of the executive branch of the Government and of the executive agencies. This act enabled the President to initiate improvements and changes subject only to disapproval by each of the two Houses of Congress within a period of sixty days. There was also the First War Powers Act of 1941 which empowered the President to make necessary adjustments in the Organization of the Executive Branch in relation to the conduct of the war. These two pieces of legislation provided the basis for many of the changes which President Roosevelt made during the war years.

He initiated a Reorganization Bill which was enacted on December 1945.