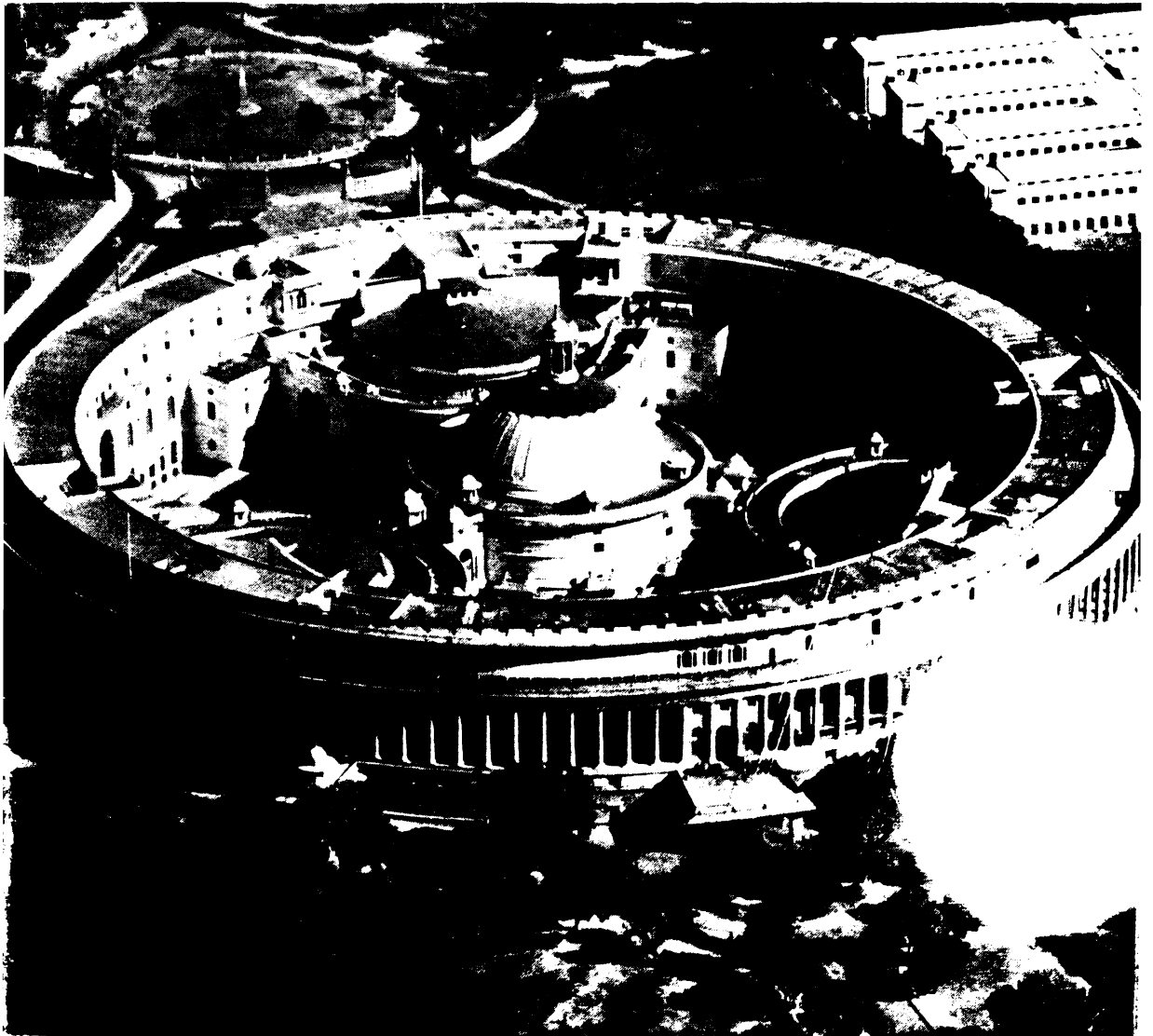


The
Journal of Parliamentary
Information



**THE JOURNAL OF PARLIAMENTARY
INFORMATION**

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Future of Parliamentary Democracy

[The Indian Bureau of Parliamentary Studies held its first Seminar on "Parliamentary Democracy" in New Delhi on the 25th and 26th February, 1956. The Seminar was inaugurated by the Prime Minister, Shri Jawaharlal Nehru, extracts from whose speech are given below.]

DEMOCRACY is sometimes a means to an end. What is the end we aim at? Presumably the end is the good life for every individual which must certainly include a certain satisfaction of the essential economic needs, and would give him a chance to develop his creative faculties.

Parliamentary democracy more or less is something of the growth of the last 150 to 200 years, roughly speaking. Till quite recently relatively small number of people had the vote. It is only in the last thirty years or so that adult franchise has come into being in a number of countries, which is not long enough to tell us what the ultimate effects of this are likely to be in solving problems, etc., because the ultimate test, of course, is how far a system of govern-

ment solves the problems which the country has to face and the people have to face. Of course, the problems are solved not merely by the structure of government, but by many other things, by the quality of human beings, their training, their education, their character and any number of other things. All that the machine can do is to make it easier for those qualities to develop and to remove any element of suppression and to actually encourage them to grow.

Democracy has been spoken of chiefly in the past, as political democracy, roughly represented by every person having a vote. But a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving or hungry. Political democracy, by itself, is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of the good things of life to others and removal of gross inequalities.

We may be thinking today of many pro-

blems which are important in themselves but which may rather be out of date at the beginning of the atomic age. Something big has happened in the structure of human life or is likely to happen soon, because atomic energy is coming into the picture. It forces you to decide how you are going to use this mighty power and to think on entirely new lines as to how to face these problems.

We believe in democracy. I believe in it, first of all, because I think it is the right means to achieve ends—peaceful means to settle problems; secondly, because it removes the pressures which other forms of Government may use on the individual. It is a self-discipline which means that even people who do not agree—presumably a minority—accept it, because it is better to accept it than to have a conflict, better to accept it and then change it, if necessary, by peaceful methods. If it is not peaceful then to my mind, it is not democracy; it is something else.

Secondly, it gives an opportunity for the individual to develop. That opportunity cannot mean a chaotic or anarchic stage where every individual is doing anything he likes because that would mean anarchy in society. Any social organisation must have something to hold it together—some discipline. In a proper democracy, presumably, the discipline is self-imposed. There will be no democracy if there is no discipline.

Coming to the Parliamentary system of

democracy, we find that in the 19th century, the whole approach of the Government was to govern as little as possible, or rather to legislate as little as possible. But today the problems which the Government has to face have grown so enormously that sometimes one begins to doubt if the normal parliamentary procedures are adequate to deal with all those problems. Parliaments have to work hard now-a-days, much harder than they were used to. The business of Government and the business of Parliament become more and more complicated and it becomes a little doubtful how far Parliamentary democracy can carry on its work and solve those problems. Some kind of a division of authority may become necessary if one has to go on, because otherwise there is the other difficulty of problems remaining unsolved and unsolved problems are dangerous. The nature of the Government has progressively changed everywhere. It has changed—if I may use the word in a particular sense—whether the structure of the society in that country or this country is broadly speaking, capitalist structure or socialist structure or anything in between. The Governments of such countries perform today social functions to an enormous extent. Whatever the basic policy pursued by any country it becomes inevitable for the governmental structure to become involved in social problems ever increasingly. Now, how far can parliamentary democracy be adapted to meet these new burdens and functions of Government satisfactorily, effectively and in time? They can of course deal with them, but the ques-

tion of time comes in, and that is why questions have arisen as to whether it is possible to have devolution of authority more and more, so that these problems can be dealt with more rapidly and effectively.

Parliamentary democracy is inevitably going in the direction, everywhere, more or less of what might be called economic democracy. It may take different forms, and in the measure that it solves the economic problems of the day, does it succeed even in the political field, because, if it does not, then the political structure tends to weaken and crack up.

Now, we in India, owing to a very long period of contact with England and with British parliamentary institutions in our youth and in our early days, were made to think on the lines of British parliamentary institutions and wanting them in India. When the chance came, we in a large measure reproduced those parliamentary structures and institutions here, not only because we had long thought in those terms but also because we thought they would be right and they would fit in with our thinking here and with our general structure of life. By and large, I think, we have succeeded and I think we will succeed.

But there is one aspect which faces us in India more than elsewhere. In Western Europe, say in England, and in some other countries too, they gradually developed in the course of 100 or more years their parliamentary system. Occasionally there

were big conflicts; occasionally there was a danger of a crack-up, but somehow, they managed to get over it and took a fresh step forward. But we in India in the course of the last 30 or 40 years, especially in the course of our struggle for freedom, built up a movement which was an unusual type of movement. It was meant to be and largely was a peaceful movement, although it was a revolutionary movement. That is, it was essentially a revolutionary movement in spite of its peaceful character. That produced a certain type of reaction in the people's minds in the course of the past 20 or 30 years. Those reactions actually changed the character of the people in the course of a generation. Because we were conditioned to function peacefully the change was far less difficult than in any other country that I can think of. The trail of bitterness and conflict did not pursue us and we could adapt ourselves mentally and physically to these changed conditions.

Now we have come to a stage which briefly may be called the atomic age, when all our previous thinking becomes somewhat out of date. Everything has changed and if everything has changed, undoubtedly the texture of Government and the systems of Government also must be affected by these mighty changes. So, it is in this spirit of enquiry that I approach these questions, not liking breaking up anything that is good, but realising that it has to be adapted to changing conditions of life and society.

Portrait of Lokamanya Bal Gangadhar Tilak Unveiled

SPEECHES BY THE SPEAKER AND THE PRIME MINISTER

[The portrait of Lokamanya Bal Gangadhar Tilak was unveiled in the Central Hall of Parliament House at New Delhi on the 28th July 1956 at 6-10 P. M. by the Prime Minister, Shri Jawaharlal Nehru. The portrait was the work of Shri Gopal Deoskar, a top artist of India, and was presented to Parliament by Shri N. V. Gadgil, a Member of Parliament, on behalf of the Tilak Centenary Committee of the All-India Congress Committee. The speeches made by the Speaker, Shri M. Ananthasayanam Ayyangar and the Prime Minister on the occasion are reproduced below.]

Mr. Speaker (Shri M. A. Ayyangar) : Shri Gadgil and friends: It gives me and hon. Chairman of the Rajya Sabha very great pleasure to receive this precious gift, presented to us by the Tilak Centenary Celebration Committee

Lokamanya Bal Gangadhar Tilak was a hero of his times, and he has left his imprints on the sands of time. This year, we have celebrated the centenary of his birth and next year we will be celebrating the centenary of freedom struggle which began in the year 1857—only one year after Tilak was born in this land. It appeared as if Tilak came to dedicate himself for the freedom struggle, which

started a year after his birth, though he did not live to see the fruition of it.

Tilak lived a glorious life. He it was who said "Swaraj is my birthright and I will have it". On this subject, the Grand Old Man of India said that we must strive for *swaraj* and not go on asking the Britishers to give us from time to time some reforms of one kind or the other. He it was who set the pace that had to be followed up by Lokamanya Bal Gangadhar Tilak who set a greater pace to the freedom movement. He said when he was prosecuted and sent to the jail for six years, that the purpose for which he was going to jail would be achieved one day, what was wrong then would become right, and incarceration was for the purpose of getting our Mother India free. That was the person whom we had, the person who laid the strong foundation-stone of the independence movement of this country. And that is why our leader, the hon. the Prime Minister said the other day that Bal Gangadhar Tilak was the founder of the revolutionary movement in this country. He was both the founder of the independence movement as well as the person who gave



The Prime Minister unveiling the portrait of
Lokmanya Bal Gangadhar Tilak

Unveiling of the Portrait of Lokamanya Bal Gangadhar Tilak

it a revolutionary turn. All members may be aware that in 1906 in the Congress, he said, the old method of praying to Government for granting this concession and that was no longer useful and that a new pattern should be evolved. He prepared the masses, the ordinary middle class man, for the fight for freedom. He started two important journals, one in Marathi and the other in English, to educate the masses for fighting for freedom. He joined Dr. Annie Besant and both of them were together in the Home Rule Movement and the Montagu-Chelmsford Reforms were the ultimate result of that movement. From end to end, his life was one of dedication to the service of the Motherland. Though he was not with us in body, he was with us in spirit on the night of the 15th of August, 1947, when Lord Mountbatten as the representative of the British Government handed over the reins of administration of this country and Bharat Mata was delivered into the hands of our illustrious leader here.

Therefore, it behoves us to have his portrait in this Hall where the Government of Bharat Mata or our country was handed over to our Prime Minister. Further, it was here that the Constituent Assembly held its deliberations and we gave unto ourselves a Constitution which gave us the most democratic form of Government. Therefore, it is in the fitness of things that the portrait of Lokamanya Bal Gangadhar Tilak should adorn one of the panels here. Though

he is not in flesh and blood with us, his spirit will guide us from day to day.

I cannot on this occasion think of a better person than our beloved Prime Minister to perform the unveiling ceremony of this portrait. Gandhiji said that Panditji was his political successor. Had Bal Gangadhar Tilak lived sufficiently long, he would have said, "He will be both your and my successor". As a matter of fact, Gandhiji adopted many of his methods of winning freedom; the *Swadeshi*, boycott of British goods and other things also. Therefore, Mahatmaji followed Tilak and he left behind him our beloved leader. He is not only the greatest son of India, but, I am sure everyone will accept that, he is the greatest statesman and politician of the world today. I, therefore, cannot think of a better person than him to perform this unveiling ceremony. I request on your behalf, on my own behalf and on behalf of my friends, the Chairman of the Rajya Sabha, the Prime Minister to perform the unveiling ceremony of this portrait.

The Prime Minister (Shri Jawaharlal Nehru) : Mr. Speaker, Mr. Chairman, Mr. Gadgil, friends and comrades: A little over two weeks ago, I had the privilege of unveiling the portrait of Lokamanya Tilak in India House in London. It was fitting that that portrait should reside in the heart of London city, in a corner which belongs to India. But, perhaps,

no more fitting place can be found for a portrait of Lokamanya than this Central Hall of our Parliament. And, standing here and looking at this indomitable face of a warrior and a scholar, I feel moved and I think of the century of troubles that this country passed through. All the giants of old laid the foundation of the freedom of India and above all Lokamanya. We have to my right here the picture of Dadabhai Naoroji, the Father, in a sense, of the Indian National Congress. We may perhaps in our youthful arrogance think that some of these leaders of old were very moderate and we are much braver because we shout more. But every person who can bring the picture of the old India before his eyes and the conditions that prevailed then will realise that a man like Dadabhai was, in those conditions, a revolutionary figure. If I say that of Dadabhai Naoroji, how much more have I to say about Lokamanya?

As I was sitting here I thought that Lokamanya had attained a very advanced age—somehow I imagined so—because from my early boyhood we had heard of him, and throughout our youth we had heard of him and been under his spell. So, daily I thought that when he died he must have reached an advanced age. Then when I calculated it, I was surprised to find at the time of his death, he was much younger than I am today, but in those crowded years of life, not too long-lived, he put in such tremendous energy, ability, strength and sacrifice that

it seems a very long life, because after all, time is not measured by the passing of years but by what one does, what one feels and what one achieves.

We have here in Lokamanya a symbol of India's struggle for freedom, and a man who was not only a brave soldier but a great captain, not a captain of an organised government, but a captain of the unorganised masses of India, a captain who had to deal with India as it was in his day, that is to say, an India rather amorphous and not well-organised, not even perhaps politically very conscious, although of course among the youth of those days there was the feeling of freedom. But still I take it we were in those days mostly rather non-political, rather frustrated if you like, and accepting our dismal fate as destiny. There was inertia not in the minds of everyone but among most of our people, but to shake them up and to bring about a mass consciousness, mass awakening, a sense of struggle, was, I think, primarily Lokamanya's task.

The early founders of the National Congress were great men. But they rather laid the intellectual foundation in the early stages of our freedom movement. I do not think that it is unfair to them to say that they were not mass leaders in the sense that some subsequent great leaders became. I think that the first great mass leader of this new stage of our revolutionary movement was Lokamanya Tilak. After him came Gandhiji to effect an even wider response, because the mass

Unveiling of the Portrait of Lokamanya Bal Gangadhar Tilak

consciousness had developed. It was inevitable that this national consciousness should develop, as Lokamanya affected in his own generation what may be called, broadly speaking, the middle-class and the lower middle-class and millions of these people.

The next stage came when Gandhiji came and it spread to the villages. It spread in Lokamanya's time because the movement had been given this tremendous impetus by Lokamanya.

Here we find a man of great learning, a great scholar of wide vision and ideas. He wrote about the philosophy of *Gita* and then about the *Vedas*. See, how his mind travelled long distances. It impelled a great scholar like him to throw his weight, energy and ability into the struggle for freedom. It is again rather an unusual thing for a great scholar of that type to become a mass leader. Normally, these things do not go together. They did go together in him. This chosen scholar of the elect became a mass leader, influenced more than one generation or two generations of our people powerfully. He influenced them not only in the sense of some kind of intellectual impulse towards freedom, but made them more dynamic and made them also realise that it was through organised effort, and sacrifice that freedom would be obtained. In those early days, some young men in a spirit of anger and frustration took to the bomb and individual acts like that. Lokamanya saw that it was not the way of achieving success or strength

in a country, that it was the way of despair and frustration. He raised his voice against it long before Gandhiji did in another context. He directed people's minds towards more mass effort and mass struggle. Naturally he was a great nationalist and he thought in terms of nationalism rather than the social movement of a subsequent day, but he was not a narrow-minded nationalist. That is obvious. He did not think of a particular corner of India. He thought of the whole of India as his field of battle and his field of achievement. So he laboured in prison and out of prison, as many of us, humbler folk in our much more limited spheres, laboured subsequently. It was easy for us, because we were parts of a vast wave of human enthusiasm when it did not matter very much to the individual. We shared such physical sufferings or discomforts with hundreds of thousands. It was no suffering and it is quite absurd for anyone to condole this. We went to jail at least once, thrice, or five times because we were exhilarated by that experience and became, perhaps, a little higher in stature by it.

But it was an entirely different matter to be the one and only man to brave an empire; to be a single person to emblazon the trail not knowing who will follow, not knowing what will happen. That requires that supreme courage which only the greatest of people possess. Lokamanya blazed the trail in so many directions in this country, laid the foundations of our struggle and brought about, I repeat, for the first time this mass consciousness,

political consciousness, this dynamic energy, because he was a tremendous dynamic person. So, there can be no fitter person whose picture should adorn this hall, which represents the achievement of that freedom and independence. I do not know subsequently what other portraits will be put up in this hall, but I can imagine that there can be no two worthier portraits than the two we have—Dadabhai Naoroji and Lokmanya—who have been for us in many ways, in my generation at any rate, sources of inspiration. It was not my privilege to come into close contact with him. I met him but I was away in a far-off country studying, but even there his voice, his story reached us—the young men from India who studied there—and fired our imagination, which sometimes rather ran riot. When we grew up under that influence, we were moulded by it and it was really

in a sense the India of which the then youth had been prepared very largely by Tilak, by what he had said, what he had written and, above all, what he had suffered. It was that which was the inheritance on which Gandhiji had to start his vast movements. If there had not been that moulding of Indian people, of India's imagination and India's youth by Lokmanya, it would not have been easy for the next major step to be taken.

So, in this historic perspective we can see one great man after another coming and performing this act of destiny and history, which led to the achievement of India's freedom.

Therefore, we meet here not only to unveil the picture of this great man and Father of India's Revolution, but to remember him and to be inspired by him.

The House of Commons (in Britain) is a jealous, and sometimes a touchy guardian of its privileges.

—*The Times* (London) in its Editorial dated the 8th June, 1956.

Shri Mavalankar's Portrait Unveiled

SPEECHES BY THE SPEAKER AND THE PRIME MINISTER

[The portrait of Shri G. V. Mavalankar, the late Speaker of the Lok Sabha, was unveiled in the Central Hall of Parliament House, New Delhi, on 7th September, 1956 by the Prime Minister. The speeches made on that occasion by the Speaker and the Prime Minister are reproduced below.]

Mr. Speaker (Shri M. A. Ayyangar) :
Panditji, Dr. Radhakrishnan, and friends: Early this year, in about the month of March, Dr. Keskar informed me one evening that when Dada Saheb Mavalankar was alive he had given some sittings for a portrait of his, to one Shri Satwalekar in Bombay. He told me that before Shri Mavalankar's death, Shri Satwalekar could not complete the portrait; he had only drawn some sketches, and the portrait was half-drawn. Still, he informed me that it might be possible for us to get that portrait from Shri Satwalekar. Shri Satwalekar completed it, and the portrait came here.

Since then, I have been trying to find out whether it is one which could be exhibited here, if all our friends approve. Both the Prime Minister and Dr. Radhakrishnan saw it, and they agreed that it was a portrait which ought to be put up here.

If that was not a recent one, we naturally wanted to have a better one.

Now, this is the day on which I am going to request, on your behalf and on my own, Panditji, to unveil the portrait of Dada Saheb Mavalankar.

Shri Mavalankar had been with us since 1946. He came here as the President of the Legislative Assembly, and was later the Speaker of the Constituent Assembly (Legislative). Then, in 1950, when India was declared a Republic, he was elected as the Speaker of the Provisional Parliament. In 1952, he was elected again as the Speaker. He continued to occupy that high office till 1956. So, from 1946 up to 1956, for full ten years, he has adorned that high office.

It appears that he was the first Speaker both in Bombay as also here. He became a Member of the Bombay Legislative Assembly, in 1937, when the Congress first contested the provincial elections, under the Government of India Act, 1935. Soon after he became a Member, he was elected as the Speaker. With all that experience, he came here, and he made a mark.

He attended the Commonwealth Parlia-

mentary Conference, and the Commonwealth Speakers' Conference in England. He also represented India at various Commonwealth Parliamentary Conferences both in 1948 and in 1952. Thus he gained reputation as one of the foremost Speakers in the whole world and in all the Commonwealth countries. In England, every one who came in contact with him admired him.

Of course, so far as personality is concerned, those who come after him will, by contrast, be surely thrown into the background. His was such a beautiful personality. Coupled with this was his great ability, his democratic life and the way he conducted the affairs of Parliament here. All this would naturally throw any other person who comes after him in the future into the background.

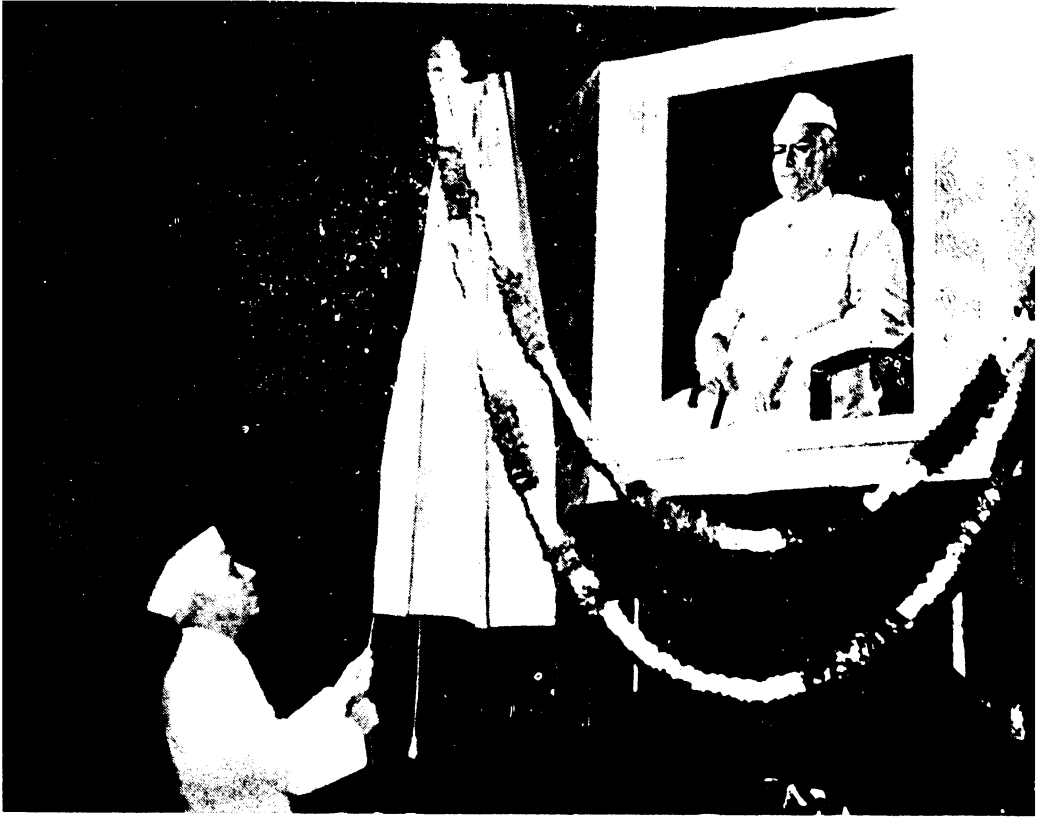
He was a great personality. He lived a whole life, though we would have liked that he had continued for 30 years more. But God bid otherwise. He was born in 1888 in Baroda. He had his education in Ahmedabad and Baroda. He became a lawyer in 1913. From 1913 to 1919, he practised law. In 1919, he became a member of the Ahmedabad Municipality. He naturally came in contact with Sardar Vallabhbhai Patel. In 1921, he was the Secretary of the Reception Committee of the Congress which was then held in Ahmedabad. He also became Secretary of the Gujarat Provincial Congress Committee in 1921, and served in that capacity until 1923.

He took very great interest in social work as also educational work. I am told he was the founder of the Ahmedabad Education Society. He was also largely responsible for the establishment of Gujarat University. He undertook various relief measures. He was even till the time of his death associated with the Gandhi Smarak Nidhi and also the Kasturba Trust Fund. In fact, he went to Hyderabad and toured also Visakhapatnam. He went round those places even at the cost of his health. That was the last straw. He once again had an attack.

He led a glorious life. Panditji rightly said the other day that he was the Father of Parliament. We have got the Father of the Nation here. Shri Mavalankar was the Father of Parliament. I would say he was the first Speaker so far as the Congress is concerned and so far as India is concerned.

Now, on behalf of you all and on my own behalf, I would request Panditji to unveil the portrait. His will be a standing example for all parliamentarians here. He laid the strong foundations for the growth of Parliament to a large extent. Panditji laid the foundation for the administration, and in collaboration both of them have laid the strong foundation for democracy in this country.

Panditji is the first Prime Minister of the Republic. Dada Saheb Mavalankar was the first Speaker under our Constitution. Therefore, I request Panditji to



The Prime Minister unveiling the potrait of
Shri G. V. Mavalankar

Portrait of Shri Mavalankar Unveiled

unveil the portrait of Dada Saheb here, so that it may appear constantly before all Members of Parliament so as to encourage them to lay a stronger foundation for the growth of democracy in our land. 11. B

The Prime Minister (Shri Jawaharlal Nehru) : Mr. Chairman, Mr. Speaker, friends and colleagues: I wonder how many of you remember—I myself had forgotten, some friends reminded me four days ago—that it was exactly ten years ago, on the 2nd of September, that some of us formed the Interim Government here in Delhi. It was a precursor of subsequent developments leading to an independent set-up. Ten years ago, some of us entered the interim Government and became, by virtue of that fact, members of the then Assembly. After having spent a large number of years in Opposition, fighting the Government of the day, we ourselves became the Government and underwent a change. That Government was a troubled existence for many of us and, ultimately, after nearly a year, it resulted in the independence of India. That was my first experience of Parliamentary institutions. I was for a limited time in the Assembly. There were some, I suppose, whose experience went further; but, most of us, I take it, picked up our Parliamentary experience rather late, after the Constituent Assembly was elected, and, subsequently, after the last general elections.

During these ten years a great deal has happened in this country. During these ten years we have, many of us lived in this building, spending part of our lives. We spent a good deal of time in this hall when our Constitution was framed and in the other halls of the Lok Sabha and Rajya Sabha also. We framed the Constitution which has several times been amended but which basically, I believe you will agree with me, is a sound Constitution, a Constitution based on democratic procedure and freedom of the individual as well as social progress and social justice. How far we live up to it is another matter; we try to live up to it.

So, the Constitution was framed and, in Parliament, all kinds of rules were framed. But we all know that, good as it is to have a Constitution and to have rules, there are even so many other things which are not normally put down in black and white, conventions and the like, which are of high importance in Parliamentary and allied work. It is the way people—some of us—behave in Parliament that has possibly something to do to help building up of these conventions. But, essentially, it is for the Speaker or, in the case of the Rajya Sabha, the Chairman to help in building up those conventions which are of the greatest importance.

All older institutions like the Parliament of the United Kingdom depend very largely on conventions. So, the Parliament is very sacred to us. Some people may object to all the useless trumpery and

ceremonial there, some of which we have copied. Some small ceremonials we indulge in. But this ceremonial has a certain importance. We had been told that once in the House of Commons when the Speaker stepped just a few inches beyond the carpet there were shouts of 'Order, Order' everywhere and "what is this?". The idea was that the Speaker's carpet on either side should not be stepped beyond the respective limits. "Why?" I asked. I was told that in those days there was an old apprehension that if he came too near, the swords could be drawn, could crack at each other or hit each other. So, conventions grew up that they should keep at a respectable distance away from each other, and nobody remembers those days, and swords have now gone out of fashion. But the conventions really meant that people should behave in Parliament even though they are bitterly opposed to each other. That is one rather extreme example of people hitting each other. There are many other examples which Members of Parliament have to experience daily—how to carry on our work, our duties, our arguments, how to oppose each other if we feel like doing so, and yet keep up a certain temper of courtesy, of co-operation for the larger good. That I believe is the chief function of Members of Parliament, because in Parliament opposing viewpoints, opposing expressions of opinion and thought come into play, and they are meant to come into play. It would be a great pity if they did not do so and there was just one fixed expression

of opinion. Truth after all is arrived at more by discussion and argument, sifting and scrutiny, than merely by clear enunciation. All these conventions, etc., are associated with older Parliaments; they had grown up during hundreds of years and people automatically observed them. These conventions helped them, even when they were on the point of losing their temper, to retain it. We did not have those conventions here; we have to build them up; we have to grow into them; we are growing into them successfully, I believe.

Now the late Speaker had tremendous breadth of vision necessary for building up those conventions. All of us, who have known as well as I do Dada Mavalankar's work in Parliament, will appreciate it. We appreciated it previously and we appreciate it now, more so, how well and duly he helped to build up those conventions, and in doing so, trained all of us, Members of Parliament, kept us in check, occasionally chided us; and when he chided us, he did it in a friendly way which nobody could possibly object to. So he helped to build up this atmosphere that is supposed to grow with parliamentary work, the atmosphere of difference of opinion, and yet of friendliness, of co-operation, of courtesy, of a certain restraint. That is a tremendous thing.

If we maintain it, I am sure we will, I think, most of our problems, however difficult they might be, will become

Portrait of Shri Mavalankar Unveiled

easier of solution. Indeed we should like that atmosphere not to be confined to Parliament but to spread all over the country. That is the right atmosphere, that is the civilised atmosphere of dealing with a problem or an argument. Otherwise what does democracy mean? Democracy is a civilised procedure to settle problems by discussion, argument and then decision by the majority; but the majority also should always pay due regard to the views of the minority so that the minority might never feel that it was neglected or ignored, whatever the minority may be. Now, therefore, the work Dada Saheb Mavalankar did here, important as it was for Parliament, was of even greater significance to the country as a whole. After all, this Parliament sets an example to the many legislative assemblies and councils in the country; it sets an example to the whole public life of this country.

We have not succeeded in living up to the various ideals that we have adopted. Outside this Parliament, certainly many of us have not behaved with the dignity and forbearance and spirit of co-operation that Parliamentary tradition enforces upon us. But, we have made much progress. And, I have no doubt that we shall make more progress.

Now, I do feel and believe that the person most responsible for the building up of these traditions in our Parliament was the late Speaker, Dada Saheb Mavalankar. We took him, while he was here, as we are having to take each

other, for granted, not realising what great service, unique service, he was performing in building up these conventions, and training a motley crowd of all of us, Members of Parliament, that had gathered here from the various parts of the country. We offered a great variety in various ways, and to make us into some kind of homogeneous body functioning and working together was no light task.

Some people are born to some particular high office; some grow into it and some are being pushed into it. About Dada Saheb Mavalankar it might well be said that he was born into the Speakership of the Lok Sabha. He fitted in it like a glove and he maintained throughout these several years the high dignity and wisdom, not only in his decisions, but in his general demeanour. He was a man of relatively few words but the words he spoke were words of weight. So, his influence gradually crept into all our behaviour and our lives—Members of Parliament—and we were improved considerably.

The day we heard of his death, it came to us as a shock in many ways. He was a friend and colleague of old standing and a person whom we all respect. Above all, he was a man, a kind of teacher who trained us in Parliamentary ways. As I said we had taken him for granted and then, when we heard suddenly that he had departed, we felt the loss and a kind of vacuum was created.

necessary for you, if the alternative to you is loyalty to your own ideals or giving up the world, give up the world; do not betray the spirit in you. That is the vision, that is the way of life, which we have given in our Constitution.

What is the form of Government, what is the political arrangement, by which we can realise these ideals? We have it in the form of parliamentary democracy. It is a representative Government and the representatives have got the power to alter or amend the Constitution or bring about changes in the Government. Periodical elections enable the people to decide whether the Government has been functioning properly or not. But, we need not think that an elected Government or a Government by majority is infallible even as unmixed monarchies are. Even Governments based on large majorities are subject to grave abuse. So, institutions will have to be set up to restrain these Governments from acting in an arbitrary or tyrannical manner. That is what Lord Acton with a good knowledge of the history of the world's Constitutions opined: "We have scrapped the divine right of kings; we cannot adopt the divine right of majority Governments." It is, therefore, essential that a Government, if it is to be truly democratic, must recognise the value of the opposition and the minorities and must also have some kind of consideration for what other people have to say. In a parliamentary government, it is essential for us to protect all those institutions which are there put

into our Constitution for the purpose of enabling us to develop high standards of public life. Judiciary, Audit, Services Commission—all these things are there. These should be protected from executive interference or political pressure.

I will now come to the third aspect—the method of approach. The democratic method is the method of asking people who have different opinions to come together, to consult one another, to understand one another and come to some concrete conclusions. Violence in a national or international context is a cowardly escape from democratic processes. It is, therefore, essential when we are working in a democratic set-up that we should sit round the table and resolve our differences and come to some kind of agreement. The ideal of a democratic Government is the development of the human spirit. There can be no free human spirit so long as it is constrained by material and social compulsions. Restricting institutions require to be removed, if the human individual is to develop a true human spirit. So long as there are people who are poor, hungry, starved and have no work and no wages, our Constitution and our laws are not things of which we can be proud. It is essential that the changes which we have brought about in our Constitution must be reflected in the structure of our society. It is essential, that the true ends of society, namely, the material and cultural welfare of the ordinary people will have to be taken into account by us

Democracy as a Way of Life

all. We have always used the word *Dharma* meaning the making of the individual and the drawing of the world together. It has two aspects, an individual aspect and a social aspect. We must, therefore, work for creating a democratic society where each individual will be himself disciplined and will also work in a spirit of co-operation. The *Mahabharata* tells us "that a people flourish not because of a constitution or

coercion or law-giver; but because they are guided by *Dharma* and help each other in co-operation." If society is to be held together, if it is to work on a strictly democratic basis, what is essential is that the human individuals who constitute the units of that society must work in a disciplined, co-operative, non-violent, peaceful spirit. That is the meaning of democracy.

India has become a great democracy, perhaps the largest democracy in the world. She has fashioned herself a constitutional structure fit for free peoples with free Parliament and responsible executives based on free elections and open debate.

—JAWAHARLAL NEHRU in his speech at Guildhall, London on July 3, 1956 during the ceremony at which he received the Freedom of the City of London.

Obituary References

K. T. Bhashyam

SHRI K. T. Bhashyam, Chairman of the Mysore Legislative Council passed away on May 24, 1956, after a heart attack.

As Chairman of the Mysore Legislative Council, Shri Bhashyam brought to bear a rare touch of impartiality and liveliness to the proceedings and zealously safeguarded the privileges and dignity of the Legislative Council.

[Born on 12th April, 1895, Shri Bhashyam graduated in 1917 at Madras. He was a leading member of the Bar in Bangalore and also a Member of the Mysore Representative Assembly from 1926, from which he resigned in 1939. He was a Member of the Mysore Legislative Council for four years from 1934 onwards and in that capacity he sponsored many measures of social reform. He published a book "*Women in Hindu Law*" in 1928. At his instance, the Representative Assembly appointed a committee with Shri K. S. Chandrasekhara Iyer, retired Chief Judge of the Mysore High Court, to go into the question of women's rights in Hindu Law, and the Hindu Law was later amended accordingly. He did yeoman's service in the field of labour also, and was elected President of the Labour Association in 1929. He was President of the Mysore Congress in 1940 and suffered imprisonment nearly ten times in connection with

the political and labour movements. He served as Minister for Law in the first popular Ministry in Mysore State and was selected by the Government of India to represent Indian States as a Member of the Indian Delegation to the International Labour Conferences held at San Francisco in June 1948 and at Geneva in June 1949. He also participated in the Conferences of Presiding Officers of Legislative Bodies in India held at Kashmir and Gwalior with great distinction. He was a great friend of the poor and by his genial temperament he had won the admiration of one and all.]

* * *

Shiva Dayal Upadhyaya

Shri Shiva Dayal Upadhyaya, a sitting Member of the Lok Sabha from the *Banda-cum-Fatehpur* district in Uttar Pradesh, passed away on August 13, 1956 at his residence in Fatehpur. The House observed a minute's silence on August 16 to mourn his death. In a reference to his death, in the Lok Sabha, the Speaker observed:

"We mourn the loss of Shri Shiva Dayal Upadhyaya and I am sure the House will join me in conveying our condolences to the members of the bereaved family."

Short Notes

Members' Salaries and Allowances

Position of a newly elected Member of Parliament regarding (i) drawal of salary and (ii) grant of leave of absence before taking the oath

ARTICLE 99 of the Constitution requires every Member of Parliament to make and subscribe an oath "before the President, or some person appointed in that behalf by him" before taking his seat in the House. The making and subscribing of the oath and taking the seat are two different acts, as a Member may take the oath even when the House is not sitting.

In accordance with the Salaries and Allowances of Members of Parliament Act, 1954, a Member becomes entitled to receive his salary only from the day he takes his seat in the House. Thus, a Member, who has taken the oath but has not taken his seat in the House, does not become entitled to receive his salary till he takes his seat.

As regards the grant of leave of ab-

sence from the sitting of the House, it is held that clause (4) of Article 101 of the Constitution* would apply to all Members irrespective of whether they have made the oath or affirmation. A Member who has not taken the oath is also, therefore, required to apply for permission to remain absent under clause (4) of Article 101 in order to avoid vacation of his seat under that clause.

* * *

United Kingdom: Members' Salaries and Allowances: Opposition Motion

In February 1954, an all-party Select Committee appointed to enquire into the position of Members' salaries and allowances recommended an increase of £500 a year in the salary of the Members from their present salary of £1000 and a new pension scheme for their benefit.

Speaking on the subject on 14th April, 1954 in the House of Commons, Sir Winston Churchill, the then Prime Minister, held that in spite of the un-

*Article 101 (4): If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

animous opinion of the Committee, it would not be right to proceed "in the present circumstances" with the particular proposals made by it and other methods of dealing with the problem would have to be considered.

The Select Committee's Report came up for discussion in the House on 14th May, 1954 on a motion recommending an increase of £500 in the Members' salary as proposed by the Committee. On 24th May, 1954, the motion was put to a free vote of the House and was carried by a majority of 114.

The Government, however, did not accept the proposal and put forward instead on 6th July, 1954, a scheme to pay a sessional allowance of £2 a day, other than Friday, on which the House sits, which amounted to about £280 a year. This was accepted by the House.

This increase did not fully satisfy the Members, especially in view of the rising cost of living since the scheme was put into effect, and cases of hardship and financial difficulties among Members with the consequent negligence on their part of their Parliamentary duties were reported. It was said that in the case of many Labour M. P.s the degree of financial hardship was becoming acute and that some of them whose homes were not in London, were left with less than the average wage of a manual worker to maintain themselves and their families, after all the

expenses arising out of their Parliamentary duties had been met. Attendance to Parliamentary duties was also said to be affected, as many of them whose homes were not in London, sought to economise by spending not more than three nights of the week in London. They often approached the Opposition Whips to be excused from attendance on a Monday or to be allowed to get away early on a Thursday, and efforts were made to arrange the business of the week so as to make this possible. It was further said that many Labour Members had found it necessary to supplement their income by doing other work in the earlier part of the day and it had led to difficulties in having the meetings of the Standing Committees of the House in the mornings.

The leaders of both the Labour and Liberal Parties addressed a letter to the Prime Minister requesting him to set up an independent committee of persons, who were not members of Parliament, to enquire into and report on the present position of Members' salaries. The Prime Minister replied that in the "present economic circumstances" when the Government were calling for restraint in wage and salary demands in the nation in order to check inflation, "it would be wrong" for M. P.s "who are rightly expected to set an example" to increase their own remuneration. He added that as soon as the occasion was opportune, the Government

would be ready to discuss the ways and means of increasing the Members' salaries with the opposition leaders "bearing in mind the desirability of Parliament itself retaining control of these matters".*

Thereafter, on 12th July, 1956, Mr. Gaitskell tabled the following motion :—

"That this House reaffirms its decision of May 24, 1954, regarding Members' expenses and pensions and the financial position of junior Ministers and calls upon Her Majesty's Government to implement it without further delay."

During the course of debate the Prime Minister replied that the matter should be considered in relation to the national position, and that "an increase in Members' salaries at this time in the full glare of publicity, could not but have its effects at once on other sections of the community, at a time when they were urging restraint." He agreed that some increase in the Members' salaries might at present be justified but in the present economic condition of the country, it might be viewed with disfavour by the nation. After several members had spoken for and against the motion, it was withdrawn by the Leader of the Opposition.

* * *

Position of Two Houses

Relative Positions of the Two Chambers and the Special Position of the Prime Minister in a Parliamentary Democracy

The relative positions of the two Chambers of the Legislature and the special position and privileges enjoyed by the Prime Minister in a Parliamentary Democracy were referred to by Shri P. N. Saprú, a Member of the Rajya Sabha, in the course of a debate in that House, on the States Reorganisation Bill on the 20th August, 1956. Shri P. N. Saprú observed:

"One of the incidents of a bicameral system is that the initiative in matters vitally affecting the responsibility of the executive to the Parliament and, through it, to the people resides in the Lower House. It is to it and to it alone, whatever may be the theoretical equality that an Upper Chamber may claim, that the Government is answerable, in the sense that it can be removed by an adverse vote of Lower House..... Armed with the backing of an overwhelming majority in the Lok Sabha, how can it be denied that the Prime Minister as the leader of the democratic party, and a person who derives his authority from the people of India, and not from the States, into which India is divided for administrative purposes, can make declarations of a far-reaching character affecting vital matters, including the reorganisation of the States? I do not share the view that the Prime Minister was not entitled to declare, while the Bill is still under the consideration of this House, what the policy of the Government in regard to matters of an important character is. If the argument that the Ministers must not speak about the matters which are under discussion in either House is pushed to its

*The Times, June 16, 1956.

logical conclusion, Parliamentary Government would indeed become impossible.....A Prime Minister's position is undefinable. The Prime Minister is, under a parliamentary system of Government, the Prime Minister, and if the House or Houses are dissatisfied with his policy, there is a remedy open to them, and that is to pass an adverse vote of the legislature. These are instances just to illustrate how enormous is the prestige and the position that the leader of a parliamentary party in a parliamentary democracy possesses. Leadership, therefore, is not inconsistent with democracy."

* * *

Questions

Assistance to Members regarding Questions (Lok Sabha)

On the 22nd March, 1956, the Speaker made the following announcement in the House:

"I have received some complaint regarding the admission of questions.....I propose having an officer sitting in the Notice Office. Any hon. Member who has got doubts and difficulties in the matter of framing of questions can take advantage of that. Whoever finds that his questions have not been admitted properly or that there is delay in admitting the questions can go and inform that officer, and if still he is not satisfied, he can say that that matter must receive the consideration of the Speaker, in which case the matter will be brought up to me, and I shall look into it again."

In accordance with this announcement, arrangements have been made in the Lok Sabha Notice Office to receive enquiries

from Members in regard to their questions and to give them the required information as soon as possible and, where so desired, to arrange a meeting with the officers concerned for further clarification of any matters arising out of their questions.

* * *

Privileges

Exemption of Ministers, Speaker of the Vidhan Sabha and Chairman of the Vidhan Parishad in U. P. from appearance in Civil Courts (U. P.)

The following notification* has been issued by the Government of Uttar Pradesh on 29th December, 1955:

"Whereas in the opinion of the Governor, the Ministers, the Speaker of the Legislative Assembly and the Chairman of the Legislative Council of the State are persons whose rank entitle them to exemption from personal appearance in all Civil Courts in Uttar Pradesh.

"Now, therefore, the Governor, in exercise of the powers conferred by sub-section (1) of section 133 of the Code of Civil Procedure, 1908 (Act V of 1908), is pleased to exempt the Ministers, the Speaker of the Legislative Assembly, and the Chairman of the Legislative Council of the State from personal appearance in all Civil Courts in Uttar Pradesh."

* * *

*Notification No. 6089/VII-501-54 dated 29th December, 1955.

Calligraphed Copies of Constitution

Constitution of India : Calligraphed Edition

The Lok Sabha Secretariat has brought out a calligraphed edition of the Constitution of India. The calligraphy has been done by one of the best calligraphists in India and the calligraphed sheets have been decorated and illustrated by Shri Nandalal Bose, the

well-known artist from Santiniketan. At the beginning of each part of the Constitution—there are 22 parts—there are illustrations depicting scenes from Indian history, from the Mohen-jo-daro and Vedic periods to the Freedom Movement.

The calligraphed edition also contains the signatures of the Members of the Constituent Assembly who framed the Constitution.

It is a mistake to think of Parliament as something different and separable from the community. It is, therefore, also a mistake to imagine there is any constitutional device by which the atmosphere of Parliament can be made purer or rarer than the atmosphere outside. In the long run, the only way to protect the freedom and dignity of Parliament is to protect the freedom and dignity of the people it represents.

—W. MACMAHON BALL in his article 'The Duties of a Member of Parliament' in *Parliamentary Affairs*, Spring issue, 1956.

About Elections and Electors

First General Elections : A Statistical Summary

CONDUCTED on the basis of adult suffrage, the first general elections in India, under the new Constitution, were the biggest exercise of democratic franchise in history. Commencing on the 10th September, 1951, when the first notifications under section 15 and 17 of the Representation of the People Act, 1951, were issued in respect of Himachal Pradesh, the elections were concluded on 4th June, 1952, when the election to the West Bengal Legislative Council was completed.

The total number of seats, for which elections were conducted was 4,505 including 90 seats of the three electoral colleges of Kutch, Manipur and Tripura. Of the legislators numbering 4,415, 3,772 candidates were directly elected, 546 indirectly elected and 97 were nominated.

The total number of constituencies including Council constituencies was 3,293.

The following few election facts give an idea of the scale on which the

elections were conducted:

- (i) In all, 5,155 nomination papers in respect of 2,833 persons, were filed for elections to the Lok Sabha. For the State Assemblies, the nomination papers numbered 42,244 in respect of 23,287 candidates.
- (ii) For the 489 seats for the House of the People, the number of contesting candidates was 1 874. For the 3,283 seats for the twenty-two State Legislative Assemblies and 90 seats for the Electoral Colleges, the number of contesting candidates was 15,361 and 265 respectively.
- (iii) The total number of voters was 17,32,13,635, of which 8,86,12,171 cast their votes for elections to Parliament—the over-all percentage of voting being 51.15. The percentage of voting was generally high and the average throughout the country was more than fifty percent; in the highly literate State of Travancore-Cochin it reached as much as 80 per cent.
- (iv) A total of 1,32,560 polling stations, with 1,96,084 polling

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booths, were set up throughout the country.

- (v) The number of steel ballot boxes used was 24,73,850, in addition to 1,11,095 wooden ones. The total cost under this head exceeded Rs. 122 lakhs.
- (vi) For the six hundred million ballot papers, a total of 180 tons of paper was used, the cost amounting to about Rs. 11 lakhs.
- (vii) The overall expenditure incurred on the elections from 1948 till the completion of the elections in 1952 was in the neighbourhood of Rs. 104 crores. Of this, approximately Rs. 5 crores represent the share of the Government of India.

The total number of electoral offences reported during or in regard to the poll was 1,250. In view of the fact that 88.6 million voters actually cast their votes, this small figure indicates the law-abiding and peaceful manner in which the elections were conducted all over the country.

* * *

Law of Elections in India: Some Recent Changes

The Constitution of India contains some provisions relating to matters connected with elections, but the details of the law of elections were left to be

laid down by subsequent legislation by Parliament. The major part of the election laws is to be found in the two measures passed by the Parliament—the Representation of the People Acts, 1950 and 1951 and the rules made thereunder.

In the light of the experience gained by the Election Commission and the Government in the working of these Acts, during and after the first general elections, necessary amendments thereto, with a view to simplifying the electoral procedure and programme, have recently been made. Some of the important changes effected thereby are:-

(In the case of the Representation of the People Act, 1950)

1. Administrative machinery for the preparation and revision of the electoral rolls has been provided.
2. Separate rolls for parliamentary constituencies and for assembly constituencies, which led to unnecessary duplication of work and expenditure, have been dispensed with. Now the electoral roll of every parliamentary constituency shall consist of the electoral rolls of so much of the assembly constituencies or, as the case may be, electoral college constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for a parliamentary constituency.
3. Conditions for registration in any constituency have been simplified by relating "ordinary residence" to the "qualifying

date" rather than to any "qualifying period."¹

4. With a view to avoiding any discrimination and also to facilitating the administrative work, a uniform rule, for purposes of registration of electors, has been made for all members of the armed forces.
5. In place of the electoral roll being 'prepared' every year, the amended measure provides for only annual revision with reference to the qualifying date.
6. Provision has also been made now for the inclusion of names in the electoral rolls. Except when an election has been announced in the constituency, the application for inclusion of a name in the electoral roll will lie to the electoral registration officer. During the period when an election is in progress the application will lie only to the chief electoral officer of the State.

(In the case of the Representation of the People Act, 1951.)

1. The period between the notification calling for an election and the commencement of polling has been reduced.
2. The procedure for presentation of nomination papers and the requirements of a valid nomination have been simplified.
3. The scrutiny of nomination papers has been made less technical. A returning officer is required to prepare a list of validly nominated candidates immediately after the scrutiny is over.
4. The date of election of a candidate has now been defined as one of declaration of his election result.

5. The section dealing with election petition has been revised so as to make a petition complete and self-contained.

6. The amended law provides for a one-member Election Tribunal and an appeal shall lie from every order made by a Tribunal to the High Court of the State in which the Tribunal is situated. The Election Commission has also been empowered to transfer election petitions from one tribunal to another.

* * *

Nomination Paper

Notification of date of nomination, etc.

Immediately on the issue of a notification calling upon a constituency to elect a member or members (first notification), the Election Commission is required, by notification in the Official Gazette (second notification), to appoint:

- (a) The last date for making nominations, *viz.* the 10th day after the date of the publication of the first notification;
- (b) The date for the scrutiny of nominations *viz.* the 3rd day after the last date *vide* (a) above;
- (c) The last date for the withdrawal of candidatures, *viz.* the 3rd day after the date specified in (b) above;

1. S. 30 of the R. P. A, 1951, as amended by Act XXVII of 1956.

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- (d) The date or dates for taking poll—
not earlier than the 20th day after
the last date for the withdrawal of
candidatures; and
- (e) The date before which the election
is to be completed.

Any person, who is otherwise qualified to fill a seat, may be nominated as a candidate for that seat.

Conditions for valid presentation of a nomination paper

For valid presentation of a nomination paper, the following conditions have to be fulfilled.²

(i) The nomination paper, completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer, must be delivered, either by the candidate or his proposer, to the returning officer at a place specified in the notice issued by him, between 11 A. M. and 3 P. M., on or before the last date for filing nominations.

(ii) In the case of a reserved seat, the nomination paper must contain a declaration by the candidate specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a Scheduled Caste, or as the case may be, a Scheduled Tribe of the State.

(iii) In the case of a dismissed Government servant, when a period of five years has not elapsed since the dismissal, the nomination paper must attach a certificate issued in the prescribed manner by the Election Commission to the effect that the candidate has not been

dismissed for corruption or disloyalty to the State.

(iv) The candidate must deposit or cause to be deposited certain sum specified differently in the case of an election from a parliamentary, assembly or council constituency or from an electoral college constituency.

On the presentation of a nomination paper, the returning officer is called upon to satisfy himself that the names and electoral roll numbers of the candidate and his proposer therein are in conformity with those entered in the electoral rolls. He may, however, permit any clerical or technical error to be corrected.

Where the candidate is an elector of a different constituency, he must produce before the returning officer a copy of the electoral roll of that constituency or of a certified copy of the relevant part thereof, if he has not filed the same along with the nomination paper.

Any candidate may be nominated by more than one nomination paper for election in the same constituency, but only one deposit is required of him.

Scrutiny of Nomination Papers

The date fixed for scrutiny of nomination papers cannot be changed except in certain cases.³ The returning officer is bound to give reasonable facility for examination of the nomina-

² S. 33. *Ibid.* ³ S. 36. *Ibid.*

tion paper to a candidate who will be allowed to be present at the time and place of the scrutiny with his election agent, his one proposer as well as another person duly authorised in writing by him.

The grounds for rejection of a nomination paper may be:—

- (a) That the candidate either is not qualified or is disqualified for being chosen to fill the seat under provisions of the Constitution and the law.
- (b) That there has been a failure to comply with any of the provisions regarding presentation of a nomination paper and the requirements for a valid nomination.
- (c) That the signature of the candidate or the proposer on the nomination paper is not genuine.

The returning officer has no jurisdiction to reject a nomination paper on the ground of any defect which is not of a substantial character. On each nomination paper, he has to write his decision, and in the case of rejection, he shall, moreover, record a brief statement of his reasons for such rejection.

After the scrutiny is over, the returning officer has to immediately prepare a list of validly nominated candidates and affix it to his notice board.

* * *

Election Expenses

Account of election expenses and the maximum thereof

Every candidate, for elections to the Lok Sabha and to the Legislative Assembly of a State, is under an obligation to keep a separate and correct account of all expenditure incurred in connection with the election or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive.

The account of election expenses shall contain the following particulars:—

- (i) The date on which the expenditure was incurred or authorised; (ii) the nature of the expenditure; (iii) the amount of the expenditure; (iv) the date of payment along with the name and address of the payee; (v) the serial number of vouchers, in case of amount paid, and of bills, if any, in case of amount outstanding; and (vi) the name and address of the person to whom the amount outstanding is payable.

A voucher shall be obtained for every item of expenditure unless from the nature of the case it is not practicable to obtain one.

The total of the expenditure incurred by a candidate in connection with an

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election in any constituency shall not exceed the maximum amount specified in respect of that constituency *vide* Schedule III of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.

Lodging of Account with the Returning Officer

Within thirty days from the date of election of the returned candidate/candidates, every contesting candidate at an election shall lodge with the Returning Officer a true copy of the account of his election expenses. The Returning Officer shall, within two days of the lodging of the account, cause a notice to be affixed to his notice board, specifying, *inter alia*, the time and place at which such account can be inspected.

On receipt of a report regarding the lodging of the accounts of election expenses from the Returning Officer, the Election Commission shall notify in the Official Gazette the names of the contesting candidates who according to its decision have failed to lodge account of their election expenses within the specified time and in the manner required under law and inform every such candidate of the decision, which shall incur for the candidate disqualification for membership of Parliament or of a State Legislature for a period of five years, unless the Election Commission reconsiders its decision on a representation

submitted in writing by the party concerned and removes this disqualification.

* * *

Election Tribunals

The Election Commission shall set up a one-member Election Tribunal consisting of a serving District Judge* and refer the election petition to it for trial after causing a copy thereof to be published in the Official Gazette and served by post on each respondent.

The Tribunal will sit and try the petition at such place as may be appointed by the Election Commission; but in case it is essential to sit at any other place for any part of the trial, the Tribunal may do so, provided the place is situated in the State in which the election, which is the subject matter of the petition, has taken place.

All election petitions relating to the same petition are referred for trial to the same Tribunal. The Tribunal, however, may try them separately or may consolidate all or some of them.

The Election Commission may, at any stage after notice to parties and, for reasons to be recorded, withdraw any petition pending before a Tribunal and transfer it for trial to another Tribunal.

*If considered expedient, the Election Commission may appoint one who has been a Judge of a High Court.

Procedure for Trial

The procedure applicable to the trial of an election petition is, as nearly as may be, the procedure prescribed by the Code of Civil Procedure for the trial of suits. As far as the recording of evidence is concerned, the Tribunal may, unless some special cause is shown, make only a memorandum of the evidence of a witness, or refuse examination of any witness if it finds that the evidence is irrelevant or the reason for giving the evidence is to delay the proceedings.

Every election petition is to be tried as expeditiously as possible and endeavour made to conclude the trial within six months from the date of publication of the copy of the petition in the Official Gazette.

Within fourteen days of such publication, any candidate may apply for being made a respondent provided he gives security for costs.

Decision of the Tribunal

The Election Tribunal can make an order—

- i.) dismissing the election petition ; or
- ii.) declaring the election of all or any of the returned candidates to be void ; or

- iii.) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected ;
- iv.) declaring the election to be wholly void.

While finally disposing of the election petition, the Tribunal has to give a finding as to whether any corrupt practice has or has not been committed by or with the consent of any candidate or his agent, in case a charge of any corrupt practice was made in the petition. Moreover, the Tribunal has to record the name of such persons and nature of that corrupt practice. It has also to order as to who will pay the costs of the petition in case it thinks that the same may be awarded.

Every order of the Tribunal shall take effect as soon as it is pronounced by the Tribunal. If by an order the election of a returned candidate is declared to be void, the acts and proceedings in which that returned candidate has hitherto participated as a member of Parliament or a State Legislature shall not be invalidated by reason of that order, nor shall the candidate be subjected to any liability or penalty on the ground of such participation.

Appeals

An appeal may be lodged against an

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order by a Tribunal to the High Court of the State in which the Tribunal is situated. The appeal is to be preferred within a period of 30 days from the date of the order of the Tribunal, but the High Court may entertain one even after the expiry of this period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the stipulated period. On suffi-

ent cause being shown, the High Court may stay operation of the order against which an appeal has been preferred.

Every appeal is to be decided as expeditiously as possible, preferably within three months from the date on which the memorandum of appeal is presented to the High Court. The decision of the High Court on appeal is final and conclusive.

In a democracy, big decisions could be taken only through the representative system of Government and through Assemblies and Parliament. No other method could work successfully. In big countries like ours with huge populations, in working the representative system, care should be taken not to think of the interest of a mohalla or a city or region, but the country. If the interest of a particular region could be served by a particular act which is not in the interest of the nation that act is not good.

—JAWAHAR LAL NEHRU in the course of a public speech
delivered at Ahmedabad on October 2, 1956.

Future Parliamentary Activities

II. SERVICES AND FACILITIES FOR MEMBERS*

By **M. N. Kaul,**

Secretary, Lok Sabha

JUDGED by the standards achieved by the other Parliaments, our Members enjoy fewer amenities. There is still a lack of minimum requirements. The first and most important requisite is adequate space. The present Parliament House was built for the needs of 200 Members of the two Houses of the old Central Legislature, out of which nearly 70 Members were officials, and really speaking, the building was built to cater to the needs of the rest only, *i.e.*, 130 Members or so. Then, in those days, the Central Legislature did not sit for more than three or four months in a year and its powers were very limited. The responsibilities of a Member of those days pale into insignificance when compared to the responsibilities of a Member of today. After Independence, Parliament has become sovereign, its membership has increased, it sits now for nearly seven months in a year and its responsibilities and work have increased enormously.

Pressure on the accommodation is, therefore, great and no wonder that a

large number of Members feel greatly inconvenienced in discharging their functions satisfactorily.

New Parliament Buildings.

A Member has now to interview a large number of constituents and other visitors including those from foreign countries. He has to keep himself abreast of the events that are taking place in the country. He must read, consult books and references, meet people and hold discussions with others to equip himself with the problems of the day. He certainly requires facilities for all these. He requires waiting rooms and lounges properly furnished to meet visitors, and reading rooms where he has access to books of references and other material. The present building provides for none of these facilities and such temporary arrangements as have been made are in a very rudimentary form. There is urgent need to increase several times the facilities which already exist and provide those which do not exist. It is physically impossible to increase the

*This is the second instalment of the article written by the author. The first instalment appeared in the previous issue of this Journal (Vol. II. No. 1)

utility of the present building any more because of its peculiar construction and architectural design. It also does not seem worthwhile to spoil its beauty by making any haphazard additions or alterations. The present building is adequate so far as the plenary sessions of Parliament are concerned and we should be content if the present building serves that purpose. Parliament must, therefore, have a separate set of buildings which can be made use of for the purposes mentioned above.

Round about the present building should be constructed subsidiary buildings which can house the Secretariat of Parliament, the Library, Reading Rooms, Committee Rooms, Retiring Rooms for Members, etc., etc. We have already made a modest beginning in this direction. The General Purposes Committee of the Lok Sabha have recently made proposals that during the Second Five Year Plan a separate building for the Secretariat should be put up in the compound of the Parliament House so that the congestion in the present building is relieved. Some progress has been made and it may be hoped that steps will be taken to complete the project soon. This is only a beginning and we have to visualise a series of such buildings arising for other purposes mentioned above.

Automatic Voting System

At present, whenever a division is

called, Members have to go in person to the Division Lobby to record their votes. With all the economical methods employed, this system means an expenditure of 20 minutes of Parliamentary time for each division. Fortunately, at present divisions are few and far between. Most of the questions are decided by voice votes or by counting Members standing in their seats; but if the House insists upon recording votes in a large number of divisions, one can visualise the expenditure of Parliamentary time on divisions alone. On an average, at least 10 questions a day are put to the decision of the House and if a division was recorded on all these questions, it would mean an expenditure per day of nearly 3 hours of Parliamentary time. In order that there may be a saving in this direction, proposals have recently been approved that an automatic voting system should be installed in the Lok Sabha Chamber. An experiment of this kind has been made by the Legislative Assembly of West Bengal, and from the reports available it has proved a success there. It is hoped that when this system is installed here, it will prove equally successful and there would be a good deal of saving of Parliamentary time.

Annunciator System

An annunciator system of the kind which is now in use in the House of Commons will be a welcome convenience

for the Members here. This system enables a Member, wherever he may be in the Parliament building, to know from time to time, as to who is speaking in the House, so that if he wishes to listen to the speech, he may go to the House immediately. Members generally are busy with their constituents or reading in the Library and they do not concurrently know what is happening in the House. They have either to be present in the House indefinitely or to make enquiries constantly about it. The annunciator system reduces the strain on the Members and at the same time enables a Member to have a good hearing in the House if the other Members are disposed to listen to his speech.

Precis of Speeches

So many matters come before the House in such quick succession during a day that it is impossible to keep track of them. Moreover, all Members are not present at the same time and everybody is not interested in all matters and yet they would like to know how things are taking shape and how Parliamentary activity is going on. In France, there are precis writers who take down salient points from the speeches of Members at the time they are being delivered. Every hour these brief summaries or precis of debate as they are called, are circulated for the information of Members so that a Member who has not heard a speech may read the summary, and if he is so inclined

may intervene in the debates and reply to them. These are quick methods of making the proceedings known to every Member simultaneously and to enable him to make his contribution to the subject under discussion most effectively. It is necessary that some such system should be introduced in our House too

Stenographic Assistance to Members

Members have to write in hand their notices and letters to their constituents, to the Ministers and Departments. If a communication is important, a Member has to keep a copy for his record. In most cases, Members are at a disadvantage because in order to save time, they do not keep duplicates for themselves. This is causing a good deal of inconvenience to them. There are some Members who keep stenographers or personal assistants to type their letters or communications for them or to look after their correspondence. The vast majority cannot afford to do that. In foreign countries, for instance, in the U.S.A., each Member is provided with a stenographer, office accommodation, furniture, etc. at public expense. In the House of Commons, such facilities are provided to a limited extent, *e.g.* there is a pool of stenographers from which the Members could draw by arrangement among themselves and by previous appointment. Until we reach a stage when we can afford to have a separate stenographer for every Member and allied facilities, it is desirable to have a

pool of stenographers for the use of Members so that they can dispose of their Parliamentary work promptly and methodically. It is difficult to expect a Member to meet all these expenses from the meagre salary and allowances that he is at present entitled to.

Club for Members

Apart from the Parliamentary buildings, we must have a separate building to serve as a Club for Members. It should be organised on modern lines. Members should have facilities for indoor and outdoor games, swimming pools and other facilities normally connected with a club. Some residential accommodation should also be attached to such a club so that Members who do not have separate bungalows or flats may put up there at reasonable cost or may have accommodation for their visiting guests. There Members can also entertain guests from foreign countries and arrange lectures or entertainments or cultural activities. It should be a unique institution and become a model for others to follow.

Auditorium

At present the Central Hall is used for joint meetings of the Houses, Party meetings, addresses by eminent visitors and other activities in which Members in large numbers are expected to attend. Experience has shown that this Hall is inadequate for the needs of Parliament.

On important occasions when Members wish to bring their friends, families or visitors, it is impossible to hold such big functions with the result that Members get disappointed and there is a lot of friction and discontent. Apart from this, the Central Hall should be used for specific purposes only and its dignity should be enhanced by organising only very special functions therein. Functions where larger number of people are expected to gather or which are comparatively minor should be held in another place. Consequently, a well-equipped auditorium capable of holding several thousand persons should be constructed for the purpose and this should be included in our future building activities.

Salary and Allowances of Members

At present Members draw a salary of Rs. 400/- p.m. and an allowance of Rs. 21/- p.d. for a sitting of the House. On an average, it works out to about Rs.650/- a month. A rough estimate of an average Member's expenses per month comes to a much higher figure which is made up of house rent, telephone and transport charges and expenses on education of children, food and clothing. In addition to this, Members are required to maintain a separate establishment in their home town. There appears a good case that Members' emoluments should be related to their reasonable expenses so that they have financial independence and are free from worry.

It is only then that one can expect from them increased efficiency and better control over the affairs of the country. Parliament is a guarantee against tyranny and an instrument for governance and, therefore, each Member who composes this Parliament should be so placed as to give his best towards this end. It is a matter to be examined how far a Member should be provided with free services and cash allowances in order that his efficiency may increase and Parliament as a whole may grow stronger.

**Parliamentary Committee to Advise on
Warrant of Precedence of Members
and other Allied Matters**

Questions sometimes arise as to the position of Members of Parliament in the Warrant of Precedence and their position and status at the various functions. As representatives of the people, it is but natural that they should desire that their position is given due recognition. Warrant of Precedence and arrangements in regard to various functions are issued by the Executive in connection with executive functions. As a rule it is best that matters relating to or affecting Parliament or its members should be settled on the advice of its committee as may be convenient or appropriate. There should be a Committee of Parliament to advise on questions relating to Warrant of Precedence of the Members, their position at the various functions, the manner in which they should be invited

and how and in what numbers Parliament should be represented and at which functions. A proper procedure has to be developed in this regard so that the present fluid state of affairs is settled for ever.

**Facilities for Press Representatives in the
Parliament House**

Press correspondents have been provided with one or two rooms in the Parliament building to attend to their work connected with Parliament. There are more than 150 press correspondents and representatives who are members of the Press Gallery and two rooms are quite insufficient for their needs. The working conditions in the Parliament House for the press correspondents are thus very inadequate and it is a marvel how they report the parliamentary proceedings with so much efficiency and speed. Parliament without the press will not be a very effective body and it is the duty of Parliament to see that the Press which publicises its activities and which is so essential for the working of parliamentary democracy should have adequate facilities to do its work. There must be a larger number of press rooms for correspondents to work. They should have their own committee rooms, library, refreshment rooms, etc., so that the efficiency of the Press Gallery as a whole may increase and they may have all conveniences at hand. In any proposal for new buildings, care must be taken to see that the Press receives its due share, (*Concluded.*)

Withdrawal Of A Clause Of A Bill Not In Order

SPEAKER'S INHERENT POWER NOT TO PUT A CLAUSE TO THE HOUSE

By **S. L. Shakhder,**

Joint Secretary, Lok Sabha Secretariat

It is the inherent power of the Speaker to admit or reject a notice or even if he has admitted a notice to refuse to place the matter before the House or to put a question to the vote of the House. This power is necessary for the smooth and efficient conduct of business in Parliament and for keeping the high dignity of the House. This inherent power of the Speaker under our Constitution and Rules of Procedure is apparent when we consider Rule 17A of the Indian Legislative Rules by which the Central Legislative Assembly was governed before independence.

The aforesaid rule read as follows :-

“17A. Notwithstanding anything contained in rule 15 or rule 17, the President shall not have or exercise any power to prevent or delay the making or discussion of any motion relating to a Bill made by the Member-in-charge of the Bill or to refuse to put, or delay the putting of, the question on any such motion, unless such power is expressly conferred upon him by, or such motion or discussion or the putting of such question, as the case may be, is expressly prohibited or indirectly precluded by any provision of the Act, the Government of India Act, these Rules or the Standing Orders.”

It will thus be seen that the then Governor-General had to make a rule expressly prohibiting the President of the Central Assembly from exercising the otherwise inherent power in him, even though the then Assembly was not sovereign and was a pale shadow of the present House. Such a rule will be now out of place in the Rules of Procedure of a sovereign House.

It is interesting to note here that this rule was introduced by the Governor-General after President Patel had claimed the inherent power referred to above in the case of the Public Safety Bill when he ruled out of order the motion for the consideration of the Bill. President Patel then stated as follows :—

“...I am of opinion that, although power to rule this motion out of order is not expressed in so many words in any of the Rules and Standing Orders, it does arise by necessary implication and analogy, and I am further satisfied that, in any case, the Chair has the inherent power to rule out a motion on the ground that it involves an abuse of the forms and procedure of this House as this motion, I hold, does. I therefore rule it out of order.”

A question arises whether when a Bill has been introduced and taken into consideration a clause thereof can be withdrawn by the Member-in-charge. Sub-rule (1) of Rule 126 of the Rules of Procedure and Conduct of Business in the Lok Sabha provides as follows :—

126.(1) "Notwithstanding anything in these rules, the Speaker may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the House clause by clause. The Speaker may call each clause separately, and, when the amendments relating to it have been dealt with shall put the question: "That this clause (or, as the case may be, that this clause as amended), stand part of the Bill."

Further Rule 127 says that:

"127. The Speaker may, if he thinks fit, postpone the consideration of a clause."

On a careful reading of these two rules, it is clear that the rules have given power to the Speaker to submit the Bill as a whole or a part of it to the House or postpone a clause and have given him the option to call each clause separately. The option to the Speaker to call a clause is therefore consistent with his inherent power to place a clause and/or to put it to the vote of the House. It, therefore, follows that the Speaker may, when exercising his inherent power in placing a clause before the House or having placed a clause before the House, not put it to the vote of the House.

During the discussion on the Representation of the People (Amendment) Bill, on the 21st December, 1950, a question arose as to whether a Minister-in-charge of the Bill could withdraw a particular clause. The Speaker, Shri G.V. Mavalankar, suggested that to save the time of the House, he need not as well put the clause to the House.

A Member then suggested that if the Member-in-charge did not want the clause to be part of the Bill, the latter might seek its withdrawal formally. The Speaker, Shri G. V. Mavalankar, stated that the Bill was introduced as a whole and every clause was before the House. The Member could not withdraw a clause after having placed the whole Bill before the House. The Speaker, therefore, ruled out the procedure of withdrawing a clause by the Member-in-charge because the whole Bill was before the House and a part thereof, in the shape of a clause or clauses, could not be withdrawn.

Normally, whenever a clause has to be omitted from a Bill, it is put to the vote of the House and negatived. An amendment to omit the clause is not in order since the motion before the House always is that a clause stand part of the Bill. It is only when this motion is adopted that a clause stands part of the Bill.

On the 7th May, 1956 during the clause by clause consideration in Lok

Withdrawal of a Clause of a Bill not in Order

Sabha of the Hindu Succession Bill, as passed by Rajya Sabha, it was brought to the notice of the Speaker that Clauses 12 and 13 of the Bill were unnecessary in view of Clauses 8 (c) and 8(d) of the Bill which had been adopted by the House earlier. The Speaker ruled as under :

“Clauses 12 and 13 are similar to Clauses 8 (c) and 8 (d), and therefore, they are redundant. Therefore, they will go out of the Bill. I am not placing them before the House.”

Clauses 12 and 13 of the Bill were accordingly omitted from the Bill without being put to the vote of the House.

In following this procedure, the Speaker acted in exercise of his inherent power.

On another occasion, during the clause by clause consideration of the Reserve Bank of India (Amendment) Bill, 1956 on the 20th July, 1956 clauses 2 to 6 and 12 and 13 were opposed by all sections of the House. The Minister in his reply to the discussion on these clauses stated that he was willing to agree to the deletion of these clauses in view of the almost unanimous demand of the House. The Chair in its discretion put clause 2 to 6 and 12 and 13 to vote which were negatived.

Development of Parliamentary Procedure in India

I. PARLIAMENTARY INSTITUTIONS AND PROCEDURE IN INDIA (1833-61)

By **Charu C. Chowdhuri,**

Special Officer, West Bengal Legislative Assembly, Calcutta

The growth of parliamentary institutions and parliamentary procedure has gone on *pari-passu* in India. Although Parliamentary Government is of recent origin, legislatures and with them rules of procedure have been in existence for quite a long time. Speaking of parliamentary procedure, Bentham with true political insight said "in this bye-corner an observing eye may trace the original seed plot of English liberty." It may be truly said that it is mainly through rules of procedure evolved from time to time that the British Parliament has been able to exercise effective control over the Executive.

In India also, parliamentary procedure has played an important part in the development of parliamentary control. At one time, however, about a century ago, the Legislature and the Executive came into conflict and that conflict had a rather retardent effect on the growth of parliamentary procedure. The main accusation against the Legis-

lature was that it had Standing Orders, the effect of which was to induce it to assume the debating functions of a Parliament. Sir Charles Wood, the then Secretary of State, said in Parliament that the Legislative Council had become a sort of a "petty parliament" and expressed his annoyance at the fact that it should have Standing Orders as numerous as the British Parliament! The result was that the right to frame its own rules of procedure which was treated as inherent in the legislature in 1853 was taken away in 1861 and was not fully restored until after the attainment of independence in 1947.

Creation of Legislature

The power of legislation, that is to say, of making laws applicable equally to all persons and situations, instead of making *ad hoc* orders, was exercised from the beginning of British rule in India, although the two functions of Govern-

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Development of Parliamentary Procedure in India

ment, legislative, and executive, were not differentiated till a much later date, to be precise, till 1833, when the Reform Act was passed by the British Parliament. Till then, legislative authority was exercised by executive fact—by regulations made by the Executive Government functioning in India.

Under the Act of 1833, the executive authority was vested, as before, in the Governor-General and a Council of three members. For the purpose of making laws, however, the Council was enlarged by the addition of another member called the Legislative Councillor. And it was this enlarged Council which was given the authority to legislate. It may be of interest to note that Macaulay was appointed the first Legislative Councillor.

The laws made by the Governor-General with this enlarged Council were to be operative throughout British India and of the same effect and force as Acts of the British Parliament. Some restrictions were, however, put on the legislative powers of the Governor-General-in-Council. No law could be made which might affect the Royal prerogative, any Act of Parliament regarding the constitution of the Government of India or the East India Co, the British Constitution or mutiny in the Army. The legislature had also no authority without the previous sanction

of the Court of Directors to vest any Court not established by Royal Charter with the power of inflicting death sentence on any European subject. Besides, the Court of Directors had the power to disapprove and ask for the repeal of any law. The Parliament also reserved the right to repeal or amend any law made by the Governor-General-in-Council.

First Rules of Procedure

The Government of India was asked to frame rules of procedure which required the approval of the Board of Control and had to be laid before the Parliament. In a dispatch said to have been composed by James Mill, the Court of Directors suggested certain general principles to be followed in framing the rules.

“The first principle,” said the dispatch, “is that no law except one of an occasional kind or arising out of some pressing emergency should be passed without having been submitted to mature deliberation and discussion.

The dispatch referred to the length and publicity of the process by which Acts were passed by the British Parliament and continued :

“We deem it of great moment, therefore, that you should by positive rules provide that every project or proposal of a law shall travel through a definite succession of stages in the Council before it is finally adopted and that at each stage it should

be amply discussed and that the intervals of discussion shall be such as to allow to each member of Council adequate opportunity of reflection and enquiry."

The Court also suggested that "the projects of intended laws shall be so made known to the public as to afford opportunities to the persons or classes whom they might particularly affect to offer their comments or complaints to the legislature."

This was the origin of the rule still obtaining in India of having, as in the British Parliament, three stages of a Bill and of publishing all Bills in the Official Gazette for a specified period after introduction and of allowing the public to submit petitions with respect to Bills pending in the Legislature

Full Fledged Legislature

The nucleus of a legislature had thus been laid by the Reform Act of 1833. It was twenty years later that a full-fledged Legislative Council came into being. The Government of India Act, 1853, provided for the establishment of a legislature consisting of the Governor-General, the four members of the Executive Council, the Chief Justice and another judge of the Supreme Court of Calcutta, nominated representatives of the Provincial Governments, and if found necessary, two additional members. In the Act, the legislature was described as the Council for making laws and regula-

tions. Lord Dalhousie, however, suggested that it would not be inappropriate to call itself the 'Legislative Council.' And it was so described in the official proceedings till 1861 when, for reasons to be stated later on, the old nomenclature was revived. The sittings of the Council were made open to the public; and the proceedings were published and sold. Thus was established in India a full-fledged legislature with apparently all the powers of Supreme Parliament.

The importance of the newly created Legislative Council in relation to the growth of parliamentary procedure lies in the fact that the Council was for the first time entrusted with the right of framing its own rules of procedure. In a minute submitted to the Council, Lord Dalhousie pointed out that the first act of the Council must be to frame its rules of procedure "which can only be done by the authority of the Council itself." He formulated certain general principles of procedure and also submitted a set of draft rules. But he was careful to add that in doing so he was trying to assist the Council and hoped that the Council would not regard his action as "obtrusive". Lord Dalhousie even went so far as to say that although he was the Ex-Officio President of the Council under the Act, authority for controlling the deliberations of the Council must be conferred upon him by the Council itself.

Lord Dalhousie's Five Principles

As, apart from their intrinsic merits, the principles formulated by Lord

Development of Parliamentary Procedure in India

Dalhousie have been the foundation of parliamentary procedure in India, it would be profitable to give a summary of them at this stage. Five principles were formulated by Lord Dalhousie and it will be observed that these are substantially derived from the parliamentary practice of the House of Commons. Indeed it will not be an unreasonable guess to say that May's *Parliamentary Practice*, the first edition of which had been published a few years before, might have been used by Lord Dalhousie when he wrote his minute.

First Principle : The proceedings of the Council should be conducted with all due formality and should be controlled by an authority emanating from the Council itself. Under this principle fell the rules of parliamentary etiquette, such as speaking from the members' places, rising when speaking and addressing the Chair, use of courteous and measured language in debate and not referring to another member by name.

Second Principle : The whole discussion upon a draft Act should be carried on by oral discussion.

Third Principle : Careful provision should be made for the discouragement of superfluous or crude application for legislation. The Council should not take into consideration any proposal for legislation unless such proposal was made by the Government or by a member of the Council.

Fourth Principle : The harmonious co-operation of the Executive Government and the Legislative Council should be facilitated by the forms of procedure of the Council. It was suggested that proposals for legislation regarding Public Finance, the Army and Foreign Affairs should not be received from without, unless transmitted by Government of India.

Fifth Principle : Full opportunity for discussion and consideration of every legislative measure should be afforded to the Legislative Council and to the public, while the enacting thereof should not be impeded by undue multiplication of forms and consequent facilities for obstruction.

The draft rules submitted by Lord Dalhousie were considered by the Council and were substantially adopted as Standing Orders, which came later on as already mentioned, for castigation at the hands of Sir Charles Wood.

Story of Conflict

The story of that conflict deserves to be retold. A large sum of money was directed in the face of a grave deficit in the finance of India to be paid to the descendants of Tipoo Sultan. There was a public agitation over the matter and the Council desired that the circumstances in which the grant had been made should be disclosed. With that end in view, a member of the Council put some

questions to the President of the Council viz., the Governor-General. The Governor-General declined to give any information on the ground that neither the Legislative Council nor any of its members was entitled to ask for such information as they had no power to interfere in the matter.

Some of the members did not find the ground acceptable and on the next sitting day, a formal motion asking for the information was moved by Sir Barnes Peacock, Chief Justice and Vice-President of the Council. On a division on the motion, the Council was equally divided but the motion was carried by the casting vote of Sir Barnes Peacock himself who presided. Still the Government refused to give the information and informed the Council that "the interests of the public service forbid his (Governor-General's) ordering that the papers asked for by the resolution should be laid before the Legislative Council".

The matter did not rest there. A Bill was introduced in the Parliament for expressly limiting the powers and rights of the Legislative Council. Sir Charles Wood, who had himself sponsored the Act of 1853, speaking in Parliament said that "quite contrary to his intention the Legislative Council had become a

sort of debating society or petty parliament," that "it was certainly a great mistake that a body of twelve members should have been established with all the forms and functions of a parliament" and that "the general opinion condemned the action of the Council when it constituted itself into a body for the redress of grievances and engaged in discussions which led to no further result".

The Indian Councils Act, 1861, laid down in express terms that "no business other than legislation shall be transacted at any meeting of the Council".

Check on Powers Council

From the point of view of the growth of parliamentary procedure there was a check on the powers of the Legislative Council. The power of framing the rules of procedure was vested in the Governor-General-in-Council, i.e. the Executive Government. Although the legislature was given the power to amend the rules, any amendment was subject to the assent of the Governor-General, and further, the Secretary of State reserved the power to disallow any rule even though assented to by the Governor-General. *(to be continued.)*

Note:—[The second part of this article will appear in the next issue of this Journal]

The Inter-Parliamentary Union: Its Scope and Organisation

Historical Background

The Inter-Parliamentary Union is an association of Parliamentary Groups constituted within the various national Parliaments for the purpose of promoting personal contacts between the Members of different Parliaments. The idea of such a Union first took shape at a preliminary meeting organised in Paris in 1888 by William Randolph Cremer, a Member of the British Parliament and Frederic Passy, a Deputy of the French Chamber. As a result of their efforts, the first Inter-Parliamentary Conference was held in Paris on June 30, 1889, with members of nine Parliaments (France, Great Britain, Belgium, Denmark, Hungary, Italy, Liberia, Spain and the United States) taking part in it. Since then, the Union has gradually grown in strength and activities and includes at present 46 national Parliamentary Groups. It has so far organised 44 Conferences, the last one having been held at Helsinki in August 1955.

Aims and Objects

The aim of the Union as defined in Article 1 of its *Statutes* is

“to promote personal contacts bet-

ween members of all Parliaments, constituted into National Groups, and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and co-operation, particularly by means of a universal organisation of Nations.”

With this object in view, the Union “will also study and seek solutions for all questions of an international character suitable for settlement by parliamentary action and shall make suggestions for the development of parliamentary institutions, with a view to improving the working of those institutions and increasing their prestige.”

In order to achieve the above objectives, a permanent office of the Inter-Parliamentary Union was set up in 1892 and complete *Statutes*, defining the scope and functions of the various organs of the Union, were adopted in 1895. The *Statutes* were revised in 1908 and 1922 and successively amended from time to time but the basic structure of the Union has remained essentially the same since 1908.

Organisation

National Groups: The Union is composed of National Groups "constituted in Parliaments functioning as such within the territory of which they represent the population in a State recognised as a subject of international law". A Parliament as a whole may also constitute itself as a National Group of the Union. Only one Group may be formed in each Parliament. Members of the Parliament of the country and ex-Members who have rendered distinguished services to the Inter-Parliamentary Union are entitled to become members of the National Group.

Each Group will keep its Parliament informed of the resolutions adopted at the Conferences of the Inter-Parliamentary Union which call for Parliamentary or Governmental action and will also report to the office of the Union as to the action taken thereon. Every Group will also have to make a financial contribution to the Union.

Each Group may elect a committee to direct its operations and to correspond with the central office of the Union. It may also draw up its own rules of organisation and administration and fix the amount of the annual contribution, if any, of its members. It will also make a report of its activities every year to the Union and furnish a list of its members.

Inter-Parliamentary Council: The Union is directed by an Inter-Parliamentary Council on which each National Group is represented by two delegates, at least one of whom should be a Member of Parliament. The Council elects its President for a period of three years which may be extended for a further period of two years. The election takes place at the time of the annual Conference.

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

Executive Committee: The administrative organ of the Union is the Executive Committee, which exercises powers delegated to it by the Council in accordance with the *Statutes*. The Committee is composed of nine members belonging to different Groups. The President of the Council is the *ex-officio* member and president of the Executive Committee. The other eight members are elected by the Conference from among the members of the Council, consideration being given to the contribution made to the work of the Union by the candidate and his

The Inter-Parliamentary Union; Its Scope and Organisation

Group and to securing a fair geographical distribution. Members of the Committee are elected for a term of four years and are not eligible for re-election for the next two years but are replaced by members belonging to other Groups.

The Committee fixes its own regulations. In case of emergency, it may summon the Council.

Inter-Parliamentary Bureau : The Central Office of the Union is called the Inter-Parliamentary Bureau, which is located at Geneva. It is directed by a paid Secretary-General who is appointed by the Inter-Parliamentary Council.

Under the directions of the Executive Committee, the Bureau executes the decisions taken by a Conference or the Council. It also exercises the powers conferred upon it by the Council in accordance with the *Statutes*.

The Inter-Parliamentary Bureau corresponds with the Groups, brings out publications and reports and also prepares the preliminary memoranda on the questions to be studied by the Union. It further attends to all administrative work.

Annual Conferences

The Union holds a Conference once a year, as a general rule, its meetings being held in the capitals of

various countries where the Parliament building of the inviting country is always placed at its disposal. The place and date of the Conference is fixed by the Council, if possible, at the preceding Conference. The Inter-Parliamentary Group of the country, in which the Conference is to meet is responsible for the organisation of the meeting. The Council may, however, judge whether it is necessary in certain cases for the Union and the different Groups to assume part of the expenses incurred by a Session.

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

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

The resolutions submitted to these Conferences are drawn up by standing Study Committees on which every Group has one representative. There are at present seven Standing Committees,

each dealing respectively with (a) political and organisational matters, (b) juridical questions, (c) economic and financial subjects, (d) Non-Self Governing Territories and ethnical questions, (e) reduction of armaments, (f) social and humanitarian questions and (g) intellectual relations.

As a rule, a sub-committee is first set up to study any question which has been chosen for discussion at a Conference and to prepare a preliminary draft resolution. This is then examined in detail by the full Committee to which the question more particularly concerns, at a special study session. Once agreement has been reached on the wording of the proposed resolutions, they are presented to the Council for approval and *rappor-teurs* are then appointed to present them together with a report to the full Conference. All these documents are printed in a special publication known as the "Preliminary Documents" and sent to the Group a month before the Conference meets. This procedure enables the plenary session of the Union to discuss carefully considered proposals which, if adopted, may fairly claim to be the well-considered opinion of a representative Parliamentary body.

Special Features

The Inter-Parliamentary Union can truly claim to be considered as an international parliament at which all parties are present. It is an organisa-

tion which offers unique opportunities for full and all-round discussion of outstanding international problems by people holding responsible political positions in their respective countries. A marked characteristic of the Union has always been its insistence on universality.

As a general educator on international questions, the Union has undoubtedly rendered very good service by extending the political horizon of those participating in its work. It provides special opportunities for Members of Parliament from all countries to improve their knowledge of conditions in other lands and become more closely acquainted with the various angles from which world problems are viewed.

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

Extension of Relations between Parliaments

Another feature of Inter-Parliamentary activity is the development of rela-

The Inter-Parliamentary Union : Its Scope and Organisation

tions between the high administrative officials of the different Parliaments.

In 1938, an Autonomous Section of the Secretaries of General-Parliaments was created for the purpose of establishing links between Parliamentary offices and instituting an exchange of legislative and other documents. An extensive plan of work was drawn up in 1939 but was interrupted by the war. When the activity of the Union was resumed, the Autonomous Section was immediately reconstituted and it held a plenary session in April 1947 at the time of the Cairo Inter-Parliamentary Conference. At this session, it adopted definite *Statutes* and decided to start work immediately upon the publication of legislative texts from all countries and also upon the preparation of an Inter-

national Handbook of Parliamentary Procedure. Arrangements were also made among the Secretaries-General present for a regular exchange of documents from their respective Parliaments. It was agreed in particular to circulate information on methods of voting, questions to Ministers and interpellations. The Sections which at that time included the Secretaries-General of twenty Parliaments, has been meeting regularly ever since and has now come to include the officials of 34 Parliaments. Circulation of information on various questions relating to parliamentary practices and procedure and production of reports on such questions based on a comparative study of the systems obtaining in different Parliaments is now one of the normal functions of this Section.

Discussion of Draft Second Five Year Plan by Parliamentary Committees

A new procedure was adopted by Parliament for discussion on the Draft Second Five Year Plan during the Budget Session this year. The Business Advisory Committee of the Lok Sabha, at its sitting held on the 16th April, 1956, considered *inter alia* the question of allocation of time for discussion on the Second Five Year Plan. As a large number of members desired to take part in this discussion and as the time at the disposal of the House was not sufficient to accommodate them, the Committee decided to form a few *ad hoc* Committees for a preliminary discussion of the Plan.

Recommendations of the Sub-Committee

A Sub-Committee of the Business Advisory Committee was accordingly appointed to consider the question of formation of Committees and at its meeting held on the 27th April, 1956, it made the following recommendations:

- (i) Four Committees of the House may be formed to discuss the Plan which might be divided into four groups of subjects.
- (ii) Each Committee may consist of such members of the House as might like to

participate in the discussion of the subjects allotted to that Committee. No maximum number for a Committee need be fixed.

- (iii) A circular may be issued to the Members asking them to give their names for serving on one of the Committees.
- (iv) A Chairman may be appointed by the Speaker for each Committee out of those forming that Committee.
- (v) The Committees may meet immediately after the draft of the Second Plan has been presented to Parliament.
- (vi) Each Committee may examine the Plan in respect of those subjects which are allotted to it.
- (vii) The proceedings may be reported *verbatim* and the same made available to all the Members in the Library.
- (viii) A Synopsis of the *verbatim* proceedings may be submitted to Parliament by the Committees, which may contain a brief summary of the points and suggestions made by the Members and any other relevant material which the Committee may like to include.
- (ix) The Planning Commission may be asked to depute officers to assist the Committees in their deliberations.

Discussion of Draft Second Five Year Plan by Parliamentary Committee

The Sub-Committee also recommended that the Rajya Sabha might be asked to join in the discussion of the Plan by Committees and to suggest names of its Members to be included in these Committees.

The above recommendations of the Sub-Committee were embodied in the thirty-fifth report of the Business Advisory Committee which was presented to Lok Sabha on the 9th May, 1956.

Scope of the Plan Committees

On the 11th May, 1956, the report of the Business Advisory Committee was adopted by the Lok Sabha on a motion moved by the Deputy Speaker, who

also made it clear that the Committees to be formed should arrive at no decisions or pass any resolutions, but only express their views which would be made available to all the Members.

Details of the Committees

The Rajya Sabha concurred with the recommendation of the Lok Sabha on 14th May, 1956. After Members of both the Houses had given their names to serve on one of the Committees in response to an invitation issued through the Lok Sabha/Rajya Sabha Bulletin, the Speaker nominated the following Members to serve as Chairmen of the four Committees:

(i) *Committee 'A'* (to discuss the Policy, Outlay and Allocation of the Plan):

- | | |
|---|----------------------------|
| 1. Sardar Hukam Singh (<i>Chairman</i>) | } On the Panel of Chairmen |
| 2. Shri N. C. Chatterjee | |
| 3. Shri Asoka Mehta | |

(ii) *Committee 'B'* (to discuss the subjects of Industries, Minerals, Transport and Communications):

- | | |
|---|----------------------------|
| 1. Shri R. Venkataraman (<i>Chairman</i>) | } On the Panel of Chairmen |
| 2. Dr. Lanka Sundaram | |
| 3. Shri G. D. Somani | |

(iii) *Committee 'C'* (to discuss the subjects of Land Reforms and Agriculture including Animal Husbandry):

- | | |
|---|----------------------------|
| 1. Pandit Thakur Das Bhargava (<i>Chairman</i>) | } On the Panel of Chairmen |
| 2. Shri K. S. Raghavachari | |
| 3. Pandit Algu Rai Shastri | |
| 4. Shri R. M. Deshmukh | |

(iv) *Committee 'D'* (to discuss Social Services and Labour Policy, including Public Co-operation for the Plan):

- | | |
|---|----------------------------|
| 1. Shri H. C. Dasappa (<i>Chairman</i>) | } On the Panel of Chairmen |
| 2. Dr. P. N. Saprú | |
| 3. Sm. Lakshmi N. Menon | |
| 4. Shri K. P. Tripathi | |

Procedure and Programme of the Committees

A meeting of the Chairmen of the four Committees and of the members on the panel of Chairmen was held on the 25th May, 1956. At this meeting, which was attended by the Prime Minister and the Minister of Planning, it was decided that in the Budget Session broad principles of the Plan, general outline, resources and targets which were covered by the first eight chapters of the Second Five Year Plan might be discussed and the remaining chapters taken up during the next Session. A joint meeting of the four Committees was also held on the following day, and it was decided that the Committees might start their work immediately, and while Committee 'A' dealing with the general policy, outlay and allocations of the Plan might complete its work and present its views to Parliament during the current session, the other three Committees might carry on their work to the subsequent session and meet, if necessary, a few days before that session in order to complete their work in time. The Committees were also to draw up their own programme and procedure, according to convenience.

Work of the Committees

Committee 'A', consisting of 80 members, met accordingly on the 18th, 19th and 20th May, 1956, and presented its synopsis of proceedings to Parliament

on the 22nd May, 1956. In all 36 members took part in the three days' discussions of the Committee.

Committee 'B', consisting of 114 members, met on the 19th and 31st May during the Budget Session and from 11th to 18th July, 1956, during the following Session. It presented its synopsis of proceedings to Parliament on 28th July to the Lok Sabha and on 30th July to Rajya Sabha. Thirty-five members in all participated in the discussion.

Committee 'C', consisting of 91 members, met on the 21st May during the Budget Session and from 8th to 13th July, 1956 during the next Session. It presented its synopsis of proceedings on the 24th July to the Lok Sabha and on 30th July to the Rajya Sabha. In all 39 members took part in the discussion.

Committee 'D', consisting of 79 members, met on the 18th, 21st and 27th May during the Budget Session and from the 11th to the 15th July 1956, during the next Session. It presented its synopsis of proceedings on 1st August, 1956. Forty-nine members in all participated in the discussion. An additional feature of this Committee was that it appointed six Sub-Committees to consider in detail certain subjects, like health, education, housing, labour etc. allotted to it, and the views of these Sub-Committees were incorporated in the synopsis of the proceedings of the main Committee submitted to Parliament.

Discussion of Draft Second Five Year Plan by Parliamentary Committees

In addition to Synopsis of Proceedings, verbatim proceedings and material supplied to the Committees were placed in the Library for reference.

Discussion of the Plan by the Houses

After the Synopsis of Proceedings of the four Committees had been presented to Parliament, the Rajya Sabha held a general discussion of the Plan from the 5th to the 7th September, 1956 and the Lok Sabha from the 8th to the 13th September. Both the Houses adopted a resolution approving the Draft Second Plan on the last date of the debates.

The adoption of this new procedure enabled Parliament not only to cut short the debate in the full House and save much of Parliamentary time, but also to have a full and exhaustive discussion on such an important subject as the Second Five Year Plan, enabling a large number of Members of both the Houses to take part in the discussion and to express their views on the Plan.

Suggestion for the Adoption of the Procedure for future discussion

Prompted by the success of this new experiment, some Members of Parliament have already suggested the adoption of this procedure for future discussions of similar important subjects in the House. Both the Government and the Members

have begun to appreciate the need and utility of this procedure.

Winding up the discussions of the Committee 'B' on the Second Five Year Plan, the Chairman (Shri R. Venkataraman) said that he desired to place on record that the experiment of constituting Joint Parliamentary Committees for deliberating major national problems had been a success. He felt confident that this precedent, which had been created by the Speaker, would be followed on subsequent occasions when matters of great national importance were being discussed in both the Houses.

During the course of discussion on the Appleby report on September 10, 1956 Shri H.N. Mukherjee, a Member of the Lok Sabha, suggested that there should be a Committee of Parliament to examine the report and vet it properly with further material and report to the House in two or three months' time. He added:

"I am sure the experiment, which is the result of the Speaker's innovation that Members of both Houses should be associated in discussion, in detail, of items connected with the Plan, has proved to be a success, and it ought to be followed up,"

During the same discussion, the Prime Minister also observed:

"What seems to be a better procedure is that, if there is time, we might have those informal meetings with a number of Members of Parliament which we had for the Second Five Year Plan.

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We may have that type of meeting, subject to one thing, if I may submit, of not having the necessity of every word being placed or recorded for future use. That, I think, is a

little waste of time and energy. But to meet and discuss these various matters informally would be undoubtedly helpful from the point of view of the Government."

"I am a firm believer in the impartiality of the Civil Service as a fundamental necessity for real democracy. Once you get away from that there is a danger of falling away from democracy and becoming totalitarian."

—EARL ATTLEE. (From *The Hindustan Times*,
July 24, 1956)

Reporting in Parliament

THE rule regarding the reporting and publication of the proceedings of the Central Legislature (now the Parliament) is an old one and has its sanction in the Rules of Procedure and Conduct of Business as they obtained from time to time. The rule at present is that, "the Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct". (Rule 392).

Under the Indian Councils Act, 1853

The earliest legislature was the Council set up under the Indian Councils Act, 1853, when it met "for the purpose of making laws and regulations" and the rule read thus:—

"The Secretary shall keep a minute book, in which he shall enter at the time the proceedings of the Council in the order in which they occur, and a report of the proceedings shall be prepared by him and published in the

official Gazette as soon as possible after each meeting."

The proceedings were reported more like the minutes of a committee meeting and gave only the decisions arrived at. No attempt was made at a *verbatim* reporting of the speeches made in the Council. Any discussion that took place, however lengthy it may be, was always referred to only cryptically as "A debate ensued etc."

Under the Indian Councils Act, 18 1

From 1860 onwards, however, greater attention came to be paid to this matter. Following certain misrepresentations in the Press about the proceedings of the Council, Sir Charles Wood, the then Secretary of State, wanted an abstract of the proceedings to be prepared under the authority of the Council and included in the official report. When a new Council was set up under the Indian Councils Act, 1861, it was provided that—

"A report of the proceedings of the Council at each of its meetings,

including an abstract of the observations of Members, shall be prepared by the Secretary and published as soon as possible after the meeting."

Thereafter, an abstract of the proceedings, in indirect form, came to be included in the official report that appeared in the Gazette. There were no shorthand writers in those days, and the Secretary of the Council prepared the summary assisted by his office. Where Members had a copy of their speech, they made it over to the Secretary.

From 1864-1909, the practice grew of portions of the speeches taken from the manuscript copies being reproduced in the direct form. From 1883 onwards, obviously due to shorthand writers being employed, speeches were invariably given in the direct form, although still not in a *verbatim* manner. Definite documentary evidence regarding the employment of a shorthand writer for the Council is available from 1891 onwards, when Mr. F.W. Latimer, an Assistant Private Secretary to the Viceroy, worked part-time as the official Reporter. In 1897, the relevant rule was amended to read "the Secretary shall cause to be prepared an abstract of the proceedings," thus bringing it in conformity with the new arrangement.

After Mr. Latimer's retirement in 1905, Mr. Teasdale was appointed official Reporter, and by him were reported national leaders like Surendra

Nath Banerjee, Pheroze Shah Mehta and Gopal Krishna Gokhale, who had by then entered the Central Legislature.

After Minto-Morley Reforms, 1910

With the advent of the Minto-Morley Reforms and the establishment in 1910 of the Imperial Legislative Council which had a total of sixty members, a single Reporter alone could not carry on the work. A team of high speed stenographers was therefore assembled together and the proceedings were reported under Mr. Teasdale's supervision. Since, however, there was difficulty in getting the service of stenographers on an *ad hoc* basis during each session, from the various Departments of the Government of India, it was decided in 1910 to appoint full-time permanent reporters. Accordingly, in 1913 eight reporters were appointed. They were mostly Englishmen and the first Indian reporter to be appointed was Shri V. B. S. Raghavan, who retired from service only a few years ago. From then onwards, the proceedings of the Legislative Council were reported *verbatim*, and they were published in the Gazette of India.

Official Report

From 1920, the publication of the legislative proceedings in the Gazette was discontinued, and they were issued in a separate book-form for each day under the title "Official Report". When

under the Montagu-Chelmsford Reforms, a bicameral Legislature was established, the reporting staff was increased to 12. In 1929, when the Legislative Assembly Department was created as a separate Department, 8 reporters were transferred to it. This number remained unchanged till the advent of Independence.

Hindi-cum-Urdu Reporters

After 1947, for the first time, two Hindi-cum-Urdu reporters were appointed, as Members began to speak in Hindi and Urdu as well.

Stencilling of Proceedings

In 1949, a new scheme of having the daily proceedings stencilled and distributed to Ministries, Members etc. was introduced. Under this scheme, the reporters typed their notes straight-away on stencil-sheets, and after the typescripts had been edited by the Chief Reporter (which post was created in 1949), copies were multigraphed, and complete sets were prepared for distribution to those on the approved list. The experiment proved a success. The entire proceedings of a day, complete to the last detail and with a contents page, became available a few hours after the rising of the House. The stencilling arrangement is, however, only a first step towards the printing of the debates every day, as is the practice in the House of Commons.

Mechanism of Work

It is interesting to know how the reporters work and produce the stencilled *verbatim* reports within a few hours of each sitting of the House. Every word that is audibly uttered in the Parliament is noted down by the reporters and included in the proceedings. Reporters work in relays of ten minutes each, and there is always an English and a Hindi reporter on duty. The reporters are accommodated in the well of the Chamber, and the excellent sound system, together with a small loudspeaker kept on the Table, carry the voice of even the back-benchers clearly and in sufficient volume to the reporters and enable the accurate reproduction of the proceedings.

The reporters have a heavy responsibility cast on them, because no one else is keeping a record of the proceedings, and the version produced by them must be absolutely faithful and correct. Every reporter goes through his notes carefully and edits it where necessary. He generally pays particular attention to grammar, sense and the form of presentation. In other respect, he reproduces the words as spoken, so that the transcript is a truly *verbatim* account of the proceedings.

After a reporter has completed the transcription, the typescripts are passed

on to the Chief Reporter, whose duty it is to read every word, check the forms, verify the motions, amendments etc., and then co-ordinate and page-number sheets in serial order. The typescripts are then sent to the Distribution Branch for multigraphing and preparation of complete sets.

How do the reporters cope up with the varying speed of the Members' speech? A recent statistical analysis of the speed of Members in the Lok Sabha revealed that most Members speak at a speed ranging between 120 and 150 words per minute. Some, of course, go up to 180 words and a few up to 190 or 200 words. The official reporters must possess a speed of about 180 to 200 words so that the speeches may be well within their range. The Question Hour proceedings are, however, an ordeal even for the most experienced reporters, as supplementary questions and answers proceed at a terrific speed, and the greatest care is required on the part of the reporter to identify Members correctly, and at the same time note down the supplementary question and the answer thereto, without any omission of the often hurriedly quoted figures, names etc., which are a special feature of the Question Hour.

The experience of the last four or five years has shown that apart from the Question Hour, the half-an-hour following the Question Hour also constitutes a trial for the official reporter.

Controversial and important matters of public importance then crop up in the form of short notice questions, adjournment motions, calling attention motions etc., and front rank Members and leaders of parties intervene in such discussions.

On the whole, reporting of Parliamentary proceedings is a specialised job, calling for great technical skill, namely, shorthand at high speed in the first instance, accompanied by a variety of accomplishments, such as ability to follow different kinds of accents and pronunciations, a comprehensive grasp of Parliamentary language, a knowledge—however superficial—of scientific, economic, political and social problems etc.

There are moments in the course of Parliamentary reporting when the reporter may be carried away by the effect of some emotional speech or humorous remarks, but he has to guard himself against a subjective appreciation of the proceedings and always attempt an objective reproduction of the exact happenings. Moreover, the official reporter has to pay the same professional attention in recording the speeches of Members—whether they be Ministers or ordinary back-benchers. It is only then that the official reporter can become the authoritative historian of the House and the official Report a reliable, complete, and unbiased record of the proceedings.

Some Parliamentary Activities At A Glance

DEBATES IN PARLIAMENT AND STATE LEGISLATURES

Procedure regarding Bills Contemplated under Article 117 of the Constitution

ARTICLE 117 (1) of the Constitution provides that a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 shall not be introduced except on the recommendation of the President and that such a Bill shall not be introduced in Rajya Sabha. The difference between a Money Bill as defined in Article 110 of the Constitution and a financial bill envisaged under Article 117(1) is that while a Money Bill contains *only* provisions dealing with all or any of the matters specified in Article 110(1), a financial Bill besides making provisions for any of these matters also contains other provisions. Except for the requirement of the President's recommendation before introduction and the prohibition for introduction of the Bill in Rajya Sabha, the Bills falling within the ambit of Article 117 (1) are not subject to the special procedure laid down for Money Bills and are treated like ordinary Bills for all other purposes.

Clause (3) of Article 117 lays down

that a Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed unless the President has recommended the consideration of the Bill. There is thus a difference between Bills contemplated under Article 117(1) and those envisaged in Article 117(3). In the former case, there is a provision that the Bill shall not be introduced in Rajya Sabha. There is no provision in clause (3) similar to that in clause (1) of Article 117 barring the jurisdiction of Rajya Sabha in so far as the introduction of the Bill is concerned. Clause (3) of Article 117 merely provides that where such a Bill is introduced, whether in Rajya Sabha or in Lok Sabha, the recommendation of the President for the consideration of the Bill is required before the Bill is passed.

This question arose in Lok Sabha during the consideration of the Inter-States Water Disputes Bill in 1955. The Bill had been introduced in Rajya Sabha and a motion had been passed by the House for reference of the Bill

to a Joint Committee and recommending to Lok Sabha to join in the said Committee. On the 29th September, 1955 when the motion for concurrence in the recommendation of Rajya Sabha came up before Lok Sabha, a Member (Shri U.M. Trivedi) pointed out that clause 10 of the Bill envisaged expenditure from the Consolidated Fund of India and as such the Bill attracted the provisions of Article 117(1) thereby barring its introduction in Rajya Sabha. He, therefore, contended that the Bill, was wrongly introduced in Rajya Sabha.

Clause 10 of the Bill provided for the remuneration and allowances of certain officials envisaged in the Bill, which was not covered by sub-clauses (a) to (1) of Article 110(1). Article 117(1) of the Constitution did not, therefore, apply to this Bill. The Bill, however, came under clause (3) of Article 117 because it would involve expenditure from the Consolidated Fund of India when enacted.

Clarifying the position, the Deputy Speaker ruled that as clause (3) of Article 117 did not prohibit the introduction of such a Bill in Rajya Sabha, it was perfectly in order for the Bill to be introduced in Rajya Sabha.

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States Reorganisation Bill: Amendment re Formation of a Bilingual State of Bombay in Substitution of Clauses Providing for Separate States of Maharashtra, Vidar-

***See at the end of the article.**

bha, Gujerat and Part 'C' State of Bombay —within the scope of the Bill and not *ultra vires* of the Constitution

On the 7th August, 1956, during the clause-by-clause consideration of the States Re-organisation Bill, as reported by the Joint Committee, Shri H.N. Mukerjee, rising on a point of order, submitted that *Amendment No. 462 (tabled by Shri Frank Anthony and others) to clause 8, which proposed the creation of a bigger bilingual State of Bombay, comprising parts of the existing States of Bombay, Hyderabad, Saurashtra and Madhya Pradesh, was out of order and *ultra vires* of the Constitution. He submitted that the amendment virtually extended the scope of the Bill. He argued that as the amendment sought to introduce substantially different proposals in the Bill, the new proposals should, under Article 3 of the Constitution, be referred to the State Legislatures affected, namely, the Legislatures of Bombay, Gujerat, Saurashtra and Madhya Pradesh for ascertaining their views.

Supporting Shri H. N. Mukerjee, Shri N.C. Chatterjee submitted that the conditions prescribed by the Constitution were that the recommendation of the President ought to be obtained and that before Parliament assumed legislative powers, there ought to have been reference by the President to the Legislature of each State for expressing its views on the provisions of the Bill framed under Article 3.

Some Parliamentary Activities at a Glance

He stated that while the first condition had been fulfilled, the second condition could not be deemed to have been fulfilled, in view of the change in the Bill sought to be introduced by amendment No. 462. He explained that in pith and substance the Bill before the House would be different from the Bill, after the above amendment would be adopted. The pith and substance of the Bill, *vide* clauses 8, 9 and 10, was whether there would be a new Part 'C' State of Bombay, whether the States of Saurashtra and Kutch would be merged in the new State of Gujerat and whether there would be a new State of Maharashtra comprising some of the portions of existing States of Bombay, Madhya Pradesh and Hyderabad. Amendment No. 462 introduced a fundamental and basic change in the provisions of the Bill inasmuch as it said that there should be no new State of Bombay, no new State of Gujerat and no new State of Maharashtra. On the contrary, there should be a bilingual State of Bombay comprising Maharashtra, Gujerat, Bombay, Vidarbha, Marathwada, Saurashtra and Kutch. The State Legislatures concerned, when the Bill was referred to them, did not have an opportunity to consider the new proposals regarding the formation of a bilingual Bombay.

Shri Frank Anthony submitted that the amendment tabled by him was quite in order. As far as the

States Re organisation Bill was concerned, it had been duly introduced on the recommendation of the President and had also been referred to the State Legislatures as required under Article 3, for their views.

All that Article 3 required was that the State Legislatures should be consulted. It was only procedural. There was no sanctity with regard to the view. The State Legislatures might consider not only the provisions contained in the Bill but all manners of cognate provisions. The Parliament could ignore their views. It might not even wait for their views after the specified period had expired. The Parliament could modify the Bill in any way it liked.

The original proposal was that Bombay city should be a separate State. Shri Chatterjee wanted it to be added to Maharashtra. If that was in order, all that his amendment said was that Gujerat also should be added thereto. If Parliament could break up the existing composite Bombay State, then the converse proposition of having a bilingual Bombay State was also true.

The pith and substance principle would not apply in this case. On that analogy if it was desired to add Belgaum to Maharashtra, since the matter was not in the original Bill, it would have to be referred again. Thus, for any

new addition or subtraction of territory from the original proposal, the Bill would have to be sent to and from Parliament and the State Legislature affected.

The Minister of Legal Affairs, Shri Pataskar, stated as under:

- (i) "Under Article 3 (a) it had been specifically laid down that Parliament might by law form a new State by separation of territory from any State or by uniting two or more States or parts of State or by uniting any territory to a part of any State. The only conditions precedent for enacting such a legislation were firstly that the sanction of the President should be there for introduction and secondly that the President should send the Bill to the State Legislatures for their opinion.
- (ii) "The provisions contained in clauses 8, 9 and 10 had been there in the Bill and these were circulated to the State Legislatures which were going to be affected by these proposals regarding the formation of the Union Territory of Bombay, of separate States of Maharashtra and Gujerat. These State Legislatures had considered the proposals from every point of view, namely, that there should be formed a State of Gujerat with Saurashtra and Kutch and a State of Maharashtra with Vidarbha and Marathwada and the City of Bombay as a Union Territory. By Amendment 462 it was proposed to have a composite State of Bombay instead of these three States. The amendment did not seek to add some other area, which was not there in the first instance. It only related to a specific matter about the reorganisation of the area which was already contained in clauses 8, 9 and 10

and that matter was referred to the States concerned, and their views taken thereon, before the Bill was introduced in Lok Sabha.

- (iii) "The Constitutional requirements having been fulfilled, it would be against the spirit of the Constitution to deprive Parliament of the powers to deal with such Bills. The amendment was not *ultravires* of the Constitution, and Parliament was competent to deal with the question of reorganisation as proposed by the amendment."

The Minister of Home Affairs, Shri G. B. Pant, observed that there was nothing to restrict the powers and the jurisdiction of Parliament to deal with a Bill, when once the Bill had been introduced in Parliament after fulfilling the conditions laid down under Article 3. It was open to Parliament to say that the territories already mentioned in clauses 8, 9 and 10 might be organised in a different way and not in the manner in which the Bill had initially proposed. Nothing was being added, which was not already in the Bill.

He added that the House was entitled to amend any clause of the Bill and the House could also regroup the territories as it wished, and further that Parliament had the power to alter or amend a Bill that had been introduced there, and its jurisdiction extended to all Bills except those, which fell under the articles of the Constitution

Some Parliamentary Activities at a Glance

which laid down that an amendment could not be made without the approval of some authority. If Parliament could reject a Bill, he argued, it could also make some minor alterations in the provisions of the Bill itself.

After the Home Minister and the Minister of Legal Affairs had replied to the arguments, the Speaker ruled as follows:—

“The main point is that this amendment, No. 462 seeks to retain the existing State of Bombay with some additions in the North, some additions in the South and some portion left out. Originally it was contemplated in the Bill that the State of Bombay should be divided into three groups of areas: the City of Bombay, with some area round about to be administered directly by the Central Government; the northern portion with Saurashtra and Kutch to be formed into the State of Gujarat and southern area with some areas taken from Madhya Pradesh and Hyderabad to be formed into the State of Maharashtra. This was the grouping contained in the Bill which was sent to various States for their expression of opinion.

“Now, the point that has been raised is that instead of leaving Bombay separately from Maharashtra and Gujarat, all of them are now being thrown together and this matter also must have been sent to the various States for their opinion, at any rate to give them an opportunity of giving vent to their opinions regarding these proposals.

“My own feeling and my own opinion is that Article 3 does not apply to this amendment at all. Article 3 refers to the introduction of a Bill for which two conditions are

necessary; firstly, the recommendation of the President and secondly the sending of the Bill to the various Legislatures for getting their views on the proposals. Further, the decisions of the various Legislatures are not asked, but only their views or opinions. So far as this Bill is concerned, both the conditions are satisfied.

“When once the Bill comes before the House, the House is in possession of every amendment that is sought to be moved for amending any provisions of the Bill. It is open to the States to give their views or opinions on the Bill, but the ultimate authority is given to this House to pass or reject the Bill. This Parliament is the ultimate authority. It is not as if we can say only what those Legislatures have said or expressed about the Bill. It is not a question of dittoing what they have said.

“So far as the present amendment is concerned, if we accept the argument of Shri N. C. Chatterjee, we will be denying to ourselves the right to discuss the matter, and we will be denying to this Parliament its prerogative and exclusive jurisdiction to the matter. It is not as if the States decide this matter. The States had not even expressed their considered opinion on this matter. Though a majority of Members in the State Legislatures are allowed an opportunity to give expression to their views on the matter, it is for this House to consider or not to consider the provisions. I am definitely of the opinion that the requirements of Article 3 have been satisfied in the matter of introduction of this Bill and also in the Bill having been sent to the various State Legislatures, at this stage, for their views on the matter. Apart from the views of the State Legislatures, nothing applies so far as the amendment is concerned.

“Then it could have been possibly argued, though it has not been, except in a different manner, that the pith and substance ought to be taken into consideration. That arises this way. An amendment cannot be allowed if it is not within the scope of the Bill. It is not for this House to say, ‘Reject clause 8?’

“If clause 8 is rejected, the existing state of affairs will continue. Merely because a Bill has been introduced here, the State of Bombay has not disappeared. The State of Bombay continues until an alteration takes place. If clause 8 is not voted for, and is thrown out, what will happen? Bombay will continue to exist. If the question for separate Maharashtra is voted out, what will happen? It will continue to exist.”

“Under the circumstances, are we to go back and ask the State Legislatures, ‘We are trying out different proposals, and what do you say for that?’ The Parliament has got the right to decide these matters. For instance, some hon. Member—I believe it is Shri Altekar—has given some amendments saying that Kolaba and some other portions ought to be given to Maharashtra. Are we in a position to accept it or should we once again go to the several States for opinion? Are we to go up and down to every State Legislature for accepting or rejecting such amendments? As was rightly said by Shri Frank Anothony, are we to do that?

“It may be said that this amendment is a major improvement. So far as this point is concerned, let us look from the point of view of the existing Bombay State. What is it that is interfered with? It is the existing state of Bombay. The existing State of Bombay is sought to be divided into three areas, attaching some portions to some other States and detaching

some portions from the existing State. How is the amendment regarding these changes beyond the scope of the Bill? How is the amendment regarding the formation of one bigger State of Bombay, attaching some portions to the existing State beyond the scope of the Bill? As a matter of fact, I have got with me the reports of the various speeches made in the Bombay Legislative Assembly. They have addressed themselves permutations and combinations of this State of Bombay. They have expressed their views, and various individual Members have given their views. Whether they have been crystallised in the form of a decision or not is another matter. The Constitution advisedly avoids any reference to a decision on these matters; under these circumstances neither this House nor the country at large is taken by surprise by such an amendment.

“This amendment is not beyond the scope of this Bill. It is within the scope of this Bill to put various parts together, of separating some parts from the rest or including two or three parts in one, etc.

“Further, the House and the whole country had ample opportunities to discuss the Bill, and particularly the Bombay Legislature, the Saurashtra Legislature and the Hyderabad Legislature.

“All these Legislatures had opportunities to go into this matter, and therefore, no error of justice has been done.

“Lastly, I have looked into this question of *ultra vires*. The Chair does not take responsibility for decisions of the House. All matters have been heard and are decided by the House. I will put the matter to the vote of the House. As it looks now, the House seems to be in favour of all these changes.

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"I will conclude by saying that Article 3 does not apply to this amendment. It is not necessary to have the President's recommendation and it is not necessary to send the Bill again to the State Legislatures. The amendment is not beyond the scope of the Bill. These are my considered views, and this is my opinion on the point of order."

In view of this ruling, a Government amendment (amendment No. 521)* regarding the formation of a bilingual State of Bombay was moved and adopted on 9th August 1956.

Amendment No. 462 (tabled by Shri Frank Anthony and others)

For clauses 8 to 10, substitute—

"Clause 8. As from the appointed day, there shall be formed a new Part A State to be known as the State of Bombay comprising the following territories, namely:—

- (a) the existing State of Bombay excluding—
 - (i) Belgaum district except Chandgad taluka and Bijapur, Dharwar and Kanara districts, and
 - (ii) Abu Road taluka in the Banaskantha district;
- (b) Ahmadpur, Nilanga and Udgir taluks of Bidar district, Nanded district except Bichkonda and Jukkal circles of Belgur taluk and Mudhol, Bhiansa and Kuber circles of Mudhol taluk, and Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk of Adilabad district, in the existing State of Hyderabad;
- (c) Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts in the existing State of Madhya Pradesh;
- (d) the territories of the existing State of Saurashtra; and
- (e) the territories of existing State of Kutch; and thereupon the said territories shall cease to form part of the existing States of Bombay, Hyderabad, Madhya Pradesh, Saurashtra and Kutch, respectively."

Amendment No. 521 (tabled by the Government)

For clauses 8 to 10, substitute—

"8. Formation of a new Bombay State —

(1) As from the appointed day, there shall be formed a new Part A State to be known as the State of Bombay comprising the following territories namely:—

- (a) the territories of the existing State of Bombay, excluding—
 - (i) Bijapur, Dharwar and Kanara districts and Belgaum district except Chandgad taluka, and
 - (ii) Abu Road taluka of Banaskantha district;
- (b) Aurangabad, Parbhani, Bhir and Osmanad districts, Ahmadpur, Nilanga and Udgir taluks of Bidar district, Nanded district (except Bichkonda and Jukkal circles of Deglur taluk and Mudhol, Bhiansa and Juber circles of Mudhol taluka) and Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk of Adilabad district, in the existing State of Hyderabad;
- (c) Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts in the existing State of Madhya Pradesh;
- (d) the territories of the existing State of Saurashtra; and
- (e) the territories of the existing State of Kutch; and thereupon the said territories shall cease to form part of the existing States of Bombay, Hyderabad, Madhya Pradesh, Saurashtra and Kutch, respectively.

(2) the said Chandgad taluka shall be included in, and become part of, Kolhapur district, the said Ahmadpur, Nilanga and Udgir taluks shall be included in, and become part of, Osmanabad district, the said Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk shall be included in, and become part of, Nanded district and the territories comprised in the existing State of Kutch shall form a separate district to be known as Kutch district, in the new State of Bombay."

Motion for the Appointment of a Committee to Enquire into the Conduct of a Member — Rajasthan Vidhan Sabha

On the 17th March 1955, Shri H.K. Vyas, a Member of Rajasthan Vidhan Sabha, stated in the House that Shri Mathura Dass Mathur, Chief Whip of the Congress Party in the Rajasthan Assembly, had misused his position as a member of the Assembly by writing a recommendatory letter to the Director of Education, Rajasthan, for selecting as a text-book a particular publication written by a person in whom Shri Mathur was interested. In support of his contention, Shri Vyas presented before the House the said letter which was dated the 10th January 1953 and purported to be written and signed by Shri Mathur. Shri Vyas added that it was also a case of corruption in so far as Shri Mathur had obtained in an unauthorised manner the secret code number allotted to the book by the Department of Education for selecting a particular publication as a text book for schools. He urged that an enquiry should be made into the conduct of Shri Mathur and strict action taken against him.

Replying to the allegations made against him, Shri Mathur admitted the authorship of the letter but denied that it was a case of corruption. He said that by writing that letter he only

intended to help a political sufferer, Ganpat Lal by name, who was the author of the book. He added that the book in question had been selected by the reviewers and the text-book committee on its merits, long before his writing that letter, which had not even been delivered to the addressee.

Shri Ved Pal Tyagi, another Member, refuted all the statements of Shri Mathur and questioned the latter's conduct. Shri Mohanlal Sukhadia, the Chief Minister, on the other hand, supported the statement of Shri Mathur and stated that his letter did not play any part in the selection of Shri Ganpat's book.

At this stage, Shri Jaswant Singh, the Leader of the Opposition, raised a point of order that there was no precedent in the Parliamentary history of any country for the conduct of a Member being discussed on the floor of the House. He, therefore, suggested that an impartial enquiry should be instituted in the matter in the first instance.

On the 4th October, 1955, Shri Ved Pal Tyagi raised the matter again and asked what had happened to his notice of a motion for setting up an *ad hoc* committee to enquire into the conduct of Shri Mathur. The Speaker replied on the 13th October that he would first like to hear the views of

the Members on the admissibility of the motion, before taking further action in the matter. Shri Sukhadia, the Chief Minister, said that as a result of his enquiry, he had come to the conclusion that Shri Mathur had not committed any breach of privilege of the House, but still the motion might be admitted for discussion, in order to clarify the issue. But Shri Jaswant Singh raised the objection that the motion for setting up an *ad hoc* committee to enquire into the conduct of a Member could be moved only by the Leader of the House and not by any other Member. He added that such a motion could be brought before the House only after the Speaker had made a preliminary enquiry into the evidence and other relevant facts and fully satisfied himself that a *prima facie* case had been made out against the Member, whose conduct had been challenged. Shri H. K. Vyas, another Member, said that the Speaker had already given his consent to a discussion of the motion in the House and the Leader of the House had not objected to it. The Speaker stated that he did not know whether any *prima facie* case had been made out against Shri Mathur and that he had given provisional permission for a discussion on the admissibility of the motion, in the absence of any communication from the Leader of the House regarding the results of his enquiry. He then ruled that without going into the merits of the case he would allow the motion to be discussed

in the House.

Thereupon, Shri Tyagi moved his motion for the appointment of a committee to enquire into the conduct of Shri Mathur. He regretted in this connection that a settled convention of the House of Commons (i.e. of discussing the conduct of a Member on the floor of the House, only after a *prima facie* case had been established through a preliminary enquiry conducted by the Leader of the House in association with the Speaker) had been disregarded and that this irregularity was due to the reluctance of the Leader of the House who, though saying that there was no *prima facie* case, was pressing for a debate on the floor of the House. Shri Sukhadia, on the other hand, replied that the irregularity was due to the complainant himself, who had openly levelled charges against Shri Mathur on the floor of the House, instead of first bringing them to the notice of the Leader of the House. He added that he had agreed to the discussion in the House in order to put an end to the matter.

Shri Jaswant Singh, the Leader of the Opposition, thereupon requested Shri Tyagi to withdraw the motion and appealed to the Leader of the House and the Speaker to conduct a preliminary enquiry. The proposal was agreed to by them, but the Speaker also observed that the decision to discuss the motion on the floor of the House without

a preliminary enquiry was quite appropriate. He added that there was nothing special in the proposed new procedure, as, in the case of a difference of opinion between the Speaker and the Leader of the House as to the *prima facie* nature of the case, the House would be the final judge. After some discussion, Shri Tyagi withdrew his motion by leave of the House.

On the 14th March 1956, Shri Tyagi again raised the question and complained that in spite of the assurance given by the Leader of the House to investigate into the matter and place the findings before the House, no action had been taken so far in this respect. The Chief Minister replied that he was trying to study the facts of the case and there was no intention on his part to hush up the matter. Meanwhile, another Member raised the objection that the discussion on the subject could not be resumed, as the motion had once been dropped and was being repeated by a Member instead of by the Leader of the House, as required under the Rules. He also said that it was against the healthy conventions of Parliament and that it was not within the jurisdiction of the House to discuss purely personal matters. The Speaker, however, said that he had not received a definite motion in writing on the subject and ruled that Shri Tyagi might move his motion after which the Chief Minister could clarify the position.

Thereafter, Shri Tyagi moved his motion for the appointment of a committee to enquire into the conduct of Shri Mathur and said that it was the duty of the Leader of the House to move such a motion, whenever the conduct of any Member was considered to be objectionable and that since he was not doing so, he (Shri Tyagi) himself had to do it. He added that Shri Mathur had violated the set notions of democracy about the conduct of Members and therefore deserved punishment.

Shri Tika Ram Paliwal, another Member, intervened at this time and said that he had previously objected to the discussion of the motion in the House, as the Leader of the House and the Speaker had promised an enquiry into the matter. He wanted that this promise should be fulfilled. Thereupon, the Speaker clarified that he had never assured an enquiry before, as he had no right to hold an enquiry outside the House. He added that he had only agreed to join the Leader of the House in his enquiry, if the latter wanted his association.

Shri Sukhadia, the Chief Minister, said that he had thoroughly enquired into the matter and found that Shri Mathur had not derived any personal benefit from writing the letter to the Director of Education. He added that it was also difficult to ascertain whether the letter had reached the addressee at

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all and exercised any undue influence on him. He, therefore, considered the discussion on the motion inopportune and the formation of a committee uncalled for. Since no pecuniary benefit had accrued to Shri Mathur on account of his letter and no *prima facie* case had been established, a committee of enquiry could not be appointed, he added. After Shri Mathur and Shri Tyagi had also spoken on the issue, the motion was put to vote and was lost by 78 votes to 40.

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Motion on Incomplete and Wrong Replies to Questions—Madhya Bharat Vidhan Sabha

“Asking questions is a fundamental right of the Members and the Ministers are duty-bound to satisfy the Members with their replies”, thus observed Shri A. S. Patwardhan, Speaker of the Madhya Bharat Vidhan Sabha, while winding up discussion on the resolution moved by Shri Laxmi Narain Gupta, an Opposition Member of the Madhya Bharat Vidhan Sabha, on March 30, 1956. The resolution which was moved by the Member was worded thus :

“The replies given by the Hon'ble Ministers to many questions in the House are incomplete, unsatisfactory and wrong, which has resulted in a strong feeling of dissatis-

faction in the minds of the people and the representatives of the people towards the administration. Hence under Rule 130 of the rules of procedure of the Madhya Bharat Vidhan Sabha, this matter of general public interest should be discussed in the House.”

Shri Laxmi Narain Gupta and a few other Members complained that in many instances, the answers given by the Ministers were wrong, incomplete and unsatisfactory and that Ministers had tried to put off or evade the questions by giving round-about answers. They stated that their purpose was not to run down the Government but to invite its attention to some of its flaws in answering questions. They also suggested that if the reason for giving wrong replies was that the officers below supplied incorrect information, suitable action should be taken against those officers and the House informed of it.

In replying to these charges, Shri Manohar Singh Mehta, Minister for Education and Law, stated that the Government fully realised the importance of the questions asked by Members and the best possible attempts were made by the Departments concerned to provide satisfactory replies. He added that many questions were put in an indirect manner and involved only a lot of time and money for the Government to collect the information without any adequate benefit. Shri Saubhagya Mal Jain,

Minister for Revenue and Local Self-Government, also denied that Ministers were in the habit of giving wrong replies and assured the House that if any official was found to supply wrong information, he would be duly punished. The Minister for Development and Labour, Shri V. V. Dravid, said that the written replies furnished by the Government were factual and correct, whereas the Members did not take proper interest in following up their questions with supplementaries. The Minister for Roadways and Forests maintained that the replies of the Government were based on facts, while the Members' questions were motivated by lack of information, anger and personal feelings. The Minister for Finance suggested that Members should consider the public interest and the difficulties of the Government while asking questions. He assured the House that if there had been some flaws in the replies to questions in the past, they would be rectified in future.

Winding up the discussion, the Speaker observed:

"The discussion on the motion was of special importance as it was connected with the proceedings of the House. Members had complained time and again that the replies to questions were not satisfactory. We have spent a lot of time on such a discussion even in our question hours. With a view to throwing light on all such matters for our future guidance, I thought that although it was an absolutely new procedure to discuss the

questions and the replies thereto, it was proper to arrange the discussion so that the Government could understand the dissatisfaction of the Members and could also get a chance for self-examination from that point of view. I am glad that the discussion has, on the whole, gone very smoothly. And that alone was the purpose of the discussion because the questions of the Members and the replies by Ministers, both aim at the good of the people. As regards our aims, there can be no two opinions about that and the only question left is that of the means. I hope that all this discussion would sufficiently guide the hon. Members in future. Whether all this discussion can satisfy any Member or not is not the subject of the Motion.

"Asking questions is a fundamental right of the Members and the Ministers are duty-bound to satisfy the Members with their replies. That is a different question as to which of the Members are satisfied under what conditions. It is not necessary to try to satisfy all. Generally it is desirable that Ministers' replies should be such as can satisfy the questioning Members. Whatever information was wanted by the Members has been provided to the extent available.

"The other purpose I had in mind while allowing discussion on the subject was to show that there are certain questions which although vague and indirect are admitted under the rules. Taking into consideration the expenditure incurred on preparing the replies to them and the limited time at the disposal of the Government, it is worthwhile to discuss whether we can do any specific public good by getting replies to such questions. If no useful purpose is served and the Government and the public money is spent in this way then the hon. Members must consider whether their questions aim at any public good or not. It is their duty

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to ask only such questions, replies to which can promote the good of the people. I think that the present discussion will sufficiently guide us in future."

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PARLIAMENTARY QUESTIONS

LOK SABHA

Public Expenditure

(September 12, 1956)

In reply to a question whether Government had taken a decision about appointing a high-powered body to enquire into the question of public expenditure, the Minister of Revenue and Civil Expenditure, Shri M. C. Shah, replied that the Government of India had decided to appoint a high-powered Committee consisting of Ministers and the Deputy Chairman of the Planning Commission for the purpose. The details were being worked out. The Committee would look into development expenditure in the Centre as well as the States. In reply to supplementaries, the Finance Minister, Shri C. D. Deshmukh, observed that the National Development Council would also be consulted in this matter.

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RAJYA SABHA

Staff Reduction in Ministries

(April 24, 1956)

Answering a question, the Minister of Revenue and Civil Expenditure (Shri

M. C. Shah) told the Rajya Sabha that the Special Reorganisation Unit set up by the Government had recommended economies through reduction of staff in the various Ministries to the extent of Rs 1.35 crores. The reduction already effected by the government came to Rs. 51 lakhs, he said. The Unit consisted of two teams of one Deputy Secretary and one Under Secretary each, working under a Joint Secretary of the Ministry of Finance. The Ministry of Home Affairs was represented by one Deputy Secretary on one team and one Under Secretary on the other.

The Unit had so far reviewed nine Ministries and their Attached and Subordinate Offices, besides the Department of Parliamentary Affairs and the Office of the Union Public Service Commission. The recommendations so far made by the Unit involved approximately 14 per cent reduction in staff.

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COMMITTEES AT WORK

Competence of the Estimates Committee to go into Matters of Policy (Lok Sabha)

The Twentieth Report of the Estimates Committee (which was a special Report on the Railways' Second Five Year Plan) was the subject of a leading article published in the *Times of India*, dated the 10th March, 1956. The

Times of India had expressed its doubts as to the competence of the Estimates Committee to go into matters of policy in so far as the transport requirements of the Second Five Year Plan were concerned. It was argued that like its British counterpart, the Estimates Committee could only exercise a *post factum* watch and control over the Government expenditure and not look into the future and ask for what is not. Sir Erskine May was also quoted to substantiate the point.

At the sitting of the Estimates Committee held on the 12th March, 1956, the attention of the Members was drawn by the Chairman to the said leaderette. He pointed out that Rule 243(1) (b) of the Rules of Procedure and Conduct of Business in the Lok Sabha specifically laid down that one of the functions of the Estimates Committee would be 'to suggest alternative policies to bring about efficiency and economy in administration'. It was further explained by him that though the terms of reference of the Estimates Committee in the United Kingdom were silent on this point, in practice, they had evolved certain conventions whereby they were really looking into matters of policy.

The Committee felt that the newspaper had entirely ignored the rules of procedure of the Lok Sabha in this regard, and had incidentally committed

a breach of privilege of the House (as well as of the Committee). It was, however, thought that in the first instance the correspondent of the newspaper might be called and apprised of the relevant rules and if the *Times of India* wanted to correct itself it might be allowed to do so.

Accordingly, the Joint Secretary of the Lok Sabha had a discussion with the correspondent of the *Times of India* when the attention of the latter was drawn to the rules by which the Committee were guided and also to the directive of the Speaker on the interpretation of the term 'policies' referred to in Rule 243(1)(b) of the Rules of Procedure. It was brought to his notice that since the rules were clear and specific on the point, the criticism levelled in the leaderette was "factually wrong."

The correspondent thereupon discussed the matter with the editor and informed him about the correct position. Consequently, on the 14th March, 1956, the *Times of India* published another leaderette under the same caption 'Irregular' explaining the whole case in its proper perspective and expressing its regrets for the views expressed earlier.

The Chairman, therefore, decided that the matter might be treated as closed.

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**Committee on Sub-ordinate Legislation
(Lok Sabha) : Fourth Report of the
Committee and Speaker's Directions**

The Committee on Sub-ordinate Legislation of the Lok Sabha presented its fourth report to the House on 14th May 1956. Some of the important recommendations made by the Committee in this report are:

- (i) Whenever there are extensive amendments to any rules, the rules should be reprinted.
- (ii) The representation of Members of Parliament on statutory bodies should be by election by either House, or in the alternative, by nomination by the Speaker or the Chairman; in no case should the selection of representatives of Parliament be left to be made by the executive Government.
- (iii) The representation of the Lok Sabha and the Rajya Sabha on statutory bodies should be in the ratio of 2:1.
- (iv) Whenever the Government exempt any article from excise duty they should immediately inform the House, if it is then in session; if it is not in session, the information should be communicated to the Speaker for the information of the members of the

House.

- (v) When a particular measure levying any duty is pending in the House, no action should be taken by way of exemption of an article from the proposed duty without seeking the prior approval of the House.
- (vi) It would be better if all statutory rules and orders could be published in one section of the Gazette and centrally numbered; in the alternative, the Government should ensure that their notifications containing particularly constitutional and statutory orders are published in a proper part and section of the Gazette.

Directions of the Speaker

The Speaker has issued directions for the regulation of the procedure of the Committee on Subordinate Legislation. Under these directions, the Committee has been empowered to examine all rules and regulations, whether laid on the Table of the House or not, framed by the Government in pursuance of the provisions of the Constitution or of a statute delegating power to a subordinate authority to make such rules. The Committee has also been empowered to examine Bills with a view to see whether suitable provisions have been made therein for the laying of

the rules, etc. on the Table of the House.

**Committee on Petitions (Lok Sabha)
Speaker's Directions**

It has further been provided that when a Ministry or a Department is required to tender evidence before the Committee, it is to be represented by its Secretary or Head of the Department, as the case may be. In special cases, however, the Chairman of the Committee may, on being requested, permit any other senior officer to represent the Ministry. The report of the Committee is to embody the decisions of the majority of the Members present and voting and no minute of dissent is to be appended to it.

The Ministries are required to furnish, from time to time, to the Lok Sabha Secretariat statements of action taken or proposed to be taken by them on the recommendations made by the Committee in its Reports and on the assurances given by the Ministries in the course of their correspondence with the Committee. The information is to be placed before the Committee. In cases where any Ministry is not in a position to implement, or feels any difficulty in giving effect to a recommendation made by the Committee, the Ministry is to place its views before the Committee, which may, if it thinks fit, present a further Report to the House after considering the views of the Ministry in the matter.

* * *

On the 11th April, 1956, the Speaker of the Lok Sabha addressed the Committee on Petitions and discussed with the members questions relating to the scope and activities of the Committee. He observed that a large number of letters, telegrams, resolutions, memoranda etc., were received by the Speaker or the Lok Sabha Secretariat. Since many of these petitions, representations etc. did not, strictly speaking, conform to the Rules of Procedure, they were not admitted as petitions to Lok Sabha.

The Speaker suggested that as the people looked to Parliament for redress of genuine grievances, when they had failed to get redress from the executive authority, it was desirable that the Committee on Petitions should go through all these representations, petitions etc. and advise the parties concerned of the action taken.

With a view to achieving this objective, the Speaker suggested that the Committee might meet more frequently. The Secretariat would arrange to take action in the matter in accordance with the directions of the Committee on Petitions.

The Speaker also suggested that Members might take up the recommendations which the Committee made from time

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to time and pursue them in the House, in case such recommendations had not been implemented.

The Speaker also directed that the Committee should from time to time be kept apprised of the final action taken by the Government on the various recommendations made by the Committee in their reports or otherwise.

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Committee on Absence of Members from the Sittings of the House (Lok Sabha)

The Committee on Absence of Members from the Sittings of the House (Lok Sabha), in its thirteenth Report presented to the House on the 16th March 1956, observed that in certain cases, Members applied for leave of absence after the expiry of the period of sixty days of continuous absence from the sittings of the House*. The Committee was of the view that unless applications for leave of absence were sent in time, in future, there might be complications and the Committee might find it difficult to recommend condonation of the period of absence in such cases. It, therefore, decided that as soon as a Member completed a period of forty days of continuous absence from

the sittings of the House, he should be informed about it, so that he may apply for leave of absence in time, if he so desires, in order to avoid difficulty at a later stage.

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Reconstitution of the Committee on Assurances (Lok Sabha)

On the 13th June 1956, the Speaker reconstituted the Committee on Assurances with Shri K. S. Raghavachari as its Chairman. The Members of the new Committee are

- (1) Shri K. S. Raghavachari-*Chairman*.
- (2) Shri Jaswant Raj Mehta
- (3) Shri T. B. Vittal Rao
- (4) Shri K. A. Damodara Menon
- (5) Shri A. E. T. Barrow
- (6) Shri Anirudha Sinha
- (7) Shri Radha Charan Sharma
- (8) Shrimati Tarkeshwari Sinha
- (9) Pandit Krishna Chandar Sharma
- (10) Shri C. P. Matthen
- (11) Sardar Iqbal Singh
- (12) Shri Basanta Kumar Das
- (13) Shri Bhupendra Nath Misra
- (14) Shri R. Venkataraman
- (15) Pandit Lingaraj Misra

* * *

*Article 101 (4) of the Constitution says :

If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant.

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

Select Committee on Life Insurance Corporation Bill: Availability of Documents not laid on the Table of the House

The Select Committee on the Life Insurance Corporation Bill had taken evidence from sixteen associations in the insurance field. When parties offer to tender evidence, it is usual to call for memoranda from them in the first instance and all these associations had accordingly submitted their memoranda to the Committee. Evidence tendered before the Committee is ordinarily limited to matters not covered or clarified in the memorandum and to such further matters as arise therefrom. It is an established parliamentary practice that the Committee decide, before presenting their report, which among the documents submitted before them will be presented to the House. The Select Committee on the Life Insurance Corporation Bill had decided that the evidence tendered before them by the associations be laid on the table *in extenso*, and had not considered or issued any direction regarding the laying on the table of the memoranda submitted by these associations.

On the 14th May 1956, a Member of the Lok Sabha raised a point that while the evidence tendered before the Select Committee on the Life Insurance Corporation Bill had been circulated to the Members of the House, copies

of the memoranda submitted to the Committee by the parties who tendered evidence, and were referred to in the evidence, had not been made available to them.

The matter could not be referred to the Committee as the Committee had already presented its report to the House and had become *functus officio*. It, therefore, rested with the Speaker who directed that the memoranda submitted by the associations which tendered evidence should be placed in the Library for reference by Members and that the Members should be informed of the same through the Lok Sabha Bulletin.

* * *

Select Committee on Attendance of Members (House of Lords : U. K.)

The Committee appointed by the House of Lords in the United Kingdom on 21st June 1955 "to inquire into the powers of this House in relation to the attendance of its members" presented its report on 24th January 1956. The Committee examined how the House of Lords had exercised its powers in this respect in the past, and what were its constitutional powers to-day. It found that under the Letters Patent by which peerages are normally created now-a-days and the Writ of Sum-

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mons, a Peer has—

“the right to a ‘seat, place and voice’ in Parliament;

“the duty to attend in Parliament, and ‘treat and give his counsel’;

“and any other right which his Peers customarily possess.”

The Committee further found that the House has still powers to enforce the attendance of its Members, although it also recognised that there must be a number of Peers “who are unable to attend, either because they are fully occupied with other important duties, or because they feel themselves unfitted for parliamentary work, or for reasons of age, health or expense.” The House has also powers to disqualify any Peer from sitting, but such a disqualification could be imposed only after the House had satisfied itself that it was merely applying to the membership of the House “a disqualification which already existed generally at law.”

The Committee, therefore, observed:

“In the view of the Committee, neither this power of the House to enforce attendance, nor its right to excuse Peers from attending has lapsed through desuetude. Accordingly, if the House desired to bring up to date those of its arrangements which govern the attendance of Peers, it would have the power to do so, provided that in so doing it infringed no constitutional rights and did not

contravene the law and custom of Parliament. After careful consideration of the history of the treatment by the House, of the subject of the attendance of Peers, as disclosed in the evidence, the Committee have come to the conclusion that a Peer who at the present time is unable or unwilling to discharge his duty of attendance can reasonably be said to have a duty to apply to the House for leave of absence. It is common knowledge that a number of Peers, for reasons in no way blameworthy, are in this position; yet the Committee have reason to suppose that many of them are unaware even of the fact that they can, under the existing Standing Order No. 21, apply for leave of absence, still less of the consideration that they could be said to be under a duty to do so. But if the House were to adapt to the present condition of affairs its Standing Order on leave of absence, the Committee do not doubt that these Peers would readily conform to the new arrangements.

“Recognising therefore that the House could alter and adapt the procedure for granting leave of absence, the Committee have given most careful consideration to the methods by which the House might take the action required, and the limits within which it could operate.

“It would, for example, be well within the powers of the House to arrange that his Writ or a copy of his Writ should be sent to every Peer, together with a copy of any new Standing Orders on leave of absence. These Standing Orders might provide in substance—

- (a) that it is the duty of Members of the House to attend regularly or as often as they reasonably can or else to apply for leave of absence;

- (b) that a communication be addressed to all Members of the House at the beginning of every Parliament, stating that if they desire to be relieved of the obligation of attendance, they should apply for leave of absence either for the duration of the Parliament or for any shorter period, and further that they should state in reply to such communication whether they do or do not desire to apply for leave of absence;
- (c) that any Member of the House who fails to reply to such a communication should be regarded as having applied for leave of absence, unless he attends to take the Oath within one month of the beginning of a Parliament;
- (d) that Members of the House are expected, if they have been granted leave of absence, not to attend until their leave of absence has been terminated by their giving such notice as may be prescribed by Standing Order."

The Committee was unanimously of the opinion that Standing Orders passed as indicated above would in practice be scrupulously observed by Peers and that it would be unnecessary for the House to prescribe any penalty for disobedience.

* * *

PROCEDURAL MATTERS

Adjournment Motion: To discuss situation arising out of strike by workers of Kharagpur Workshop of South Eastern Railway: Inadmissible on the ground that every small diff-

erence between employees and Railway Administration ought not to be taken advantage of by workers for settling issues in the House

On the 21st May, 1956, Shri A. K. Gopalan, a Member of the Lok Sabha, tabled an adjournment motion for discussing the situation arising out of a railway workers' strike at Kharagpur. The Minister of Railways and Transport (Shri Lal Bahadur Shastri) made a statement on the 23rd May, 1956 that the workers had resorted to a lightning strike for very trivial reasons without giving due notice and that they were adopting violent methods to force the hands of the Railway Administration to accept their demands. After some discussion the Speaker ruled the motion out of order and observed as follows:

".....Everything between an employer and employee ought not to be brought up here for discussion and settlement.....I would not like to give any encouragement to using this House as the forum for the purpose of settling differences.....It is not merely a dispute between the employer and the employed. Railway is a public utility service. I do not want that there should be any impression created by anyone or by any set of people who are responsible to the country that the public can be held at ransom by any section of the employees, whether of Government or of any other concern. The Parliament will not be used as a forum for the purpose of forcing either the Government or the public for the grant of any special privileges, except by normal and constitutional

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methods. Under these circumstances, I am not going to allow this adjournment motion. It is a small matter which arises almost every day between the employer and the employed. Other methods should be resorted to to settle the differences."

On the 26th May, Shri N.C. Chatterjee, another Member, desired a clarification of this ruling and said:

"In view of the steady expansion of the public sector.....the State is going to be a very big employer of labour. We submit that it is the right and duty of the Members of the House to bring before Parliament matters of urgent public importance involving disputes or differences between the employer and the employees. The fact that technically a strike might not be legal or that the State is the employer should not be considered as grounds for negating discussions or for preventing interrogation of the Ministry concerned. We trust that you had no intention to say anything in curtailment of the rights and privileges of the Members of this House."

In reply, the Speaker observed:

"I did not mean that no difference between the employees and the Railway Administration should be brought up before the House, however important and urgent it might be. I only meant that every small difference ought not to be taken advantage of by a few of the workers for settling the issues on the floor of this House and bringing it before the House. I grant that the Government is the employer in this case. Every matter of urgent public importance requiring the attention of Parliament can always be brought up and the same will be disposed of on its merits."

* * *

Calling Attention to Matters of Urgent Public Importance: Change in Procedure

According to rule 216 of the Rules of Procedure of the Lok Sabha, 'a Member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement at a later hour or date.'

In order to deal more expeditiously with the notices given by Members for calling the attention of Ministers to matters of urgent public importance, a circular was recently issued to Ministries informing them that as soon as such a notice was received and found admissible by the Speaker, he would allow the matter to be raised in the House the next day at the first available opportunity after the Question Hour. It would be open to the Minister immediately on receipt of such a notice, to bring any change to the notice of the Speaker, which he may take into account in deciding the question of admissibility or otherwise of the calling attention notice. When the notice is taken up in the House, the Minister may either make a statement or ask for time to make a statement later on, if he has not the facts with him.

Remarks on the Conduct of the Governor: Speaker's Ruling (U.P. Vidhan Sabha)

On March 7, 1956, Shri Ram Narain Tripathi, a Member of the U. P.

Vidhan Sabha, made certain derogatory remarks about the Governor of Uttar Pradesh in connection with a road incident. This was objected to by the Chief Minister on the ground that under the rules of procedure of the Assembly the conduct of the Governor could not be criticised. The Chief Minister therefore suggested that the remarks made by the Member should be expunged from the proceedings of the Assembly.

The Speaker, who gave his ruling on the matter on 12th March, 1956 after consulting the leaders of the various parties in the Assembly, observed as follows:

"Rule 182 of the Rules of Procedure, adopted by the House, lays down the limits of propriety of the speeches and questions and answers. It is clear from the sub-clauses (5) and (6) thereof* that the conduct of the Governor cannot be criticised in the House. If the criticism is deemed to be made on his personal conduct, it shall be more objectionable, because the use of defamatory statements against one, who is not present to reply, is not permissible.

"It is a well-known fact that the position of the Governor is just the same in his capacity as the representative of the President of the Republic of India and he is the head of the State. Therefore to level any criticism against him or to refer to his conduct in a derogatory way is forbidden under the Rules.....

"I am quite clear that portion of the speech made by Shri Ram Narain commenting upon the conduct of the Governor violates the scope of speech under sub-clauses (v) and (vi) of Rule 182(2). I therefore hold that all those portions shall not form part of the proceedings.

"It is the first and essential effort of one who wants to know the truth, to collect information of statements for and against, and then, after collecting information from independent sources, to decide as to what the truth is. Such an effort was never made by Shri Ram Narain. He himself admits that his criticism was based on the version of one party and that he did not try to ascertain the facts from the other side. It is not in keeping with the dignity of any Member of this august House to criticise anybody on the basis of one-sided information and this procedure cannot be justified in any way as a method of search for truth. Looking at the present matter from this viewpoint, I come to the conclusion that though that statement has been refuted in the House itself, it would be proper to expunge that statement (which is against the rules) along with its refutation from the proceedings of the House, so that the practice of making statements in this House on one-sided information may not be encouraged."

* * *

Trial of Bhooswami Agitators by Speaker (Rajasthan Vidhan Sabha)

On the 10th April 1956, after the question-hour was over in the Rajasthan

* Rule 182 (2) of the Rules of Procedure of the U. P. Legislative Assembly :

A member while speaking or answering a question shall not—

- (v) reflect upon the conduct of the President or any Governor or any Court of Justice;
- (vi) Utter treasonable or defamatory words but he may with the permission of the Speaker quote them for the purposes of his argument.

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Assembly, a group of nine Bhooswami agitators (people who opposed the land reform measures in the State) who were present in the Visitors' gallery suddenly stood up and started raising slogans. They then jumped on the floor of the House from the gallery, and caused obstruction to the proceedings of the House. There was some slight disorder, when on the orders of the Speaker, the Sergeant-at-Arms took them into custody for committing a grave contempt of the House.

The business was then resumed, and the Speaker giving an account of the incident, asked the Members whether they would like the miscreants to be called before the House to explain their conduct. He stated that the House had a right to punish them in such matters and that its decision was final. On the Members expressing their desire to do so, he caused the agitators to be brought one by one before the House and held a short enquiry. It was revealed by some of the agitators in the course of the enquiry that they were compelled to take this step to ventilate their grievances, as they were starving.

After the enquiry was over, the Speaker observed as follows:

"The persons who voted for you..... have the right to ventilate their grievances in a constitutional manner. In case they want to

launch a movement by challenging the constitutional methods, they can do so with pleasure, but the precincts of this Vidhan Sabha cannot become a field for such movements; and if in spite of this, somebody commits an act here, the Members of this House should unanimously take a firm decision on such matters, so that such untoward incidents may not occur in future. According to the conventions of this House anybody who commits an offence here remains in the custody of this House till such time as the Speaker hands him over to the police."

The Leader of the House (Shri Mohan Lal Sukhadia) thereupon moved that the House might pardon one of the guilty, as he had apologised to the House, and commit the other eight to the Central Jail in Jaipur for a simple imprisonment of fifteen days. The motion was supported by the opposition and adopted unanimously by the House.

* * *

Convention that a Responsible Minister may decline to give information, if in his judgment, it is not in the public interest to do so (The Case of Commander Crabb) : (House of Commons : U. K.)

On May 9, 1956, Mr. Dugdale asked the Parliamentary Secretary to the admiralty about the circumstances in which it was presumed that Commander Lionel Crabb had met with his death while diving in the Portsmouth harbour near the Soviet Cruiser, which

brought Mr. Bulganin and Mr. Khrushchev for a friendly visit to Britain.

The Prime Minister, Sir Anthony Eden, made a statement in reply to this question at the end of the question hour, in which he said that it would not be in the public interest to disclose the circumstances in which Commander Crabb was presumed to have met with his death. He further stated that while it was the usual practice for ministers to accept responsibility, in the special circumstances of the present case, it was thought necessary to clarify that what was done was done without the authority or the knowledge of the ministers; and that appropriate disciplinary steps were being taken.

The opposition Members sought further information on the subject, but the Prime Minister refused to add anything more to what he had already stated. Thereupon, Mr. Dugdale sought leave to move an adjournment motion on the subject. The Speaker disallowed the motion on the ground that when a minister had refused to answer a question on the grounds of public interest, the matter could not be raised again. When another member drew the attention of the Chair that it was an abuse of the rules of the House

for a minister, in this case the first Lord of the Admiralty, to pass on a question addressed to him to the Prime Minister, the Speaker ruled out the objection and held that the Prime Minister was competent to answer the question.

The Leader of the opposition subsequently gave notice of a motion for a cut in the Prime Minister's salary. However, in order to enable the subject to be raised within the bounds of order, Mr. George Ward, Financial Secretary to the Admiralty tabled a special motion, on behalf of the Government, which was debated in the Committee of Supply on May 14, 1956. The motion proposed that "a further sum not exceeding £20" be granted towards defraying the charges for the year ending on March 31, 1957, for votes "in connection with the case of Commander Crabb".

At the end of the debate the Leader of the opposition proposed a cut of £5, out of the demand of the admiralty on the subject, in order to mark the disapproval of the opposition of "this ill-conceived and unhappy operation." The cut motion was lost on division with 229 votes for and 316 against it.

Constitutional Developments

Constitution (Sixth Amendment) Act, 1956 (India)

THE text of the Constitution (Sixth Amendment) Act, 1956, which received the assent of the President on 11th September, 1956, is reproduced below:

*The Constitution (Sixth Amendment) Act, 1956**

(11th September, 1956)

An Act further to amend the Constitution of India

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

1. This Act may be called the Constitution (Sixth Amendment) Act, 1956.

2. In the Seventh Schedule to the Constitution,—

(a) in the Union List, after entry 92, the following entry shall be inserted, namely:—

“92A. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State

trade or commerce.”; and

(b) in the State List, for entry 54, the following entry shall be substituted, namely:—

“54. Taxes on the sale or purchase of goods other than newspapers, subject to the provision of entry 92A of List I”

3. In article 269 of the Constitution,—

(a) in clause (1), after sub-clause (f), the following sub-clause shall be inserted, namely:—

“(g) taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce.”; and

(b) after clause (2), the following clause shall be inserted, namely:—

“(3) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in the course of inter-State trade or commerce”

*Introduced in the Lok Sabha on 3-5-1956 and passed by the Lok Sabha on 29-5-1956; introduced in the Rajya Sabha on 29-5-1956 and passed by the Rajya Sabha on 31-5-1956.

(4) In article 286 of the Constitution,

(a) in clause (1), the *Explanation* shall be omitted; and

(b) for clauses (2) and (3), the following clauses shall be substituted, namely:—

“(2) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in any of the ways mentioned in clause (1).

(5) Any law of a State shall, in so far as it imposes, or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce, be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify”.

Judgment of the Calcutta High Court in the West Bengal-Bihar Merger Case.*

- (A) SOVEREIGNTY OF STATES
IN THE INDIAN UNION.
- (B) POWERS OF COURTS *VS.*
BUSINESS PENDING IN LEGISLATURE.

A. Sovereignty of States in the Indian Union

The question whether sovereignty lay with the Centre or with the Provinces of India before Independence and the States of the Indian Union thereafter was raised in a recent case* in the Calcutta High court, where a petition was filed against the Speaker of the West Bengal Assembly and the Chief Minister of West Bengal for restraining them from moving a resolution in the Assembly in favour of a union of West Bengal and Bihar. The petitioners argued that in June 1947, before Independence, the members of old Legislative Assembly of the Province of Bengal decided upon the partition of Bengal which brought into existence the truncated Governor's Province of West Bengal and later the State of West Bengal. They stated that full sovereignty lay in the old Province of Bengal and in its successor, the State of West Bengal, and when its sovereign autonomous State joined the federation known as the Indian Union, it was upon the implied condition that its continued existence should be granted. In other words, the identity of the Part...‘A’ States, which voluntarily joined the Union, when it came into being, was sacrosanct and could never be destroyed. It was further argued that

*Calcutta High Court: Hem Chandra Sen Gupta and others vs. Speaker of the Legislative Assembly, West Bengal and others, 17th Apr.—56.

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Article 3 of the Constitution* should be interpreted in this historical background and therefore that Parliament had been granted power only to consolidate or subdivide part 'B' or part 'C' States, but not part 'A' States, which should continue for ever as autonomous sovereign States in their pristine form.

Mr. Justice Sinha, who heard the petition, observed as follows :

"I regret to say that the whole argument (of the petitioners) is based upon a misconception of the law. Originally, India had a unitary Constitution, under which the provincial Governments had no independent existence except perhaps as agent of the Central Government. Under the Government of India Act, 1935, a federal system was established. But although the part relating to provincial autonomy was given effect to, the Federation never came into existence. The provinces therefore never became Sovereign States and in reality had no voice in the formation of the Union under the Constitution. Thus, even though the province of West Bengal voluntarily joined the

dominion of India, it never became a Sovereign State. But the most important thing to notice is that the Union of India under the Constitution is not based on agreement among the component States. Thus, the Constitution of India can only be said to have been framed by the people of India for the people of India as a whole and in whom the real sovereignty rests. The Constitution is a creation of the people and not the States, the States themselves being created by the people of India. The Constitution is federal in form, but it is not a federation based upon agreement of the component States. Unlike the American Constitution, the component States are not, and never have been, independent units. There is no such thing as a citizen of West Bengal. The Constitution recognises only one form of citizenship for the whole country and there cannot be a double citizenship, namely, a citizenship of the Union and a citizenship of the State..... Even historically speaking, the Constitution was not the result of an agreement between several sovereign States.....

"The Constitution has allotted certain powers exclusively to the local legislature. Within its own allotted sphere, and subject to the Con-

*Article 3 of the Constitution: Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State;

Provided that 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 boundaries of any State or States specified in part A or part B of the First Schedule or the name or names of any such State or States, the views of the Legislature of the State or, as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President.

stitution, the State legislature is supreme and has sovereign powers, since sovereignty means nothing more than an absence of outside interference. But this is because the Constitution itself grants such a right.....There is, however, no question of the component States being mere administrative units, acting as agents of the Central Government, as during the British regime. Our Constitution combines the features of a federation as well as of a unitary system. In times of emergency, the federal Government can even be made into a unitary one. But all this flows from the Constitution itself.....

“The provisions in Article 3 of the Constitution, confer wider powers upon Parliament than either under the American or the Australian Constitutions. In the latter, the consent of the component States or a majority of its electors must be obtained. Thus there must be either consent or a referendum. In India it is sufficient if the view of the State is ascertained. In other words, the powers under Article 3 may be enforced upon an unwilling component State...

“Under article 3, Parliament may by law form a new State by uniting two or more States. For this purpose a Bill must be introduced in Parliament. But before the introduction of such a Bill, the recommendation of the President must be obtained. In the case of a Part ‘A’ or Part ‘B’ State, if the boundaries or names are affected, the President must obtain the views of the legislature of each of the States concerned.

“There is no warrant for the argument that Article 3 of the Constitution does not apply to Part ‘A’ States. Articles 1 and 3 read together, make it abundantly clear that for the purposes of Article 3, no distinction is made between part ‘A’, part ‘B’ or part ‘C’ States. In fact, the proviso in article 3 makes it clear that the article is dealing also

with part ‘A’ states, since special safeguards have been provided for in such a case.”

B. Powers of Courts vs. Business pending in Legislature.

Another question which was dealt with by the learned Judge was whetherthe Courts have powers to interfere with the Legislature even during the formative stages of a Bill or Resolution and before it is finally passed by the latter. On this point, the learned Judge observed as follows :

“Under article 194, subject to the provisions of the Constitution and to the rules and standing order regulating the procedure of the legislature, there shall be freedom of speech in the Legislature of every State. Under article 208, a House of the Legislature of a State may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business. Article 212 of the Constitution runs as follows:

- “212 (1) The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.
- (2) No officer or member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business or for maintaining order in the Legislature, shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.....”

“Under rules of procedure framed by the Assembly under article 208, a member is at liberty to bring forward any resolution, provided the rules are observed. It is for

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the Speaker of the House to allow or disallow such a resolution to be raised or discussed in the House. The Court cannot at this stage seek to regulate the procedure of the House and arrogate to itself the powers of the Speaker. If, however, a law is passed or a resolution adopted or a motion carried, which is not in accordance with the Constitution, such a law, resolution or motion can be declared invalid by the Court.....

“The Constitution lays down the respective jurisdiction of the legislatures and the Courts. It is the business of the Legislature to make laws and of the Courts to administer them. The powers, privileges and immunities of the State Legislatures and their members have been laid down in the Constitution. Within the legislature, members have absolute freedom of speech and discussion (Art. 194). Subject to the provisions of the Constitution, they can regulate their own procedure (Arts. 208, 212). In such matters and within their allotted spheres, they are supreme and cannot be called into account by the Courts of the land. The Courts are therefore not interested in the formative stages of any law. Even where a law has been promulgated it is not the duty of the Courts to act in a supervisory character and rectify the defects *suo motu*”

* * *

The Parliamentary Proceedings (Protection of Publication) Act, 1956 (India)

[On the 24th February, 1956, Shri Feroze Gandhi introduced in the Lok Sabha, the Proceedings of Legislatures (Protection of Publication) Bill, 1956. In the Statement of Objects and Reasons, accompanying the Bill, it was stated:

“.....Although the publication of a sub-

tantially true and faithful report of the proceedings of a Legislature will not constitute contempt of the Legislature, the fact that the words complained against were privileged when they were uttered in the Legislature will not confer any privilege in respect of the publication of these words so far as the criminal law of the land is concerned. The Press Commission have recommended the amendment of section 499 of the Indian Penal Code to cover this lacuna.

So far as civil liability is concerned, the position in the United Kingdom is that a faithful report in a public newspaper of a debate in either House of Parliament containing matter disparaging to the character of an individual which had been spoken in the course of a debate enjoys the same privilege as an accurate report of proceedings in a court of justice, namely, that the advantage of publicity to the community at large outweighs any private injury resulting from the publications.

It is necessary to define by law the privilege available to publications made in good faith of reports of proceedings of legislatures, whether in a newspaper or by wireless telegraphy. This Bill seeks to achieve that object.

The Bill was referred to a Select Committee of the Lok Sabha and the Committee was of the opinion that the provisions of the Bill should be confined to reports of proceedings of either House of Parliament only and that it should be left to States to enact, if they so thought fit, similar laws concerning the publication of reports of proceedings of the State Legislatures. Consequently the Committee recommended an amendment of the short title also.

The Bill was discussed in the Lok Sabha on 5 different dates and was passed on May 4, 1956. The Rajya Sabha passed the Bill on May 11, 1956. The assent of the President was received on May 26, 1956.—Ed.]

The full text of the Act (No. 24 of 1956) is reproduced below:

**THE PARLIAMENTARY
PROCEEDINGS (PROTECTION
OF PUBLICATION) BILL, 1956.
(AS PASSED BY LOK SABHA)**

**A
BILL**

**To protect the publication of reports
of proceedings of Parliament.**

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

1.(1) This Act may be called the Parliamentary Proceedings (Protection of Publication) Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, "newspaper" means any printed periodical work containing public news or comments on public news,

and includes a news-agency supplying material for publication in a newspaper.

3.(1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament, unless the publication is proved to have been made with malice.

(2) Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good.

4. This Act shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station situate within the territories to which this Act extends as it applies in relation to reports or matters published in a newspaper.

Privilege Issues

UTTAR PRADESH

Preventive Arrests of Members (Vidhan Sabha)

On the 11th March, 1954, Shri Narayan Dutt Tewari, a Member of the U. P. Vidhan Sabha complained in the House that he had been arrested by the District Magistrate, Nainital and the Sub-Divisional Magistrate, Kashipur on 4th February, 1954 on a charge of violating Section 144 of the Criminal Procedure Code and had been released after about six hours of arrest after being taken to Haldwani. He added that he was thereby deprived of attending the meeting of the Finance Committee at Lucknow and that no intimation of his arrest was sent to the Speaker, which was a breach of privilege on the part of the officers. The matter was referred by the Speaker to a Committee of Privileges on the 13th March, 1954.

In their report presented to the House on April 23, 1954 the Privileges Committee recorded the following findings :—

- (i) Although the word 'arrest' had not been mentioned in the order of the S. D. M., Kashipur, Shri Tewari's removal to Haldwani was tantamount to an arrest;

- (ii) Shri Tewari deliberately committed a breach of Section 144 of the Criminal Procedure Code by obstructing the sugarcane carts and trucks from entering the sugar factory at Kashipur. There was, therefore, no question of causing obstruction to him in attending the sittings of the Finance Committee;
- (iii) Shri Tewari's arrest was purely preventive and not in connection with any criminal offence and order for his release at Haldwani had already been mentioned in the orders for arrest;
- (iv) It was, therefore, not necessary to send intimation of his arrest to the Speaker or the House.

A few members of the Committee, however, felt that the House had the right to be informed of a Member's arrest, even in the case of a preventive arrest or detention whatever be the period of detention.

During the discussion of the Report in the House on 7th May, 1954, the general opinion of the Members was that the privileges of the House in respect of such an arrest of Members had not been well-defined, and that for the future, the Executive should be instructed to inform the Speaker of even preventive arrests of Members. As

the case seemed to involve points of legal and procedural interest, it was also agreed to refer it back to the Committee to consider whether the arrest was preventive or otherwise and whether any breach of privilege was involved or not.

The Committee, which considered the matter again; observed as follows:

- (a) The removal of Shri Tewari under police custody from Kashipur to Haldwani amounted to an arrest. It was an arrest in the ordinary sense of the term, but was in no way analogous to an arrest under Section 46 (1) of the Criminal Procedure Code;
- (ii) The arrest was merely preventive and within the powers of the Magistrate;
- (iii) The Committee could not decide about the legality or otherwise of Shri Tewari's arrest. It could only consider whether the arrest constituted a breach of privilege or not and for that purpose could consider the nature of the arrest;
- (iv) Considering the circumstances of the situation and fact that the arrest was clearly made with the object of releasing Shri Tewari after a few hours, it was not essential for the Magistrate to inform the Speaker of the arrest.

The Committee therefore concluded

that no breach of privilege had been committed.

On the 18th January, 1956, the Finance Minister moved that in view of the conditions in which the question of privilege had been brought before the House and the letter of apology written by the S. D. M., Kashipur, to the Speaker, the matter might be dropped. The motion was adopted by the House.

* * *

Alleged failure to Produce an Arrested Member before a Magistrate within 24 Hours (Vidhan Parishad)

On the 9th May, 1956, Shri Kunwar Guru Narain, a Member of the U. P. Legislative Council, tabled a motion that Shri Prabhu Narain Singh, another Member of the Council, was arrested on March 23, 1956 at Banaras and was not produced before a Magistrate within twenty-four hours nor allowed to attend the meeting of the Legislative Council held on March 24, 1956. He stated that it was clearly a breach of privilege and the matter should be entrusted to the Privileges Committee for enquiry and report.

Referring to the privilege motion on the 10th May, 1956, the Chairman observed that he had received a letter from the District Magistrate, Banaras,

intimating the arrest of Shri Prabhu Narain Singh under criminal law and his remand to judicial custody. The Chairman stated that the remand to judicial custody included production before a Magistrate.

Shri Kunwar Guru Narain reiterated that the failure of the authorities to produce Shri P. N. Singh before a Magistrate within twenty-four hours amounted to a breach of privilege. Shri P. N. Singh also said that he was illegally detained from 23rd March to 1st April without being produced before a Magistrate. He added that there was a *prima facie* case of breach of privilege since he was debarred from attending the House from the 24th March.

Shri Hafiz Mohammed Ibrahim, the Finance Minister, disclosed that Shri P. N. Singh was arrested by a First Class Magistrate and produced before a City Magistrate on the same day, who offered to release him, if he filed a personal bond of Rs. 500 and that the Member declined to do so. Later a judicial officer remanded the accused to judicial custody pending trial. The Finance Minister also said that Shri P. N. Singh had been sent to jail on the orders of the Court, and therefore, there was no case of breach of privilege.

After some discussion, the Chairman gave the following ruling :

The simple question is whether any *prima facie* case of breach of privilege has been constituted or not. Sarvashri K. G. Narain, P. N. Singh and the leader of the House have been

given a chance to speak on this. I have a definite opinion that this matter does not constitute a *prima facie* case of breach of privilege. There is no breach of privilege in arrest under criminal law. Since these arrests have been made under criminal law there arises no question of privilege. Secondly, the question of producing the arrested person before the Magistrate within 24 hours is a question of general fundamental rights and not that of privilege. This is not the place to discuss the question of the facts of the case as posed by Shri P. N. Singh. We cannot discuss whether his statement or the Government report is wrong. For that, the venue of legal proceedings is there. Members can take action accordingly. Under the circumstances, I rule that this question does not constitute a *prima facie* case of breach of privilege and there is no need of referring it to the committee of privileges."

* * *

PUNJAB

Casting of Reflections by a Minister on the Work of the Public Accounts Committee (Vidhan Sabha)

On the 22nd March, 1955, two Members of the Punjab Legislative Assembly gave notice of a privilege motion seeking to raise a question involving a breach of privilege of the House and of its Public Accounts Committee. The facts of the case, as stated by one of the movers on the floor of the House, were as below :

"To a question by Shri Mohan Lal Datta, M. L. A., regarding the action taken by Government on the last report of the Public Accounts Committee on the working of the Bhakra Nangal Project, Chaudhri Lehri Singh, Irrigation and Power Minister gave the following reply yesterday:—

- (a) Public Accounts Committee laid charges of extravagance in expenditure and waste of public money and material.
- (b) All the charges were satisfactorily replied to by the Chief Engineers *vide* their note which was laid on the Table of the House.

The reply of the Chief Engineers laid on the Table of the House, which has appeared in the Press today, among other things contains the following:—

- (a) 'Irrigation Branch are extremely perturbed at the observations of the Public Accounts Committee.

These observations appear to be the result of some misunderstanding and lack of proper appreciation of the enormous difficulties faced by the Engineers.....It pains the Irrigation Branch to see that *efforts have been made to belittle* the unparalleled achievement of the Punjab Engineers in charge of the Project by making observations.....

- (b) The observations made against Secretary Bhakra Canals personally, clearly show the *biased and prejudiced mind of the Public Accounts Committee* against him.

These incidents appear to be the background of *trying to fling mud and belittle the Secretary, Bhakra Canals.*'

The Public Accounts Committee is a Committee of Vidhan Sabha. Its dignity, integrity and impartial position must be respected by all and.....cannot be challenged. But the note of the Irrigation Branch and the remarks in it referred to above attack the integrity, impartiality and dignity of the Committee and, therefore, of this House.

The Government or the Irrigation Depart-

ment may not agree with the report of the Committee or the recommendations contained therein. The Committee may reconsider its report if requested to do so by the Government or the Department on the basis of fresh material and explanations. But the Committee and its Report cannot be and must not be allowed to be described as 'biased and prejudiced' as 'trying to fling mud and 'to belittle' etc. as the note of the Chief Engineers laid on the Table of the House and published in the Press does. This amounts to nothing but an attack on the dignity and the prestige of the Committee of the House and is a clear case of breach of privilege of the House and its Committee.

Chaudhri Lehri Singh, Irrigation and Power Minister by describing such a note as a satisfactory reply to the report of the Public Accounts Committee has also been guilty of breach of privilege of the House and the Committee.

We, therefore, move that this question be referred to a Privilege Committee and other necessary action taken to uphold the dignity and privilege of this House."

On a request made by the Chief Minister that he would look into the matter and as both the Minister for Irrigation and Power and the Chairman, Public Accounts Committee of the State Legislature, were not present in the House, the Speaker agreed to postpone consideration of this matter to the 25th March, 1955.

When the matter was taken up by the House on the 25th March, 1955, the Minister for Irrigation and Power made the following statement:

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"Due to extreme pressure of work during these days of the Session, I did not scrutinise the statement and was assured that the statement was the one, which I had already sent to the Public Accounts Committee for scrutiny. This statement I had never approved. I am fully aware of the importance of the Public Accounts Committee and its observations are given due weight. I am equally conscious of the high sense of public duty which the Committee has brought to bear on its deliberations. Nothing could be farther from my mind than to cast even in the remotest possible way any reflection on the Committee. I very much deplore the mistake that has taken place in connection with the reply to this question and I assure the House that I will take prompt action against the officers responsible for landing me in this unhappy situation. I tender an apology to the House and through you, Mr. Speaker, to the Public Accounts Committee."

In his ruling, the Speaker observed that there was no doubt in his mind that the statement in question contained remarks and observations, which should not have been made, as being derogatory to the dignity and constitutional importance of the Public Accounts Committee. Its duties, he said, were onerous and their performance sometimes was not relished by some individual officers. But he could not conceive that as a justification for an affront offered to the integrity and high sense of public duty of the Committee, because an affront offered to the Committee was an affront to the House.

In this case, the Speaker added, it appeared that the Committee's observations in regard to the Bhakra Canals

Administration engendered in the minds of the engineers a feeling of antagonism against the Committee, which they took this opportunity to express in this oblique manner. While this kind of hostile and insulting observations in reference to the Committee should be deprecated in the strongest term, the Ministers and their departmental heads should show due regard to all the Committees of the House and their observations.

The Speaker also informed the House that the Public Accounts Committee had also discussed this issue at its sitting on the previous day and had expressed its resentment over it. The Committee had also held the view that even the statement submitted to it for consideration should not have been laid before the House. The Speaker, while endorsing this view held by the Committee, ruled that the Reports, which the Departments desired to submit in relation to the observations of the Committee, should be submitted to the Committee itself and not direct to the House.

In view of the amends made by the Minister of Irrigation and Power for his inadvertent action and of the assurance given by him that he did not mean any disparagement to the Committee, the Speaker decided not to pursue the matter further and withheld his consent for raising the

question of privilege in the House.

* * *

PEPSU

Leakage of the Budget : Report of the Enquiry Committee

On the 20th March, 1956, Shri Atma Singh and a few other Members of the PEPSU Vidhan Sabha raised a question of privilege in the State Assembly on the ground that the Budget proposals of the State for the year 1956-57 had leaked out to the public, before the Finance Minister had presented the Budget to the House. They alleged that the Finance Minister presented the Budget to the House on the 19th March, 1956 at 3 P. M., whereas the All-India Radio had broadcast the proposals at 1.45 P. M. that day, and the Finance Minister of the Punjab had also referred to them in connection with the entertainment tax proposed to be levied by the Punjab Government during the ensuing year.

On the 29th March again, Shri Jangir Singh Joga and some others raised the same issue on the plea that the Budget proposals of the Government had appeared in the *Evening News* edition of the *Hindustan Times* on the 19th March, 1956, before the Budget was presented to the House on that day.

When the motions were placed before the House by the Speaker, the Chief Minister replied that the leakage of the

Budget was a fact but that the Government was not responsible for it.

Thereupon, a suggestion was made by the Speaker to appoint a Committee of five Members to enquire into the causes and manner of the Budget leakage and to apportion individual responsibility for the same and to make recommendations regarding the action to be taken thereon.

The Enquiry Committee appointed for the purpose reported as follows, as regards the facts of the case:

About three or four days before the presentation of the budget to the House, some pressmen requested the Finance Minister to supply them a copy of the budget speech in advance of its being presented to the House. On March 16, 1956, the Finance Minister instructed the Director of Information to release a summary of the budget proposals to the pressmen on the night of March 18. The Director of Information was given a text of the budget speech on March 17 and printed copies of the final budget speech on March 18, 1956. He supplied an advance summary together with a copy of the final budget speech to the local pressmen between 8 and 11 A.M. on 19th March, 1956. These advance copies of the summary were given under an embargo that the budget proposals were not to be published or publicised before 3 P. M. on March 19, 1956, when the Finance Minister was to commence his budget speech. The

manager of the local branch of the Press Trust of India, however, omitted to put the embargo on the message relayed by him on the teleprinter. Consequently, the budget proposals were broadcast by the All India Radio in its bulletin on March 19, 1956 at 1.45 P. M., more than an hour before the Finance Minister began his budget speech on that day in the Assembly.

As regards the reference made by the Finance Minister of the Punjab to the budget proposals of the PEPSU, the Committee stated that it might have been based on the pre-budget discussions which the Minister had with his counterpart in PEPSU and that even otherwise the immunity attached to anything said in the Legislature would apply, as the reference was made by him in the House. The Committee further found that there had been no leakage of the budget either from the State Press or through the staff of the Finance Department and that the entire budget speech was given to the Director of Information on 17th March, 1956 under instructions from the Finance Minister. Since the Finance Minister had yielded to the pressure of the local pressmen and supplied a copy of the budget speech to the Director of Information on March 17 for release to the press, technically speaking, the leakage had occurred on March 17, 1956 itself.

The Committee was of the view that

maintenance of secrecy of the budget was a personal responsibility of the Finance Minister, which could not be shifted in any case and that even if the embargo had been put by the manager of the P. T. I., that could not absolve the Finance Minister of his individual responsibility. The Director of Information had acted under the instructions of the Finance Minister and the Finance Secretary and was thus not responsible for the leakage. Further, it was the essence of the Parliamentary system of Government that the Minister remained answerable for matters relating to the department under his charge. The Committee further stated that the function of the Finance Secretary was to advise the Minister about the right course, taking into consideration the law, the rules, the practice and the facts of the case. In the present case, the Finance Secretary had been remiss in giving correct advice to the Finance Minister and adopting the right course. The State Government might therefore take appropriate action against him and inform the House of the same.

The leakage had occurred as a direct consequence of the directions given by the Finance Minister to release the budget speech and its summary to the Press much in advance of his speech in the House. The Committee felt that it was a wrong practice and should cease forthwith. It also felt that in view of the sacredness of the budget

and the Parliamentary traditions and conventions, the Finance Minister should have resigned, even though there was no *mala fide* intention on his part in giving the directions which resulted in the leakage. The seriousness of the leakage was, however, diluted by the wrong practice observed in the past two years of releasing the budget speech in advance, and it was, therefore, left to the House to decide as to what action might be taken in the matter. Two members of the Committee who could not agree with the conclusions of the Report expressed their views in separate notes.

After the Committee had presented its report to the House, a motion was tabled by the Opposition on 27th July, 1956 demanding the resignation of the Finance Minister, the termination of the services of the Finance Secretary and the reversion of the Director of Information to his previous post with the Government of India. The motion was opposed by the Chief Minister on the ground that the Finance Minister, while agreeing to supply advance copies of the budget proposals to the Press had satisfied himself that other State Governments had also been doing so, and that the leakage was due to the mistake of the manager of the P. T. I. for which the Government was not responsible. He added that the Finance Minister had tendered his resignation to him but he could not accept it. Thereupon the

House rejected the motion of the Opposition.

* * *

Delhi

Imputation of Partiality to the Speaker in the Appointment of Chairman of Public Accounts Committee (*Organiser's Case*)

On the 3rd October, 1955, Shri Kanwar Lal Gupta, Chairman of the Public Accounts Committee, raised a question of breach of privilege in the Delhi Vidhan Sabha. The issue arose out of the publication of an article captioned "Kanwar Lal exposed by his constituency Secretary", written by Shri Shori Lal, in the weekly 'Organiser' dated the 3rd October, 1955. While raising the question of privilege, Shri Kanwar Lal Gupta specifically quoted the following passage from the said article:

"Ever since his election Shri Kanwar Lal was hobnobbing with the Congress in the hope of getting 'something'. He was impressing everybody with his alleged 'friendship' with Ch. Brahma Perkash, the then Chief Minister. The Congress gladly exploited this situation by having this junior man as Chairman of Public Accounts Committee, over the head of senior stalwarts like Lala Hari Chand and Prof. Ram Singh. True to his Congress salt, therefore, while ostensibly sitting on the Opposition Benches, he almost invariably 'congratulated' the Treasury Benches on whatever they did."

Shri Kanwar Lal Gupta said that a breach of the privileges had been committed by Shri Shori Lal, the author of the article and Shri Malkani, the editor of the 'Organiser', on the following grounds:

(i) The article had lowered his position in the eyes of the general public and particularly in his constituency by casting doubts on his *bona fides* and also by misrepresenting facts.

(ii) The impartiality of the Speaker had been doubted by suggesting that his appointment as Chairman of the Public Accounts Committee had been made because of his Congress leanings.

The Speaker ruled that there was a *prima facie* case of breach of privilege and referred it to the Committee of Privileges.

In their report dated the 10th April, 1956, the Committee of Privileges observed:

".....the article in question was a clear breach of privilege and contempt of the House, as it contained a definite suggestion that the Speaker had appointed Shri Kanwar Lal Gupta on the recommendation of the Congress Legislative Assembly Party as a reward for his services to that party."

"In view of these facts the Committee is of the opinion that the said Shri Shori Lal, by writing the article in question and Shri Malkani, Editor 'Organiser,' by publishing

that article in his paper, had committed a breach of privilege, but taking into consideration the unconditional apology tendered by both these gentlemen, the Committee recommends that the matter may not be pursued further and the apology so tendered may be considered sufficient."

The report of the Committee of Privileges was presented to the House on the 12th April, 1956 and was adopted without discussion.

* * *

Wrong Statements by Ministers in the House

On the 2nd April, 1956, Shri Kanwar Lal Gupta, a member of the Delhi Vidhan Sabha, raised a question of privilege in the Vidhan Sabha on the ground that the Chief Minister of Delhi had made a wrong statement in the House regarding a letter written by him to the Chief Minister of Bihar.

Narrating the facts of the case Shri Gupta stated that on the 15th March, 1956 during the discussion on "General Administration" he had pointed out an incident in which the Chief Minister of Delhi had written a letter to an officer of the Bihar Government in connection with a dispute between two individuals which was under investigation by the Bihar police. The Chief Minister was alleged to have stated in that letter that the case against Shri Vishwa Mitter, one of the parties to

the dispute, was a false one and that he was being victimised by some interested persons by involving him in a false case. Shri Gupta further said that in reply to the point raised by him, the Chief Minister had stated on that day that he had not written any letter to any official in Bihar but had only forwarded an application from Shri Vishwa Mitter to the Chief Minister of Bihar for enquiry and appropriate action.

Shri Gupta then read out a document which he said was a true copy of the letter written by the Chief Minister of Delhi to the Chief Minister of Bihar and stated that certain portions of it were intended not merely to forward the application of Shri Vishwa Mitter but also to hush up the case. He maintained that the Chief Minister had, therefore, given wrong and partial information to the House on the 15th March, 1956, and thus committed a breach of privilege.

The Chief Minister stated that it was wrong to say that he had concealed any information from the House and that he did not want to convey any wrong impression. He expressed his regrets for any wrong impression that might have been created by his reply on the 15th March.

Giving a ruling on the point whether it was a breach of privilege or not, the Speaker observed:

"We have the same privileges as are enjoyed by the House of Commons.....In order, therefore, to determine whether a wrong statement made in the House even deliberately constitutes a breach of privilege, I have to see whether such a question has ever been raised in the House of Commons. I have gone through all the references, May's *Parliamentary Practice* and other papers dealing with the question of privilege in the House of Commons and I have not been able to lay my hands on any such precedent. It is thus clear that a question had not been raised or decided as a breach of privilege of the House on this issue. I admit that there is some inconsistency in the Chief Minister's statement in the House in reply to the point raised by Shri Kanwar Lal Gupta and the letter written by him to the Chief Minister of Bihar. But as I have stated it does not involve any breach of privilege of the House. The hon. Member can seek other remedies provided under the rules if he is not satisfied with the explanation and apology of the Chief Minister."

* * *

United Kingdom

Allighan's Case (House of Commons)

Does the disclosure of confidential information by the Members of Parliament to the Press of what took place at party meetings held within the precincts of Parliament and relating to current or future proceedings of Parliament, constitute a breach of privilege?

Is an unjustified allegation that Mem-

bers of Parliament disclose such information to the Press a contempt of the House?

These questions were the subject of an important enquiry by a Parliamentary Committee in Great Britain in 1947. The occasion was provided by an article written by one Mr. Garry Allighan, a Member of the House of Commons, in the *World Press News*, of April 3, 1947, in which he had alleged that Members of Parliament conveyed to the newspapers confidential information as to what took place at private party meetings regarding the current and future proceedings of Parliament, in return for some monetary or other consideration. He also alleged that such information was obtained by the newspapers from the Members under the influence of drink which was paid for by the newspapers' representatives.

This was brought to the notice of the House of Commons on 16th April, 1947 by another Member who pointed out that the article reflected on the conduct of Members and constituted a breach of privilege of the House. Thereupon the matter was referred to a Committee of Privileges.

The Committee, which enquired into the matter by examining Mr. Allighan and a number of editors, journalists and other newspaper representatives,

found that the allegations made in the article were generally unfounded, as most of the witnesses had indignantly repudiated the allegations as contrary to the standard of journalistic ethics maintained in the Lobby by the correspondents.

There were, however, two exceptions to this general evidence. One was by the editor of the *Evening Standard* who admitted that his newspaper received confidential information on party meetings relating to Parliament from an agency called the "*Trans-Atlantic Press Agency*" and that it was Mr. Allighan himself who supplied such information. Thereupon Mr. Allighan had to admit that he had supplied such information to the newspaper for a regular fee of £30 a week and that the *Trans-Atlantic Agency* acted as his agent, although he added that he had done so under the notion that his duty as a journalist was superior to his duty as a Member of Parliament. The other evidence was furnished by the editor of the *Evening News* who revealed that his paper received confidential information on political and industrial matters for £5 a week from another Member of Parliament, whose name he would not, however, reveal. It was, however, later known that the Member who supplied information to the *Evening News* was one Mr. Walkden who admitted his

action in the House but added that he had considered it a "legitimate transaction" and that he did not regard the proceedings of the party meetings as necessarily confidential, a report of which in the Press would, in his opinion, be of great advantage to his party. The Committee, which enquired into his case, however, felt that Mr. Walkden had divulged information, which he well knew was intended to be secret and that he had been guilty of a breach of privilege.

In the opinion of the Committee, the two cases involved a serious departure from the high standard of personal honour which was expected of all Members of Parliament, but there was no evidence to justify the *general* charges made by Mr. Allighan. The Committee, therefore, regarded his charges as wholly unfounded and constituting a grave contempt. This contempt was further aggravated by the fact that Mr. Allighan was himself guilty of the very charge of which he was seeking to cast suspicion on others and that he persistently misled the Committee. The Committee, therefore, took an exceedingly grave view of the offence committed by him and considered him guilty of an aggravated contempt of the House of which he was a Member and of a gross breach of privilege. It further expressed the view that quite apart from any question of privilege, transactions between news,

papers and Members of Parliament whereby the latter disclosed confidential information to the Press in return for payment were discreditable to both parties and quite out of accord with the best standards of journalism. It further observed that the publication of information about the secret meetings of his party by a Member clearly involved a breach of confidence, but was not in itself a breach of privilege. On the contrary, it was clearly a breach of privilege to offer a bribe or payment to a Member in order to influence him in his conduct as a Member, and the making or acceptance of a payment for supply of confidential information was, in the nature of bribery and was therefore, a breach of privilege of the House.

In addition, the Committee observed as follows:

"It has long been recognised that the publication of imputations reflecting on the dignity of the House or of any Member in his capacity as such is punishable as a contempt of Parliament. It is true that the imputation upon a Member to come within this principle must relate to something which he has done as such, that is to say, incidentally to and as part of his service to Parliament.....Reflections upon Members, however, even where individuals are not named, may be so framed as to bring into disrepute the body to which they belong, and such reflections have, therefore, been treated as equivalent to reflections on the House itself. It is for the House to decide whether any particular publication constitutes such an affront to the dignity of the

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House or its Members in that capacity as amounts to a contempt of Parliament.

"In modern times, the practice of holding private meetings in the precincts of the Palace of Westminster of different parties has become well established, and it must now be taken to form a normal and every day incident of parliamentary procedure, without which the business of Parliament could not conveniently be conducted. Thus meetings held within the precincts of the Palace of Westminster during parliamentary session are normally attended only by Members as such, and the information which is given at such meetings is given to those attending them in their capacity as Members. It is, therefore, concluded that attendance of Members at a private party meeting held in the precincts of the Palace of Westminster during the Parliamentary Session to discuss parliamentary matters connected with the current or future proceedings of Parliament is attendance in their capacity of Members of Parliament. It does not of course follow that this conclusion attracts to such meetings all the privileges which are attached to the transactions of Parliament as a whole.

"It follows that an unfounded imputation in regard to such meetings involves an affront to the House as such. It is considered that an unjustified allegation that Members regularly betray the confidence of private party meetings either for payment or whilst their discretion has been undermined by drink is a serious contempt."

The Report was submitted to the House and on October 30, 1947, a formal resolution was adopted by the House expelling Mr. Allighan from the House. The editor of the *World Press News* was also reprimanded as recommended by the Committee, for publishing the article by Mr. Allighan. In the case of Mr. Walkden, the House did not go to the length of finding him guilty of the breach of privilege but only reprimanded him for his conduct. The editors of the *Evening Standard* and *Evening News* had offered apologies to the House which were duly accepted.

Conferences

CHAIRMAN'S ADDRESS AT THE CONFERENCE OF THE PRESIDING OFFICERS, MADRAS

[17th September, 1956]

[Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha, presided over the Conference of Presiding Officers of Legislative Bodies in India, held at Madras from the 17th to 19th September, 1956. The text of his inaugural address is reproduced below.]

Friends:

The Conference of Presiding Officers is taking place in Madras for the first time since its inception in the year 1921. The Madras State, as has been rightly pointed out by the Hon. Speaker of the Madras Legislative Assembly in his welcome address, is of great historical importance and the repository of ancient Indian culture which is preserved to a greater extent here than elsewhere.

This Conference was to be held in Rajasthan. As you know the Speaker of that Assembly had invited the Conference twice to his State. On one occasion, it was postponed in favour of Kashmir and on this occasion also the Speaker of the Rajasthan Assembly was kind enough to yield in favour of Madras as the Speaker of Madras Assembly wanted the Conference to be

held here on account of reorganisation of the States. We are grateful to both for the opportunity they have given to us to visit this important part of the country.

We are particularly grateful to the Hon. Speaker of the Madras Assembly for the nice arrangements that he has made for our stay here.

Obituary tributes : Shri G. V. Mavalankar and Shri K. T. Bhashyam

This will be the last Conference of the Presiding Officers before the next general elections take place, both for the Lok Sabha and for the State Legislatures. Therefore, this Conference is of unique importance for all of us. But, we miss today a very important figure, that great Chairman of this Conference during all these years, Shri Mavalankarji. His graceful and fine personality, his sweet temper, his rich lore and ripe experience in Parliamentary practice and procedure, in short his whole life, was a model for others to copy. He was the first Speaker of the Parliament after the Republic was constituted. His life was rich with various activities, social, political and

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economic. He was one of the foremost sons of India who sacrificed much of his time and energy for public work and also underwent incarceration during the struggle for freedom. We are all beholden to him for the strong foundations that he has laid for parliamentary democracy in this land in general and for the working of the Presiding Officers, Conferences in particular. I am sure that you will all associate yourselves with me in paying our humble tribute to the memory of this great soul.

One other friend we badly miss in this Conference is Shri Bhashyam, Chairman of the Legislative Council of Mysore. He was a Minister before he became the Chairman and he was a labour leader before he became the Minister. He made the conference lively by his active part in the debates and in its proceedings. We deeply mourn his loss.

Historical Background of the Conference

The first Conference of Presiding Officers was convened some time after the Montagu-Chelmsford Reforms in or about the year 1921. The State then was a unitary state with the Governor-General at its Head, directed by the Secretary of State for India from England. He had an Advisory Assembly, partly elected and partly nominated, and the Government was not responsible to the Legislature. In the

provinces, the Governors ruled as deputies of the Governor-General, and were subjected to his supervisory Control. The Legislative councils were mostly advisory except with respect to a few subjects which had been transferred to the popular Ministers. The Conferences were convened by the then President of the Central Legislative Assembly and their venue was either Delhi or Simla. The main issues for discussion before the Conferences then related solely to parliamentary practice and procedure. But things have since changed.

New Federal Constitution : The Centre and the States

To-day we are working under a Federal Constitution which has established responsible Governments both at the Centre and in the States. The Centre and the States are all autonomous with respect to the subjects which have been assigned to them under the Constitution. Even in the erstwhile native States people's government has been established and all the States have been reorganised more or less on a linguistic basis so as to facilitate the transaction of business both by the Executive and by the Legislatures in the regional languages. Only a small percentage of our population is literate and universal adult suffrage will become a mockery if the rest of the population is not allowed to express their views in their regional language.

age in the legislatures.

While such a realignment helps the growth of democracy and proper intelligent representation of the people in the legislatures by their representatives drawn from all sections of the community, it may, to some extent, lead to some parochial considerations and linguistic provincialism. Some people suggested a reversion to the unitary State as the remedy and others formation of multi-lingual States as the solution to check such tendencies. A unitary State is not a practicable proposition at present and even multi-lingual States have not been adopted except in the case of Bombay which has been devised at the last moment by the Parliament to avoid further conflicts.

Problem of Unification

The problem, therefore, before parliament and the country is one of unification of the vast Continent and national consolidation. This is the problem which I consider ought to demand the foremost attention of the Conference of Presiding Officers. The Conference of Presiding Officers is intended to serve the purpose of unification by holding annual sessions in the various States by turns so that contacts may be established and good understanding developed among the representatives of all States. Since the establishment of the Republic, the Conferences have been held in several parts of this great

country, one in the North, one in the Centre, a third in the West and fourth in the East, and now in the South at Madras. I hope and trust that this conference would yield beneficent results and the Presiding Officers will come closer and closer to one another at each sitting and carry this growing sense of unity back home to their respective States.

All India Parliamentary Association

During the past three years another link has also been sought to be forged by getting various legislatures and legislators together through the formation of an All-India Parliamentary Association with branches in all the legislatures. There has been a general approval for this proposal to form such an association from all the States and a memorandum and the Articles of Association have been prepared for consideration at this Conference. The Association will have annual sessions concurrently with the sessions of the Presiding Officers' Conferences and, at such annual sessions of the Association, matters of common interest in the various States as land-tenure, land reforms, education, health, etc. would be discussed by the respective legislators with a view to adopting common measures applicable throughout the country on all important matters.

All-India Legislature Secretariate Service

Another link to unify the several States and to counteract separatist tendencies is the establishment of an All India Legislature Secretariat Service and common cadres for officers ranging from the Deputy Secretary to the Secretary. A doubt is expressed regarding the feasibility of such a measure owing to the likelihood of each State adopting its own regional language for the transaction of legislative business. This apparent difficulty can be got over by restricting posting of officers to States in the same Zone, as a person belonging to one State can be expected to know the language of the adjoining State as well. This experiment is well worth trying and cadres can be established on the lines of the cadres for I.A.S. and I.P.S.

Welfare State and Parliamentary Committees

Similar to the change from the unitary system of government to a federal one, another fundamental change has taken place in the nature of the government itself. Under the British rule, the State was worked as a police State but it has now been transformed into a Welfare State and a Socialist State. Mere maintenance of law and order has, therefore, become a formal function of the State and not its main or sole function. The fields of activity for Parliament are increasing day by day. The State has to direct its attention more and more to economic and social activities. Parliament has

adopted an Industrial Policy, whereby a clear-cut line of demarcation between industries has been drawn. The public sector is increasing in importance day by day. The State has engaged itself in numerous enterprises relating to the public sector and much money is being invested under this head. To have a watch over the proper administration and management of such undertakings, it may be necessary to appoint special committees with respect to each big concern or even groups of small concerns. Besides, the manifold departments of the Government themselves require specialisation by the legislators and it may be desirable to have advisory standing committees of Members of Parliament for each department of the Government, to advise the Minister on the proper steps that should be taken for improving the department in its efficiency and usefulness.

Several standing committees existed during the British period. I consider they will be necessary even after the change of Government, to help both the Ministers and the Parliament and legislators, with their advice, as Parliament and the several Legislatures cannot be expected to understand the details of administration without such expert advice by committees consisting of its own members. Bills and resolutions relating to Government departments before they are introduced may also be placed before the respective committees for their consideration and advice. After introduc-

tion also, the Bills may be referred to the same committees for scrutiny. As things stand at present, there is no adequate specialisation in subjects by members or groups of members of Parliament and Parliamentary control is ineffective in this regard.

Ad Hoc Committees

Ad Hoc Committees may also have to be appointed off and on with respect to special matters that may come up before Parliament. The draft report of the Planning Commission was one such important subject. Parliament divided topics covered by the Plan into four groups and appointed committees with members of Parliament to study those subjects along with Ministers and Ministries at close quarters with a view to suggesting necessary modifications thereon. The Committees did useful work and saved the valuable time of Parliament.

Financial Committees

Regarding financial matters also the Parliament requires special advice from its committees. Two committees have been established, viz. the Estimates Committee and the Public Accounts Committee and both of them are **doing** good work. It is desirable that similar committees should be established in the States also, where they do not exist.

The Public Accounts Committee does more or less *post mortem* work and its Report is submitted to Parliament

long after the monies are spent. The Auditor-General must be asked to submit a report to the Public Accounts Committee for scrutiny quickly and the report of the year ought to be discussed in the appropriate legislatures at least in the following year.

Scrutiny of Budget : Committee of the Whole House

The Estimates Committee at the Centre has been doing good work but it has been able to take up a few Ministries each year for scrutiny and even in these Ministries, the recommendations of the Estimates Committee have taken time for implementation. I have, therefore, been considering the desirability of applying greater scrutiny to each year's budget, soon after its presentation to Parliament by referring the same to a Committee of the Whole House and asking the House to divide itself into several committees relating to several departments, so that each such committee may scrutinise the accounts relating to that department thoroughly along with Ministers or the representatives of the Ministries sitting across the table.

Separate Presentation of Estimates of Expenditure and Taxation Proposals

It may also be considered as to whether the estimates of expenditure may not be presented in advance of the taxation proposals. At present, in Parliament, the two are presented simultaneously

to the House. If the estimates are presented a couple of months in advance of the taxation proposals, there will be sufficient time for discussing both in greater detail. I feel that the discussion regarding budget whether in Parliament or the State Legislature may be spread over a period of three or four months so that the budget may be discussed in greater detail. To this end, it may be necessary that a lump sum grant may have to be voted by Parliament and State Legislatures. This year we tried this experiment by referring the Railway Budget to the Estimates Committee of the House. The Estimates Committee did good work. But we failed to take a vote on account so as to enable the Estimates Committee to sit at leisure and discuss the various problems. I am of the opinion that some such measures are necessary and I hope this Conference of Presiding Officers will seriously consider this proposal as well.

Committee on Subordinate Legislation

The growth of Parliamentary democracy and the increase in the activities of work demand greater attention of the officers and with the large number of Bills being introduced both in Parliament and in the State Legislatures, we find it hard to cope with that work and many matters that arise for consideration had to be left for being provided for by executive rules. The

rule-making power is sometimes abused and with a view to having a watch over the manner in which rules are framed and are in keeping with the provisions of the Act, a Subordinate Legislation Committee was appointed in the Centre. This Committee scrutinises the various rules framed by the Executive under the delegated authority given to them by Parliament. I hope that similar Committees on Subordinate Legislation would come into existence in such States where they are not in existence now.

Business Advisory Committee

Another device that my predecessor adopted to get through the work of Parliament, which device I would also urge upon the State Legislatures to adopt as it has proved quite successful in practice, is the appointment of the Business Advisory Committee to which members are drawn from all groups represented in the House. The Committee looks into each detail and determines the time that has to be devoted for the same. The procedure has proved good enough in practice. The scope of the debate is not curtailed, free expression is allowed but unnecessary wastage of time has been avoided.

Independence of Legislature Secretariat

The growth of parliamentary democracy depends to a large extent on the freedom with which Parliament and its Secretariat are functioning

without being subordinate to the Executive. It is to serve this end that the Legislature Secretariat has to be freed from executive control. I still find that notwithstanding some efforts that have been made here and there, there are still some States where to a large extent the Legislature Secretariat is controlled by either the Home Ministry or Finance Ministry. I hope and trust that after the small States have got themselves merged in the bigger States, it will be no longer necessary for the Home Ministry to control the Legislature Secretariat.

One other matter of importance that I would like to refer to in this connection is the financial control exercised by the Finance Ministry over the expenditure relating to the Secretariat of Parliament or the State Legislature. Though lump sum grants and details therefor are passed and voted by the respective Legislature and Parliament, even after that, the Finance Ministry at the Centre insists upon individual items of expenditure being sanctioned by them from time to time. Some Officer of the Finance Ministry goes through them and even the Speaker of Parliament has no right without obtaining the concurrence of that Officer to recommend or sanction that expenditure notwithstanding the fact that Parliament has granted that amount to the Speaker. I hope that the Finance Ministers in the various States

as also in the Centre will duly consider this matter. This practice was started when there was no responsible Government either at the Centre or in the States and the Finance Ministry had therefore to exercise control over the Legislature Secretariat. Now that responsible Governments have been established all over the country, it is no longer desirable that the Speaker should submit even small items of expenditure for sanction to the Finance Ministry.

Status of Deputy Speakers and Deputy Chairmen

Regarding the status and the emoluments of the Deputy Speakers and Deputy Chairmen, which has been deliberated almost at every Conference, I am glad to find that this matter was taken up by the Hon. the Prime Minister himself who has written to the Chief Ministers in the various States. To a large extent, the emoluments and the status of the Deputy Chairmen and the Deputy Speakers in the various State Legislatures have been equated with those of the Deputy Ministers in the respective States. In fact, at the Centre, the Deputy Speaker and the Deputy Chairman enjoy even better privileges than the Deputy Ministers. Though in the State Legislatures that need not happen, the Deputy Speakers and the Deputy Chairmen must be brought to the level of Deputy Ministers.

Prevention of Budget Leakage

One other matter which I would like to place before the Conference is to devise ways and means to avoid any possible Budget leakage. This year, there was a bad leakage of Budget proposals of the Centre two or three days in advance of the presentation of the taxation proposals before Parliament. Some persons got hold of the news and typed those proposals and made some money in the streets of Bombay by circulating them. Some other case also occurred in PEPSU. This is not a breach of privilege of the Legislature but is a very serious matter for consideration. In the House of Commons whenever there is a Budget leakage, though it is not taken as a breach of privilege, they have always taken serious notice of it and have had to punish those persons who were responsible for it. Here at the Centre, the Hon. the Finance Minister, who was then in charge, placed the matter immediately before the Home Ministry. A case is going on and we are awaiting the result of those proceedings. Very soon the matter will be taken up by the Estimates Committee of the Centre and proper steps will be devised with a view to avoiding any such leakage in future. Such things may occur elsewhere also. I hope and trust that the Conference will address itself to this matter also.

Journal of Parliamentary Information

Hon. Members may be aware that a Journal of Parliamentary Information has been started to encourage the democratic way of life. Almost all important matters relating to the proceedings of the various Legislatures in this country as also important decisions arrived at by other parliaments in the world are reviewed in this Journal. I hope that it will become an organ which will be more and more used by all the Presiding Officers and also will be available to the legislators in general.

Elections and Speaker's seat

Before I resume my seat, I have to refer to the Elections that will come off in a short time. We have acquitted ourselves quite well during the last elections. Notwithstanding the fact that as many as 180 millions of our population were enfranchised, there was not a single unhappy incident that occurred during the last elections. I hope that the ensuing elections will also pass off well. I hope that ere long a convention may be established that the Speaker's seat ought to be left uncontested. Some time or other, that convention has to be started. It may be a personal note, but whether it is personal or otherwise, in the interests of the Opposition parties themselves, I would urge upon the development of this convention. In practice, I have found

that it is the opposition that suffers by throwing the Speaker into the hand of the majority party. Therefore, the sooner the convention is established, the better it will be for the establishment of strong foundations of democracy.

Desirability of Parliamentary Seminars

Lastly, I would urge upon all the Speakers of the various Legislatures to have annual seminars relating to parliamentary democracy in their own States. We have to educate not only the Legislators but the country as a whole in a democratic way of life. Democracy must percolate more and more among the people and it must become practically their second nature. Such seminars were started by a private association in Delhi and by the Legisla-

tors' Association. Patna, to which I was invited along with some others. I find that they are doing useful work. I hope that similar seminars will also be held in the various States either at the time of the Conference of the Presiding Officers or at the Conference of the Legislators or separately.

I must now thank the Hon. Speaker of the Madras Legislative Assembly for the very nice and kind words he has spoken about me. I do not know if I deserve them. But it is more the good wishes of all my friends here and the encouragement that was given to me by the Members of Parliament and the leaders on both sides that helped me to a large extent in guiding the work of the Parliament.

MEETING OF THE INTER-PARLIAMENTARY COUNCIL
AT DUBROVNIK

A MEETING of Inter-Parliamentary Council was held at Dubrovnik (Yugoslavia) from the 3rd to the 8th April, 1956. India was represented at the meeting by Pandit Hriday Nath Kunzru, M.P., (Rajya Sabha) and Shri Kotha Raghuramaiah, M.P. (Lok Sabha). Shri S.L. Shakhder, Joint Secretary, Lok Sabha, was the Secretary to the Delegation.

The purpose of the meeting was to draw up the agenda for the XLVth Inter-Parliamentary Conference to be held at Bangkok in November, 1956.

In addition, meetings of the various study committees of the Council were also held. Pandit Kunzru was elected as the Vice-Chairman of the Committee on Political and Organization questions. A resolution moved by Shri Raghuramaiah in the Committee on Non-self-

governing Territories regarding the role of the Administering Powers in the achievement of political freedom by the Non-self-governig Territories was unanimously accepted by the Committee. The Committee on Juridical Questions accepted the suggestion of the Indian delegation that a survey should be made of the functioning of various Parliaments in Asia, Europe and America. The Indian delegation also raised the question of economic development of under-developed countries which was discussed by the Committee on Economic and Financial Questions.

Shri Shakhder, Secretary to the Indian Delegation, also attended the meetings of the Executive Committee of the Autonomous Section of the Secretaries-General of Parliaments, which were held at Dubrovnik.

Answers to Enquiries on Parliamentary Practice and Procedure

CONVERSION OF STARRED QUESTIONS INTO UNSTARRED ONES.

Question :

What are the circumstances under which Starred Questions are converted into Unstarred Questions?

Answer:

Normally, the following types of questions which are given notice of as starred ones are transferred to the unstarred list in accordance with the established practice:

- (a) questions asking for information of a statistical nature;
- (b) questions going into too many details and where it is obvious that the reply will be a long one, though not necessarily statistical in nature *e. g.* resolutions of a conference or recommendations of an expert committee and action taken thereon etc,
- (c) questions generally not of sufficient public importance but may be of interest only to a limited few, as for example, the provision of creches in mines or rest-rooms for ticket examiners in railways;
- (d) questions which raise only matters of local interest, such as the opening of a level crossing, flag station or public call office;
- (e) questions of a sectional character, such as representation of Scheduled Castes and Scheduled Tribes in the Services, which involve no fundamental questions of policy for elucidation on the floor of the House;
- (f) questions relating to administrative matters, *e. g.*, the strength of staff in a Government office or embassy;
- (g) questions based on widely-believed rumours or hearsay information, which are admitted only for the purpose of informing public opinion or clearing popular missapprehension;
- (h) questions on which as would be apparent from the facts furnished by the Ministry there would not be any scope for supplementaries, such as when reports are under consideration or matters under correspondence or diplomatic negotiation; and
- (i) questions asking for statements to be laid on the Table.

The principles outlined above cannot, however, be too rigidly applied and exceptions have to be made under certain circumstances *e. g.* where the statistical figures involved are only a few, and would not take up much time of the House, and the question itself might otherwise be important enough for oral answer.

Answers to Enquiries

It has further to be seen that there are adequate number of questions for oral answer to occupy the question hour at each sitting of the House. When there is not a minimum number of starred questions on any one day to occupy the question hour, a certain amount of discretion has to be exercised for retransferring a number of questions from the unstarred to the starred list. In such cases, the guiding principles are the relative importance of questions as well as the consideration whether an oral answer to a question would involve an elaborate answer and avoidable loss of parliamentary time.

* * *

Question:

Can a Member ask supplementary questions on statements made by Ministers correcting their earlier replies to questions?

Answer:

During the Twelfth session of the Lok Sabha, when a statement was made by a Minister correcting his earlier reply to a question, a member suggested that supplementary questions on these statements should be allowed, as they were more or less fresh answers.

The Speaker thereupon issued a directive under which arrangements have now been made for making available

to Members advance copies of statements to be made by Ministers correcting their earlier replies to questions. Copies of these statements are placed in the Parliamentary Notice Office for the information of Members fifteen minutes before the sitting of the Lok Sabha. The contents of these statements are treated as confidential and are not to be released for publication until the statement is actually made. After the statement has been made by the Minister, the Speaker may permit Members to ask supplementary questions which are strictly relevant to the subject-matter of the correction made by the Minister.

* * *

Question:

What is the procedure followed in the Lok Sabha with regard to disallowance of questions and supply of information to Members on disallowed questions?

Answer:

According to rule 62 (1) of the Rules of Procedure,

“The Speaker shall decide whether a question or a part thereof is or is not admissible under the rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of the rules.”

Questions are not, however, generally disallowed on purely technical points. Wherever possible, the questions are amended suitably and considered for admission by the Speaker. Even questions found too long for admission are split up into three or four questions and then considered for admission.

Questions which ask for details of local development schemes or ventilate grievances of a section of the public, such as the employees in Government Service or in industrial undertakings, are not admitted. However such a question is disallowed, the information received from the Ministry may be passed on to the Member concerned, with the concurrence of the Ministry concerned, together with a communication giving the reasons for the disallowance of his question.

Similarly, when questions asking for information given in a Press Note, or accessible documents or any ordinary works of reference are disallowed, the Member concerned is supplied with the details of the reference to the Press

Note or documents wherein the required information could be found.

In cases where a question is disallowed on the basis of information supplied by the Ministry or on the ground that it lacks basis or is based on some misapprehension, the information furnished by the Ministry is conveyed to the Member concerned with the concurrence of the Ministry, wherever necessary.

Further, when notice of a question is received which is covered by an admitted question to be answered a few days hence, immediate information is furnished to the Member, so that when that particular question comes up on the due date, he might be in a position to raise supplementaries thereon. Even in the case of questions which are covered by previous answers, the Members are informed that they might give fresh notices, in case they want to raise any specific point based on the information already available in published documents.

Decisions from the Chair

Bills

(Joint Committee)

In the case of a Bill originating in the other House concurrence in a motion of the other House for reference of the Bill to a Joint Committee does not involve any commitment of the House so far as the principle underlying the Bill is concerned

(L. S. Deb. Part II,
(Dt. 30. 4. 56)

Adjournment Motions

Adjournment Motions in respect of which the Speaker has not given his initial consent do not at all come up before the House and there can not be any discussion on that matter in the House. The mere fact that notice of the motion has been given would not entitle the motions to be brought before the House.

(Madras Legislative Assembly
Debates, Vol. XXIX PP. 68-
71 and 168-169)

Editorial Note

WITH this issue the Journal will complete two years of its existence.

During this period we have endeavoured to collect and disseminate useful information on Parliamentary matters to legislators in India and abroad. We also propose to introduce from the next issue a new section entitled "Readers' Forum". The purpose of the Forum is to invite opinions on important Parliamentary subjects and thus to organise a symposium of representative views.

We are reproducing in this issue the first part of an article entitled "Development of Parliamentary Procedure in India(i) Parliamentary Institutions and Procedure" by Shri Charu C. Chowdhuri, Special

Officer, West Bengal Legislative Assembly. Our thanks are due to the author as well as the Editor, *Hindusthan Standard*, for their kind permission to reproduce the article. The second part of the article "Origin and Growth of Parliamentary Business in India" will appear in the next issue, and, we are sure, both of them will be read with interest by our readers.

It is our constant endeavour to improve the contents and get-up of our Journal and we shall be glad to receive any further suggestions for its improvement from our readers.—*Editor*.

Book Reviews

Members of Parliament (1734–1832)

By Gerrit P. Judd

(New Heaven, Yale University Press, 1955, pp. 389)

IN the words of the author, the book is an attempt to show the relationship between the British ruling class and the House of Commons during the period 1734–1832. A feature of this book is the machine technique adopted for compiling statistical data. With the use of punch cards the author has made a detailed analysis of 5034 men who were Members of the House of Commons during that period. For interpretation of the statistics both sociological as well as historical concepts have been used. As the Members during this period mostly belonged to dominant social groups the study is more or less an analysis of the British ruling class of the period. The introductory chapter gives us in one broad sweep the characteristics of the Members of the House of Commons during the period under review. Variety was the key-note. One could find Members representing different occupations. Many Members of Parliament were also Army Officers. Not a few M. Ps had at one time or another served abroad as Members of the diplomatic corps. Several M.Ps had extensive American connections and quite a few had

received high honours from foreign governments. Mention has been made in this book about three M.Ps who died in prison and a fourth one who was expelled from the House for a fraud on the stock exchange. In short the composition of the House of Commons was diverse and colourful.

The next chapter deals with the methods of study, followed by another which contains an analysis of the Members of the House of Commons on the basis of their nationalities.

Chapter IV contains an interesting analytical study of the age of Members. The average age of Members at the 20 general elections between 1734 and 1831, was 43.3 years. It will be interesting to compare that at the General Election of 1950, the average age of Members was 49.

From the next chapter (Chapter V) we know that the average length of service of the 5034 Members during 1734–1832 was 13.4 years.

The remaining four chapters of the book are devoted to a study of the nature of the British ruling class vis-a-vis the composition of the House from other angles. Differing with the common conception that the ruling class at that time was oligarchic in character, the author opines that aristocracy exercised an impressive degree of control over the Government even though the control was incomplete. For instance, of the 5034 Members, 883 were sons of peers (or peeresses in their own), 452 were baronets and 64 were Irish peers.

An analysis of the occupations of the Members shows that out of 5034 Members, 1753 or just over one-third had followed one of the four professions the army, the navy, the law and the medicine. The army officers formed the largest single professional group in the House, followed by the lawyers, who formed the second largest group of professional M. Ps.

Another feature regarding the composition of the House was that the landed interest was the strongest part of the ruling class, enjoying for the time being a preponderance though not a monopoly of political power.

In the concluding chapter (Chapter X) the author gives his observations. Some of these are as follows:

"The British ruling class of the old regime...was a remarkably

cohesive yet cosmopolitan group."

"Throughout, the ruling class adapted itself to the basic social and economic pressures which were refashioning the structure of British society."

The Appendices (there are 21 of them) contain tables showing, among others, the average age of M. Ps. on first election, average length of service, age groupings, social status, education, occupation, etc.

* * * *

Foreign Relations of the United States: Diplomatic Papers: The Conferences at Malta and Yalta 1945.

(Washington. Dept. of State, 1955, pp. 998. Illustrated)

Appearing in a special series of *Foreign Relations* volumes on World War II, the Diplomatic Papers under review contain an official account of the two momentous conferences, viz, the Malta Conference and the Crimea Conference, popularly known as the Yalta Conference. The first, held between the U. K. and the U. S. A., was a prelude to the tripartite Yalta Conference in which the U. S. S. R. also participated. Covering as this volume does a period of the last war (February 1945), when the world in protracted travail had begun to cherish dreams of the birth of a brighter

future, the documents will be read with interest not only by diplomats and students of history but by all those who had hoped for the dawn of a new age when man could live at last in harmony and peace.

The volume is divided into three major parts. Part I contains pre-conference background material; Part II presents the records of the conference at Malta; and Part III consists of the records of the Yalta Conference. The diplomatic duel of the "Big Three" over the shape of the post-war world, with Sir Winston Churchill and Marshal Stalin as the prime figures, runs through the pages and the tragic drama of that holocaust with all its subsequent hopes and fears is brought back to life. The British Prime Minister himself was sceptical and his remarks that "at the present time I think the end of this war may well prove to be more disappointing than the last" indicate that he had taken a grave view of the post-war world.

The gripping terms in which the partition of Poland is described, the unanimous agreement on the dismemberment of Germany with an anti-German attitude permeating the Conference, and a sense of uneasiness and foreboding about the Russians pervading many of the Anglo-American prepared policy papers are some of the highlights of the documents. Though it is clear that the Russians, contrary to what

has been stressed in many quarters, did not get everything they demanded at Yalta, they, nevertheless, were given territorial concessions in the Far East, primarily on the assumption that victory over Japan would not be easy and speedy and that for winning the war and stability thereafter it was necessary to hold the wartime coalition together. From these pages the portrait of Marshal Stalin emerges as that of a man who was firm, at times stubborn, but friendly though extremely cynical about small nations and with an open scorn for the French. It is also hard to miss that President Roosevelt often took positions which were not entirely pro-British.

Many of the controversial aspects of the Far Eastern settlement have not been cleared. Nevertheless, these Papers are of great historical value. Their proper assessment can be made only by the future historians who, with the passage of time and a clearer perspective, will be able to decide in a better way whether grave mistakes, in substance and principle, were made at Yalta and whether peoples and territories, as is alleged by some, were unnecessarily bartered away for an easier victory.

* * * *

Curiosities from Parliament

By

Stanley Hyland

(London, Allan Wingate 1955, pp. 211)

Curiosities from Parliament is a book of unusual interest for students of Parliamentary literature. The author, Mr. Stanley Hyland, was a Research Assistant in the Library of the House of Commons, where he used to supply relevant information to Members from such sources as Reports of the Select Committees and Royal Commissions, Bills and Journals of both Houses, the Hansard and the like.

The book contains a number of stories based on information collected by him in the course of his duties and are based on authoritative sources. Though in his prefatory note, the author describes his compositions as partly irrelevant and based on useless and forgotten material, a perusal of the book shows that this is a misleading statement made perhaps out of literary modesty. Some of the stories are of great interest, and their value is considerably enhanced due to the authentic sources on which they are based.

The first story, entitled "Under the Shade of the Jambu Tree" is a remarkable description of the Kandy Revolt of 1848 in Ceylon. It gives a vivid account of the misgovernment of Torrington, Governor of Ceylon, his debased techniques of extorting numero-

us taxes from a groaning populace, the Parliamentary investigation into the conduct of a British military Commander at Kandy, who was notorious for his oppressions and who issued signed proclamations for squeezing money from rich Ceylonese noblemen.

Another story, called "The Three Ship's Doctors", tells the appalling conditions under which emigrants including large number of women and children travelled in various ill-equipped ships to various destinations in North America and Australia during 1847-1850. The cruel manner in which these people were driven away from England and Ireland by rich landlords and the frauds that were perpetrated on them by ship-agents and colonisers throw an interesting light on the social and economic conditions of England in those days.

Perhaps the most interesting from Parliamentary point of view is the story entitled "The Mendacity Box", which relates the History of the Secret Ballot Box and the various stages by which it came to be adopted in the British General Elections.

Besides these, there are half a dozen other stories relating to scientific inventions like the use of lightning conductors in ships and the discovery of coal gas, exploration of ships lost on icebergs in North Atlantic and the efforts of a shoemaker to obtain orders from the Army for improved boots of his invention.

APPENDIX I

Statement showing the activities of the Houses of Parliament, State Legislatures in India during the period 1st January, 1956 to the 30th June, 1956.

Name of the House/ Legislature	Sessions (during the period 1-1-56 to 30-6-56)	Legislation		Questions					Committees		Points of Interest	
		No. of Bills passed	No. of Bills passed	Starred	Unstarred	Short Notice	Names	No. of Mem- bers.				
		3	4	5	6	7	8	9	10	11	12	13
I Lok Sabha	2 15-2-56 to 30-5-56 (76 sittings)	32	1	9404	2719	556	2540	308	28	(i) Committee on Absence of Members (ii) Business Advisory Committee (iii) Estimates Committee (iv) General Purposes Committee (v) Committee on Govt. Assurances (vi) House Committee (vii) Library Committee (viii) Committee on Petitions (ix) Committee on Private Members' Bills and Resolutions (x) Committee of Privileges (xi) Committee on Public Accounts (xii) Rules Committee	15 15 30 15 15 12 10 15 15 15 15 15	

	1	2	3	4	5	6	7	8	9	10	11	12	13
											(xiii) Committee on Salaries	15	
											& Allowances of Members		
											(xiv) Committee on Subordinate Legislation.	15	
Rajya Sabha		(1) From 15-2-56 to 16-3-56 (23 sittings)			2667**	841	407	652**	22	5	(1) Business Advisory Committee	10	
		(2) From 23-4-56 to 31-5-56 (28 sittings)									(2) Committee on Petitions.	5	
											(3) Committee on Privileges	10	
											(4) Rules Committee	15	
											(5) House Committee	7	
											(6) General Purposes Committee	16	
Andhra Legislative Assembly.		One session- Two sittings: (1) From 28-1-56 to 3-2-56 (2) From 27-2-56 to 6-4-56	12	Nil	949	737	Nil.	56	117	49	(1) Public Accounts Committee	15	
											(2) Privileges Committee	15	
Assam Legislative Assembly.		From 6-3-56 to 3-4-56 (18 sittings)	10	Nil	65	8	239	215	7	5	(i) Public Accounts Committee	9	
											(ii) Privileges Committee.	7	
											(iii) Committee on Deputy Spea-		

Appendices

ker as Chair-
man & some
members of
the Legislative
Assembly nomi-
nated by the
Speaker for
each session.

10

Petitions
relating
to Bills

(iv) The Esti-
mates
Committee

(i) Public
Accounts
Committee.

(ii) Estimates
Committee

(iii) House Com-
mittee

(iv) Library
Committee

(v) Committee on
Government
Assurances

(vi) Committee
on Privileges

(1) Library
Committee

(2) House
Committee

(3) Privilege
Committee

4) Rules
Making
Committee

(i) Estimates
Committee

(ii) Public
Accounts
Committee

7

7

7

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6

8

12

15

21

15

15

1

2

25

52

141

161

Nil.

8

Nil

39†

Nil

25

52

141

161

406

385

266

242

45

40

40

1

2

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*These two sessions were counted as one in respect of Legislation, Questions, Committees etc.

**These include 422 Starred Questions admitted as Unstarred Questions.

†These include 12 Official Bills received from the Bihar Legislative Assembly and were passed during this session.

‡These include the Bills passed by the Council.

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	1	2	3	4	5	6	7	8	9	10	11	12	13
Bombay Legislative Council.		From 16-2-56 to 26-4-56 (30 sittings)	Please see col. 3 under Bombay Legislative Assembly under the same period.	Nil	33	30*	Nil	Nil.	5	2	(iii) Privileges Committee on Petitions.	8	
											(iv) Committee on Petitions.	5	
											(i) Privileges Committee.	6	
											(ii) Committee on Petitions.	5	
Coorg Legislative Assembly.		From 23-2-56 to 24-2-56 (2 sittings)			16	16	2	Nil.	Nil.		(i) Committee of Privileges	5	
		(2) From 16-3-56 to 27-3-56 (9 sittings)		9	16	16	2	2	Nil.	Nil.	(ii) Committee on Petitions	5	
											(iii) Finance Committee	4	
											(iv) Public Accounts Committee	4	
Delhi Legislative Assembly		From 24-2-56 to 7-5-56 (33 sittings)		10	719	428	23	23	36	12	(i) Public Accounts Committee	7	
											(ii) Estimates Committee	7	
											(iii) Committee on Government Expenditures	5	
											(iv) Committee of Privileges	8	
											(v) Library Committee	6	
Jammu & Kashmir Legislative Assembly		One Session from 7-3-56 to	13	—	940	635	13	5	1	1	No fresh Committees were appointed		

	6-4-56 (22 Sittings)	17	—	†	1951	201	‡	8	except the Select Commi- tees on Bills
Madhya Bharat Vidhan Sabha	One Session From 22-2-56 to 16-4-56 (39 Sittings)	17	—	†	1951	201	‡	8	(i) Public Accounts Committee 9 (ii) Estimates Committee 12
Madhya Pradesh Vidhan Sabha	(1) From 17-2-56 to 11-4-56 (34 Sittings)	11	Nil.	851	570	213	131	6	(i) Business Advisory Committee 15 (ii) Standing Committee on Bills 10 (iii) Committee on Petitions 3 (iv) Committee on Delegated Legislation 10 (v) Public Acc- ounts Com- mittee 15 (vi) Estimates Committee 7 (vii) Committee on Government Assurances on Privileges 10 (ix) House Com- mittee 6 (x) Library Committee 10 (xi) Rules Com- mittee 10
Madras Legislative Assembly	(1) From 25-1-1956 to 30-1-1956 (4 Sittings)	11	—	1080	548	34	181‡	74	(i) Committee on Public Accounts 15 (ii) Committee on Estimates 15

* These include Questions received as Short Notice but admitted as Ordinary Starred Questions.

† These two sessions were counted as one in respect of Legislation, Questions, Committees etc.

‡ Figures with regard to the number of notices received not supplied.

§ Out of the 181 unstarred Questions admitted, 171 Questions were received as Starred but admitted as unstarred Questions.

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(ii) From
25-2-1956
to
6-4-1956

- (iii) Committee on Government Assurances 7
- (iv) Committee on Sub-ordinate Legislation Privileges 10
- (v) Committee on Privileges 16
- (vi) Business Advisory Committee 15
- (vii) House Committee 16

Madras
Legislative
Council

From
1-8-55
to
2-5-56
(19 sittings)*

8

8

8

9

138

163

Nil

2*

From

1-8-55

to

2-5-56

(19 sittings)*

8

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8

276

Mysore
Legislative
Assembly

From
20-2-56
to
7-4-56
(31 sittings) §

19

24

†

†

644

650†

Nil

5

From

20-2-56

to

7-4-56

(31 sittings) §

12

12

12

Mysore
Legislative
Council

(1) From
21-2-56
to
7-4-56
(21 sittings) †

13

18

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43

147

149

Nil.**

Nil.**

(1) From

21-2-56

to

7-4-56

(21 sittings) †

5

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- (iii) Committee on Government Assurances 7
- (iv) Committee on Sub-ordinate Legislation Privileges 10
- (v) Committee on Privileges 16
- (vi) Business Advisory Committee 15
- (vii) House Committee 16

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Orissa Legislative Assembly	(1) From 27-2-56 to 12-4-56 (35 sittings)	11	Nil.						(i) Estimates Committee	9
									(ii) Public Accounts Committee	5
Pepsu Vidhan Sabha	One Session From 9-3-56 to 11-4-56 (21 sittings)	8	—	1064	731	172	152	6	(i) Committee on Public Accounts	7
									(ii) Committee of Privileges	5
									(iii) Committee on Budget Leakage	5
									(iv) Committee on Sub-ordi- nate Legisla- tion	7
									(v) Rules Committee	7
									(vi) Estimates Committee	5
Punjab Legisla- tive Assembly	(1) From 1-3-56 to 12-4-56 (31 sittings)	17@	1	1003%	734	101	74	23	(i) Public Accounts Committee	12
									(ii) Estimates Committee	9
									(iii) Committee of Privileges	10
									(ix) Committee on Govern- ment Assu- rances	6

*These are only during the period under review (i. e. 1-1-56 to 30-6-56).

† Besides this, 9 Bills passed by the Assembly were agreed to by the Council.

‡ Under the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, all questions are treated as starred.

§ There exclude the joint sitting of both the houses on 20th February 1956.

** No Bills were introduced during this period in the Council, 5 Bills passed by the Assembly were agreed to by the Council.

									(ix) Rules Committee	8
									(v) Committee on Petitions	5
									(vi) Business Advisory Committee	6
									(vii) House Committee	5
									(viii) Committee on Government Assurances	9
									(ix) Library Committee	6
									(i) Committee for comfort and convenience of the Members	8**
									(ii) Committee on Petitions	5**
									(iii) Rules	7†
									(iv) Committee on Government Assurances	5**
									(i) Public Accounts Committee	10
									(ii) Estimates Committee	15
									(iii) House Committee	5
									(iv) Committee of Panel of Chairmen	4
									(v) Privileges Committee	10
									(vi) Assurances Committee	5
									(1) The Assembly made Rules of Procedure and Conduct of Business in pursuance of Article 208 of the Constitution.	
									(i) A substantive motion proposing for the appointment of a Committee to investigate the activity of Shri Mathura Das Mathur, a Member of Rajasthan Legislative Assembly was discussed at length and voted down.	
									(i) Public Accounts Committee	11
									(ii) Estimates Committee	25
									(iii) House Committee	11
									(iv) Committee of Panel of Chairmen	25
									(v) Privileges Committee	11
									(vi) Assurances Committee	25
									(1) The Assembly made Rules of Procedure and Conduct of Business in pursuance of Article 208 of the Constitution.	
									(i) A substantive motion proposing for the appointment of a Committee to investigate the activity of Shri Mathura Das Mathur, a Member of Rajasthan Legislative Assembly was discussed at length and voted down.	

Punjab Legislative Council
 One From 1-3-56 to 28-4-56 (21 sittings)

Rajasthan Legislative Assembly
 From 5-3-56 to 1-5-56 (52 sittings)

Appendices

(iii) On 10th April, 56, a batch of 9 strangers sitting in the visitors gallery disturbed the proceedings of the House. They were taken under the custody of the Sergeant-at-arms and after their explanation they were committed to prison on charge of contempt of the House:

(vii) Petitions Committee 5

Saurashtra Legislative Assembly	One From 12-3-56 to 24-3-56 (11 sittings)	25	—	146	139	46	46	(i) Committee on Petitions	5	
								(ii) Committee on Privileges	7	
								(iii) Committee on Sub-ordinate Legislation	7	
								(iv) Committee on Public Accounts	7	
								(v) Committee on Estimates	7	
								(vi) Standing Finance Committee	7	
								(vii) Committee on Assurances	5	
				6	—	1463	923	(i) Public Accounts Committee	7	
								(ii) Estimates Committee	7	
		Travancore-Cochin Legislative Assembly	One From 27-2-56 to 12-3-56 (8 sittings)	6	—	1463	923	See col. 5	414	Nil

§ Out of these 17 Bills, these bills were introduced in the Assembly.

% These include six renewed.

* This includes 7 bills introduced in and passed by the Council and 13 bills received for concurrence; recommendations of the Council from the Vidhan Sabha.

** The Deputy Chairman acts as Chairman of these Committees.

† This includes the Chairman of the Council and the Finance Minister.

‡ This gives the total number of Questions—Starred Unstarred and Short Notice—received.

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(iii) Committee on Private Members' Bills and Resolutions	7	of censure was accepted by the House. (ii) On the 12th March, 1956 when the Assembly met the Chief Minister informed the House that his Ministry has resigned and made a statement under Rule 226 of the Rules of Procedure and Conduct of Business explaining the circumstances under which the Ministry resigned. The leaders of the opposition and some Members representing other parties in the opposition also made short statements. The House then adjourned <i>sine die</i> .
(iv) Committee on Sub-ordinate Legislation.	7	
(v) Committee on Government Assurances.	7	
(vi) Committee of Privileges	7	
(vii) Committee on Petitions.	7	

(iii) On the 23rd March, 1956 the President of India issued a Proclamation dissolving the Assembly and assuming the administration of the State.

Uttar Pradesh Legislative Assembly.	(i) Public Accounts Committee	21				
	(ii) Estimates Committee	25				
	(iii) Finance Committee	15				
	(iv) Business Advisory Committee	11				
	(1) From 10-12-55 to 18-1-56	} †† 17	Nil	4616	2636@	135
(2) From 17-2-56 to 12-6-56 (63 sittings)§	} †† 17	Nil	4616	2636@	135	94
						1732
						190

Uttar Pradesh Legislative Council	(1) From 17-2-56 to 24-3-56	† 7	Nil.	378 @	290 @	@	3	1	(v) Privileges Committee	10	
	(2) From 16-4-56 to 23-5-56 (40 sittings)%								(vi) Rules Revising Committee	19	
Vindhya Pradesh Legislative Assembly	From 20-2-56 to 3-4-56 (26 sittings)	8	Nil.	539	298	499	320	7	4	(i) Committee of Privileges	7
										(ii) Estimates Committee	15
West Bengal Legislative Assembly	From 1-2-56 to 28-3-56 (39 sittings)	10	Nil.	258	249	101	76	51	19	(iii) Public Accounts Committee	7
										(iv) Committee on Petitions	6
										(v) Committee on Government Assurances	6
										(i) Committee on Privileges	12
										(ii) Committee on Public Accounts	9

§ These include the number of sittings in the first session from 9th January, '56 onwards.

†† These two sessions were counted as one in respect of Legislation, Questions, Committees etc.

@ These include 443 Short Notice Questions admitted as Starred Questions.

