

# THE JOURNAL OF PARLIAMENTARY INFORMATION

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*A view of the Vidhan Bhavan, Uttar Pradesh, Lucknow*

The Journal of  
PARLIAMENTARY INFORMATION

Editor : M. N. KAUL, Bar-at-Law.

The "Journal of Parliamentary Information" is published half-yearly in April and October.

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All correspondence with regard to subscription and sale should be addressed to the Sales Section, Lok Sabha Secretariat.

Price :

Single Copy : Rs. 1.25  
Annual Subscription Rs. 2.25

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

Volume III

April, 1957

No. 1.

## THE FIRST PARLIAMENT (1952-57)\*

**L**eaders of the House, Leaders of the various Groups, and Members of Parliament! Today's is the last sitting of the Fifteenth Session of the First Parliament under the Republican Constitution. This Parliament which is drawing to a close was elected on the basis of universal adult franchise and came into being on 13th May, 1952. As many as 173 millions of our population were enfranchised and nearly 88 million people went to the polls last time and there was not a single unhappy incident. This in itself is a proof that democracy has taken deep roots in our soil. The working of the first Parliament has reassured our faith in democracy further.

The working of our First Parliament has earned unanimous acclaim from experienced Indian and foreign observers who have watched it function. They have held that this Parliament deliberates and legislates on questions of national importance in a manner which should characterise a much more mature body than the one which was just five years old. Every Parliament has its parties and is divided into groups. The Opposition usually functions through criticising and opposing proposals of the majority party and it is normal to all Parliaments. But, it is given only to few Parliaments to rise above party considerations in dealing with great issues of national interest and foreign policy. It is a matter of gratification that the parties in the first Parliament of India have on many occasions subordinated their party considerations to the interest of

the nation at large, particularly while debating questions of Parliamentary procedure, foreign policy and constitutional amendments. It is a good augury for the future of democracy and for the preservation of the liberty of individual citizens in this country that in our Parliament, respect for the Constitution has not been confined to any one party, but is shared by all the parties and groups.

Among the Members of the first Parliament were men distinguished in law, in science, in Constitutional procedure, in politics, in economics, in agriculture, in social welfare; in short, all subjects that the Parliament of a country may be called upon to consider, deliberate and legislate upon. There were about twenty women Members of the House who have played a prominent role in the activities of the First Parliament, by taking active part not only when social problems were before the House, but also contributing in no small measure to debates on serious political and economic subjects.

The First Parliament has been particularly fortunate in having had a distinguished pilot in the late Speaker, Shri G. V. Mavalankar, who was an outstanding personality and a great Speaker acknowledged not only in this country but by experienced parliamentarians in many other countries. He has laid the foundation of many valuable conventions and traditions which are bound to ensure the working of Parliament in which both majority and opposition parties can function with proper

\*Text of the valedictory speech delivered by Shri M. Ananthasayanam Ayyangar, Speaker, in the Lok Sabha on the 28th March, 1957.

safeguards and impartial treatment for all. The most distinguished feature of the First Parliament in India has been the expression of a singularly tolerant and sporting spirit based on the temperament and tradition of the Indian people. Despite heated debates and even during the bitterest attacks on party lines, excellent friendly relations have always existed between the Members of various parties.

Although we were faced with natural calamities like famine in South India, floods in Bengal and earthquake in Assam and near-war conditions in Kashmir, the Parliament has successfully overcome all these difficulties and has worked the Constitution in a highly democratic manner.

The activities of the Parliament have been diverse and varied. In fact, there has not been any field which has not been touched upon by the Parliament, be it economic, political or social. When the present Parliament came into being, the First Five Year Plan had already been launched about a year before. The primary objective of the Plan was to overcome certain urgent problems such as shortage of food and raw materials and persistent inflationary pressure. A great number of river valley projects and dams were constructed during this period and nearly completed. Millions of acres of land have been brought under plough and there had been significant increase in agricultural production. The yield per acre had also increased considerably, by the use of artificial manures. To meet the needs of artificial manure in the country, fertilizer factories were set up in different parts of the country. A reserve stock of food was also built up to meet future emergent conditions.

Having achieved substantial success in the agricultural sector, attention was turned to the industrial field. A number of industrial plants, both in the public and private sectors, had been set up. Mention may be made of the Chittaranjan Locomotive Works, Integral Coach Factory, Hindustan Machine Tools, Oil Refineries etc. The production of the Hindustan Shipbuilding Yard and the Hindustan Aircraft Ltd. was stepped up.

The first Parliament discussed in detail both the Plans and has always been keeping a watch over the successful working of the Plan from year to year. I am sure the Second Five Year Plan, like the First Five Year Plan, would be successfully executed and India would be placed on the industrial map of the world.

During its term, this Parliament inaugurated the socialist pattern of society and important pieces of legislation have been directed towards this end. The Imperial Bank of India, the largest banking institution in India, was nationalised. Nationalisation of airlines and nationalisation of life insurance business took place during this period. The enactment of the new Company Law and the introduction of decimal system of coinage and metric system of weights and measures were some of the important legislative measures. All these were steps towards economic reconstruction which were undertaken by Parliament during this period.

The most momentous decision of this Parliament is the States Reorganisation Act. By passing this measure together with the Constitution (Seventh Amendment) Act, Parliament has effected a re-drawing of the political map of India.

On the social plane, by far the most important achievement has been the reform of the Hindu Law effected under this Parliament, which now grants women the rights that had been denied to them for ages and recognises for the first time equality of status between the two sexes. The introduction of monogamy among Hindus, the right to divorce, claim to a share in her father's property, equality of right in the matter of adoption,—these are some of the highlights of the reforms for which Parliament can take a pride of place. While realising the significant role which legislation can play in achieving the ends of social and economic justice, Parliament has been wary of the new grounds it was treading, and in adopting measures it has taken care to see that legislation in its zeal does not outrun social urges.

## The First Parliament

In the international field, our foreign policy has been successful. We can justly be proud of having contributed to the maintenance of world peace in the face of military pacts and alliances.

Among Private Members' Bills, mention can be made of the Parliamentary Proceedings (Protection of Publication) Bill which was enacted into law. In view of the fact that the advantage of publicity to the community outweighs any private injury resulting from the publication of reports of proceedings of Parliament, the Bill was introduced to define by law the privilege available to such publication made in good faith.

In the field of national consolidation, we have been taking active steps among others, to bring into existence an Indian Parliamentary Association to which all the Legislatures in India will be affiliated. The idea was first mooted some years ago at a Conference of Presiding Officers of Legislative Bodies in India. There is now a proposal, which has reached an advanced stage, that an Indian Parliamentary Association should be formed. The Indian Parliamentary Group has been sending delegations to the Annual Conferences of the Inter-Parliamentary Union since 1949. We have invited the Commonwealth Parliamentary Association to hold its Conference in Delhi in December this year.

The record of work transacted by the Lok Sabha is indeed impressive. The cyclostyled debates of the Lok Sabha covered more than two lakh foolscap pages, containing as many as 6½ crore words. The typed proceedings of Committees covered about 54,000 foolscap pages, containing as many as 1½ crore words. If these pages were pasted one below the other, they will be 54 miles long. Notices of 87,675 questions were received in the Lok Sabha during the 14 sessions held since the present Parliament came into being in May, 1952, and of them 43,562 were asked and answered in Lok Sabha. In the year that has just ended the number of questions reached the peak figure of 22,651. These figures are impressive enough to indicate the significant place that the Question Hour has

come to occupy in our Parliamentary proceedings.

In order to keep the Members fully informed of the latest developments in all matters coming before Parliament, the Research and Reference Services have been enlarged. Created as a small cell in 1950, the Research and Reference Branch has grown beyond recognition. The achievements of the Branch have been considerable. The work comprises the preparation of bibliographies on important legislative measures, brochures on certain subjects of topical interest, Monthly List of Selected Articles, Abstracting Service, Digest of Central Acts and the Juridical Digests.

Before I conclude I express my grateful thanks to our beloved Prime Minister and Leader of the House for his kind co-operation and goodwill towards the late Speaker and me throughout the period of the life of this House. 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. His great regard for parliamentary conventions and procedures had been really a source of strength for me and contributed in no small measure to the successful working of parliamentary democracy in this country. I would also like to express my heart-felt thanks to the leaders of the various groups and to all the Members of this House for their kind co-operation in so ungrudging and generous a manner. But for their co-operation and goodwill, it would not have been possible to conduct and guide the deliberations of this House in a manner befitting the reputation of this country. Some Members may not be coming back to this House, some have gone to the other House, some have gone to the State legislatures and some have not stood for election. There are, however, many fields of work in which they can serve the country, not necessarily in Parliament. I am quite confident that their experience in Parliament and talents will be amply availed of in such fields.

I wish you all good-bye and Godspeed.  
Jai Hind!

## Parliamentary Democracy in India\*

Mr. Speaker, Sir, you have been pleased to say many generous things about the Members of this House and, to my great embarrassment, about me. You have spoken in generosity but, anyhow, so far as I am concerned, I should like to offer you my grateful thanks, and I am sure I speak on behalf of the House also, when I offer you their thanks for your kind words.

It is befitting that on this occasion, when this Parliament stands at the edge of its own dissolution, there should be some valedictory references to our past. Since you have been good enough to make a reference to the work of this Parliament, I am taking the liberty of saying also a few words on this occasion, certainly on my own behalf and possibly reflecting the views and ideas of other Members also here.

We have gone through, during these five years, a tremendous amount of work and, as you have said, speeches have covered, I do not know how many millions of pages; questions have also been asked and, altogether a vast quantity of paper has been consumed. Yet, the historian of the future will probably not pay too much attention to the number of speeches or the hours which the speeches have taken or to the number of questions, but rather to the deeper things that go towards the making of a nation.

Here, we have sat in this Parliament, the sovereign authority of India, responsible for the governance of India. Surely, there can be no higher responsibility or greater privilege than to be a Member of this sovereign body which is responsible for the fate of the vast number of human beings who live in this country. All of us, if not always, at any rate from time to time, must have felt this high sense of responsibility and destiny to which we have been called. Whether we were worthy of it or not is another matter.

We have functioned, therefore, during these five years not only on the edge of history but sometimes plunging into the processes of making history.

We have lived here, as indeed people have lived all over the world, at a moment of great change, transition, and sometimes of vast upsets and revolutionary processes. We have not only been part of that world drama but we have had our own drama also. And it would be interesting for someone to take a rather distant view of this drama of these five years and more so as not to be lost in the innumerable details which confuse, but rather to see this broad current of history in motion in this country, how far has it moved, what changes has it wrought, how far has it laid stable the foundations of this republic of India which we created, which the people of India created, a few years back. That is the important question; not so much how many speeches we have delivered or how many questions we have asked, important, no doubt, though speeches and questions are as bringing out the method of our working the parliamentary process to which we are addicted.

We chose this system of parliamentary democracy deliberately; we chose it not only because, to some extent, we had always thought on those lines previously, but because we thought it was in keeping with our own old traditions also; naturally, the old traditions, not as they were, but adjusted to the new conditions and new surroundings. We chose it also—let us give credit where credit is due—because we approved of its functioning in other countries, more especially the United Kingdom.

So, this Parliament, the Lok Sabha, became, to some extent not entirely, but to a large extent—rather like the British Parlia-

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\*Text of the speech delivered in the Lok Sabha by the Prime Minister on the 28th March, 1957.

## Parliamentary Democracy in India

ment or the British House of Commons whether it is in regard to our questions or our rules of procedure or methods of work.

Now, parliamentary democracy demands many things—demands, of course, ability. It demands a certain devotion to work as every work does. But it demands also a large measure of co-operation, of self-discipline, of restraint. It is obvious that a House like this cannot perform any functions without the spirit of co-operation, without a large measure of restraint and self-discipline in each Member and in each group. Parliamentary democracy is not something which can be transplanted in a country by some wand or by some quick process. We talk about it but we know very well that there are not many countries in the world where it functions successfully. I think it may be said without any partiality that it has functioned with a very large measure of success in this country. Why? Not so much because we, the Members of this House, are exemplars of wisdom, but, I do think, because of the background in our country, and because our people have the spirit of democracy in them.

We have to remember then what parliamentary democracy means. In this world of change and tremendous ferment, more so than in ordinary times, change is essential; change and adaptation to new order. Even when the old order was good, it has to yield place to new lest one good custom should corrupt the world. It has to change. So change there must be, change there has to be, in a country like India which was more or less changeless for a long time, changeless not only because of the country being a subject-country under the imperialist powers,—I do not mean to say that there was no change then, but basically the dynamic aspect of the country was limited, restricted, cabined and confined by foreign domination—changeless also because we had fallen into the ruts of our own making, in mind, in social framework and the rest. So we had to take our souls out both from the ruts and from the disabilities and restrictions caused by alien rule. We had to make rapid changes in order to catch up. So, change was necessary even for survival and, of course, for progress.

But, while change is necessary, there is another thing that is also necessary; that is, a measure of continuity. There is always a balancing of change and continuity. Not one day is like another. We grow older each day. Yet, there is continuity in us, unrestrained continuity in the life of a nation. It is in the measure that these processes of change and continuity are balancing that a country grows on solid foundations. If there is no change and only continuity, there is stagnation and decay. If there is change only and no continuity, that means uprooting, and no country and no people can survive for long if they are uprooted from the soil which has nurtured them and given them birth.

Now, this system of parliamentary democracy, therefore, embodies, I think, these principles of change and continuity, both. And it is up to those who function in this system, Parliament, Members of the House and the numerous others who are part of this system, to increase the pace of change, to make it as fast as they like, subject to the principle of continuity, because, the moment that continuity is broken we become rootless and the system of parliamentary democracy breaks down. Parliamentary democracy is a delicate plant and it is a measure of our own success that this plant has become sturdier during these last few years. We have faced grave problems, difficult problems, and solved many of them; but, many remain to be solved. Indeed, there is going to be no end of the problems that will come to us, because problems are inevitable when you grow. It is only those who are stagnant that have few problems, and if there are no problems, that is a sign of death. Only the dead have no problems; the living have problems and they grow with problems, fighting with problems and overcoming them. It is a sign of the growth of this nation that not only we solve problems, but we create new problems to solve.

So, these five years have passed and we are at the end of this chapter of our history; and, the very end suddenly merges into a beginning and we begin afresh, because ends and beginnings are only of our own conception. There is only continuous life of a nation. We may pass out of this

House or pass out of our lives, but the nation goes on. Therefore, here when we stand at this end, which is also a beginning, we indulge in retrospect and we indulge in prospect. Again, standing on this edge of the present, we look back on the past, but we look forward even more to the future. We may think of many things that we have to do to carry on the great work that we have undertaken and undertake new labours; but, above all, we have to remember how stable, how deep, are the foundations of this democracy that we have sought to serve and to build up in this country, because ultimately it is on the strength and depths of those roots that we will prosper, not by the number of laws we pass, not by our external activities, but on the strength of character and grit and the capacity of service that we develop in this country.

Parliamentary democracy involves naturally peaceful methods of action, peaceful acceptance of decisions taken and attempts to change them through peaceful ways again; it is no parliamentary democracy otherwise.

It is essential that we, who talk and who believe in the quest of peace so much, should remember that the quest of peace and the quest of democracy can only be made through methods of peace and not through any other. We have a great united country, a country which is dear to us, and of which we are proud. But being proud of it does not mean that we should close our eyes to the grave problems we often have to face in the country and the disruptive tendencies that raise their heads and challenge the democratic process which this Parliament represents. It is in the measure that we put an end even in our thinking to these disruptive tendencies which divide us and which tend to break up the unity of India that we will have strengthened our country and laid sound foundations for the future. So, Sir, I would like to thank you, again.

May I, as Leader of the House, express my respectful thanks to all the Members of this House for the great courtesy and consideration which they have shown me during these past five years.

*What is our Lok Sabha? It is a symbol of India's glory where the elected representatives of the people come and deliberate on all issues. The decisions taken here are the law of India and the people in India and the world have to accept them as the law of the land.*

JAWAHARLAL NEHRU in his speech on 15th August, 1956 at Red Fort, Delhi to celebrate the Ninth Anniversary of India's Independence.

## Addresses and Speeches

### PORTRAIT OF LALA LAJPAT RAI UNVEILED

[The portrait of Lala Lajpat Rai was unveiled in the Central Hall of Parliament House at New Delhi on the 17th November, 1956 by the Prime Minister, Shri Jawaharlal Nehru. The portrait was the work of Satish Gujral, a young artist of Punjab, and was presented to Parliament by Shri Purushottamdas Tandon, M.P., on behalf of the Lok Sevak Mandal. The ceremony coincided with the 28th death anniversary of Lala Lajpat Rai. Reproduced below are the speeches made by the Speaker, Shri Tandon and the Prime Minister on the occasion—Ed.]

**Mr. Speaker (Shri M. A. Ayyangar):** Panditji, Tandonji and Friends, the Servants of the People Society have kindly presented to Parliament a portrait of Lala Lajpat Rai. They have done a good job of it. Lala Lajpat Rai was one of the corner-stones—the foundation-stones of the country and it is unfortunate that he did not live after we won freedom.

One after the other, we have here the portraits of Dadabhai Naoroji and Lokamanya Tilak. Now we have received the portrait of Lala Lajpat Rai also. I am sure the portraits of these great people will inspire the present generation—the Members of Parliament who come here with the spirit of service to which these great people were highly devoted. I now request Shri Tandon to present the portrait formally to Parliament.

**Shri Tandon\*:** Mr. Speaker, on behalf of the Lok Sevak Mandal (known as the Servants of the People Society in English), I present to you this portrait of Lala Lajpat Rai. The idea of having this portrait occurred to the Lok Sevak Mandal and the workers associated with it. A small committee was formed in which Shri Bakshi Tek Chand, Lala Thakurdas, Shri Purushottam Lal Sondhi, Lala Yodh Raj and two or three other friends played a prominent part. Fortunately the committee happened to meet a young painter, who had faith in Lalaji and

who undertook to paint and present this portrait. His name is Shri Satish Gujral. The portrait which is before you today is the product of his craftsmanship. He has received training in India and abroad and his works have been exhibited and appreciated in London, New York and Mexico. We all have some idea about the place of Lalaji in the history of our country. Many of us have seen and heard him and many of us have seen his name in the pages of history and have read his writings. I was closely associated with him. My admiration for him dates back from my childhood days. Later, I worked in close co-operation with him and due to his kindness I succeeded him as the President of the Lok Sevak Mandal. Many of his observations have left a deep impression on my mind. It is not possible to recount or write all of them. Today I can clearly recall one of his observations which relates to the days of my youth. In this portrait, an attempt has been made to capture to some extent that spirit which I noticed in him in 1905. The scene was the Banaras Congress Session of which Gokhaleji was the President. Gokhale was a close friend of Lala Lajpat Rai. The Prince of Wales was coming to India at that time, and large-scale preparations were being made to accord him a reception. In 1905, India was in the grip of a famine. When the Congress assembled in Banaras, this question came up before the Committee—the Committee which according to the Congress constitution considers the resolutions etc. At the sitting of the Committee, Lalaji raised the question as to whether it was proper to invite and accord a reception to the Prince of Wales at a time when there was a famine in the country. Tilakji supported him. Both of them raised this question. I can say that in my life I have rarely heard a speech of the same quality as was delivered by Lalaji in the

\*The speech was delivered in Hindi and has been translated.

Committee. He put up a vehement opposition and said that that was not the time to welcome him in this country. I can clearly recall that scene to-day. Lalaji declared that he would move his resolution in the plenary session of the Congress and that he would oppose the proposal if it was not withdrawn. This created great nervousness. Tilakji also supported him.

This incident has recalled to my mind the stuff of which Lalaji was made. He was mortal just as we all are mortal. But I came to know of what calibre he was, during my stay at Lahore, when he had received an injury on his chest in the lathi-charge made on the demonstrators opposing the Simon Commission. It was night. Lalaji was lying down and groaning with pain. I was near him and could see him as he lay. A meeting was to be held at night. Lalaji had been requested to deliver a speech and he had agreed. At that time I asked him whether in view of his condition he would be able to go to the meeting. He said that he would go. We all went together to the meeting. That evening he had received the injury and at night he made a brave speech, the following words of which are famous:

"Every blow aimed at me shall be a nail in the coffin of the British Empire."

He spoke in Hindi but the above words he said in English. This injury is said to have resulted in his death after a month. It is perhaps difficult to be definite about the cause, but it is said that that injury had its effect on him.

Today it is a matter of pride for us that the Lok Sevak Mandal, the Society which Lalaji founded during his lifetime for the service of the country, has the privilege to present to you this portrait which is the result of the labours of its friends, well-wishers and supporters.

Mr. Speaker, through you I present this portrait to our Parliament. I am glad that the unveiling of this portrait is to be done by my old friend and colleague, the Prime Minister of India. It is a matter of pride for all of us. I present this to you.

**Mr. Speaker:** On behalf of both Houses of Parliament, I have very great pleasure in accepting this portrait of Lala Lajpat Rai, which has been so kindly presented to us by the Servants of the People Society, through our friend and revered leader, Shri Tandon. Parliament itself appointed a Committee of artists for the purpose of advising it for decorating the Houses of Parliament. Certainly Lalaji was one of our great heroes, who worked for the freedom of our country and his portrait deserves a prominent place among the portraits that have been installed. We gladly welcome such a presentation, but it ought not to be thought that we were not interested in putting it ourselves. They are all intended for the great heroes who dedicated their lives for our freedom.

It has been said that this portrait has been drawn by one of the eminent artists of India, and who is a well-known artist in the whole world. I am told that in the portrait we will find a glow and vigour, which is not usual in the other portraits.

So far as Lalaji is concerned, I may say that he was born in 1855, two years before the War of Independence started. This portrait has been presented to us, without much of notice to Members of Parliament. I am glad to have the opportunity of requesting our Prime Minister to unveil this portrait, because this happens to be the death anniversary of Lalaji who passed away on the 17th November, 1928. He advocated the boycott of the Simon Commission, he himself stood there and received a lathi charge in his chest and as a result of the injuries, he passed away after 3 or 4 months. He said: "Every blow on my body will be a nail in the coffin of the British Empire." His words have come true today. Had it not been for his heroic deeds and great efforts, our Prime Minister would not be here today to perform the unveiling ceremony of his portrait. Our Prime Minister is the connecting link between the past and the present, and is the hero of all heroes today. I have no doubt in my mind that he will rise to unknown heights. I hope and trust that he will perform the unveiling ceremony of the various portraits that will be installed from time to time. Such portraits should be unveiled so that they may be lessons for us. I hope and trust that the living persons who are here

today as Members of Parliament will become as great heroes as the heroes who had sacrificed their lives in the cause of the country. Let us carry on the constructive programme now, and it is necessary for us always to keep Lalaji's picture before us, so that his life's work may be a beacon light for us.

I have great pleasure in requesting Shri Jawaharlal Nehru to perform the unveiling ceremony of the portrait.

**The Prime Minister (Shri Jawaharlal Nehru):** Mr. Speaker, Tandonji and friends! Day before yesterday I was invited to take part in this function. I was rather hesitant and I told the Speaker that I did not very much like that he should propose my name every time for taking part in such functions. But his insistence almost amounted to an order and as you know, we are bound to carry out his orders. I was hesitating for another reason also, namely, that Lalaji was very much older in age than ourselves and he belonged to another era or another generation. Still, to some extent, he belonged to our generation, because, as you know, the generation to which Tandonji and I belong has also become a little old. Moreover, it is rather difficult to say something about a person with whom one has been closely associated.

These were the difficulties in my way. But there was also the desire that one should be present and take part in such functions.

Gradually, this Hall of Parliament is being adorned with portraits. It is a slow process not because of the paucity of famous personalities, but because there is paucity of artists for painting their portraits. It is but right that this Hall should have more portraits gradually. We have to be specially careful that the portraits to be hung in this Hall should be of a good quality and not merely of good persons. At other places in our country, any portrait is deemed to be good enough, provided it is of a good person. The result is that we come across portraits and portrait-bearing calendars, which are disgusting to look at. A famous Greek—it was probably Pericles—said in one of his famous speeches that the history of the world was the

picture gallery of great men. Today the history of the world is not considered to be just the history of its great men, rather it is a mirror of the hopes and aspirations, woes and sorrows and efforts and labours of the masses for advancement and progress. But their aspirations and sorrows are represented before the world by somebody who emerges as a leader. He voices the feelings of the people as a whole and in this manner, such people achieve greatness. They do not become great, merely because of their wisdom or other qualities, but because they represent the sum total of the ideas and feelings of the people. The greatest of them all in our time was Gandhiji. Lalaji was also one of the leaders of this kind. Although a large number of those present here might not have met Lalaji, some of you perhaps had occasion to see or hear him. He emerged at a time when our politics and our political campaign was taking a turn. He helped it a lot in taking that turn. Today, 60 to 70 years after the birth of Congress, we, particularly our youngmen may, after reading the speeches made and resolutions, etc., passed at that time, remark that the people were very moderate in those days and that compared to our vehement and forceful speeches, the speeches in those days were lifeless. But it is not possible to judge those things correctly, when removed from context. Hurling abuse may seem very forceful, but the man who hurls abuse is not taken to be a strong man. Throwing a bomb may seem a very forceful method, but the man throwing a bomb would not be called a revolutionary in the true sense of the term, although people may say so. That man may be a man of courage—that is a different matter—but he can also produce just the opposite effect.

We have to see how the leader who emerged at a particular time, viewed the conditions around him and how he changed them. In the history of India or of the Congress or of the struggle for Independence, the beginning of this century—the period of 1905, 1906 and 1907—was a time when the thinking in our country and our campaign were taking a turn. You will recall that many internal differences appeared in the Congress also. That time is now past and more than fifty years have elapsed and now we can view and

think about those days dispassionately. In those days, we, who were young and enthusiastic, took sides passionately and because angry with those who held views different from our own or whom we regarded as belonging to the opposition party. But that phase was necessary, because only in this manner can a country make progress. Today we honour those leaders—leaders of both sides who led the country at that time. They were great leaders, who served India and built India.

In those days, Lalaji was a prominent leader of what is called the extremist group. The foremost among them was, of course, Lokamanya. You know the great work he did and the fame he achieved. I would like to draw your attention to two things, which in my opinion, are special to Lalaji—special in the sense that he gave new orientation to our general public life. This orientation was new not because no one else had thought of it, but because no great man had taken it up before that. Among the Congress leaders of those days, and by Congress leaders I mean the leaders of the country, whoever they might be at that time so far as I know, he was the first who gave a glimpse of socialism in our work. In other words, his aim was not merely independence, which of course he desired, but he also gave thought to the inner structure, the inner content, the social content of independence. I do not say—and I have no right to say—whether he considered himself to be a full-fledged socialist or not. I do not know and also no such questions arose in those days. But he was certainly inclined towards socialism. In

those early days he was inclined towards labour and trade unionism. In short, he was one of the first prominent leaders of the Congress who looked beyond the purely political field and kept in view this social field also.

The other thing—which is linked with the first—was that he worked for the emancipation of women. This is also a social objective. In other words, the objective before Lalaji was not merely political, it was social also. I cannot say—because I have not made any detailed study of the matter—who among the other great leaders looked beyond the political objective. Later on, other people also began to work in the social field and Gandhiji particularly gave a great impetus to social work. The work of the pioneer, even if he takes only a few steps forward, is always difficult, as compared to the work of others, who coming after him and treading the beaten track, advance more rapidly. These two things about Lalaji which are the qualities of a pioneer have always stood out before me. Great man that he was, he also led the country to a new path. To-day we all call ourselves socialists and we have made socialism our goal. I regard Lalaji as a pioneer of socialism in India.

Putting up of this portrait in this Parliament Hall is a token of our remembrance and respect for him. It will serve to remind us of the difficulties experienced and the sacrifices made in the path which we are trying to tread and if such reminders are before us we will realize how this path was made easier for us.



*The Prime Minister unveiling the portrait of Lala Lajpat Rai  
in the Central Hall of the Parliament House*



*The President unveiling the portrait of Pandit Motilal Nehru in the Central Hall, Parliament House, on the 30th March, 1957*

## Portrait of Pandit Motilal Nehru Unveiled\*

[The portrait of Pandit Motilal Nehru was unveiled in the Central Hall of Parliament House at New Delhi on the 30th March, 1957, by the President, Dr. Rajendra Prasad. The portrait was the work of Shri Kulkarni, an eminent artist, and was presented to Parliament by Shri Jaspal Rai Kapoor, M.P., on behalf of the citizens of Agra. The speeches made on that occasion by Shri Jaspal Rai Kapoor, the Vice President, the President and the Speaker are reproduced below—Ed.]

**Shri Jaspal Rai Kapoor:** Sir, I feel myself highly honoured in presenting this portrait on behalf of the residents of Agra. Pandit Motilal was born at Agra on the 6th May, 1861, and received his primary education also there. The life of Pandit Motilal was very inspiring. In the college he was a leader of the rebel students and an absconder from the University examinations. He was a wrestler, an advocate reaching the summits of his profession and a person, who at the call of the country left his royal pomp and show, and courted imprisonment while leading the Independence movement in the legislatures. He twice became the President of the Indian National Congress—the highest honour that the people of this country could confer upon him. In 1929 he handed over the charge of this eminent post to his well-known son, Jawaharlal Nehru, and on the 6th February, 1931, departed to his heavenly abode.

Pandit Motilal started his political career as a liberal, but after he came under the influence of Mahatma Gandhi, he became a revolutionary consequent to the Jallianwala Bagh incident.

Although he was an ardent follower of Mahatma Gandhi, he kept an independent viewpoint, and when the Non-Co-operation movement was postponed after the bloody incident of Chauri Chaura and the country relapsed into political lethargy, he, along with Deshbandhu Chittaranjan Das, founded the Swaraj Party within the Congress and took the Independence movement inside

the legislatures, though Mahatmaji and others, like our present President and Jawaharlalji, did not change.

And then, Sir, the Swaraj Party under Motilalji's dynamic leadership focussed public attention and achieved spectacular success by throwing out finance bills in successive years and by downright criticism of Government's anti-Indian policies. The tact and ability with which he led the Opposition and the classical and devastating speeches he delivered will ever remain a glorious chapter in the parliamentary history of the country.

Audacious and aristocratic, Motilalji was highly assertive, both in his public and private life. A man of violent likes and dislikes, he had a tremendous zest for life. His lively conversation would keep people amused and his peals of laughter would shed life and happiness all round. His hospitality was royal. Motilalji had a terrible temper, but at the same time he was extremely affectionate, even though (—well, shall I say that, perhaps I may—) he once gave a severe beating to Jawaharlal. His affection for his grand daughter Indira was intense, and he never forgot to bring her a doll when returning to Allahabad from outstations.

The magnificence, the grand manner, and the splendid strength that was his chief characteristic were peculiarly his own. He was a prince among men.

Motilalji's services to the nation and his sacrifice for the country's freedom are tremendous. He gave to the country his worldly possessions and the best in him, but his greatest gift to the nation is Jawaharlal Nehru.

Agra is proud of being the birthplace of such a great and illustrious son, and respectfully presents his portrait to the Parliament where, in the days of the Central Legisla-

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\*The speech was delivered in Hindi and has been translated.

tive Assembly, as the leader of the first organised opposition party, he was the most popular and dominant figure.

We are grateful to the President for having kindly consented to unveil the portrait.

I request you Mr. Vice-President and Mr. Speaker to kindly accept this portrait for the Parliament.

**The Vice-President (Dr. Radhakrishnan):** Mr. President, I have the great honour to request you to be so kind as to unveil the portrait of Pandit Motilal Nehru.

I had the pleasure of meeting him in 1928 when he came to preside over the Indian National Congress at Calcutta. That was the year also when he submitted what is called the Nehru Report, which was our first effort at Constitution-making.

I saw him again a number of times when he was the leader of the Swaraj Party in the Central Assembly. A few days before his death, when he was undergoing treatment in Calcutta, I visited him off and on. All his thoughts towards the end of his life were concentrated on the independence of his country. On his death-bed practically, when Gandhiji's arrival was awaited and when Gandhiji came, Gandhiji said: "We will win Swaraj if you survive this crisis". To that statement of Gandhiji's Motilal replied: "You have won Swaraj for us, and I have no doubt it will soon come. But I will not live to see that day."

Our greatest sorrow is that he was not there to see that life ambition of his—the cause which he served with such devotion and fervour, with such complete dedication and self-abnegation—the advent of independence.

Motilal's name will be permanently inscribed in the annals of our country, not only by his individual contribution, but, as has already been remarked, by his noblest gift to this nation and the world, his son, Jawaharlal Nehru.

Inspired by his example and influenced by the teachings of Gandhiji, his family has

become a part of the national movement. Motilal had a regal presence and a lordly manner. He reminded me of the old Roman Consuls. There was no taint of commonness about him. There was a distinction in his manner. He was completely enfranchised in his mind, free from all prejudices, hospitable to all values from the East or the West, from Hindu, Muslim or Western sources. There was a happy blend of what we might call, is likely to be the future of a kind of a world culture. That is what he actually represented. We may well apply the words which Horatio said of Hamlet's father: "He was a man. Take him for all in all. You will not see the like of him again".

Mr. President, I have no doubt that the portrait which you will presently unveil will remind generations of our countrymen of that great life, a life of noble renunciation, service, sacrifice and above all, patriotism.

**The President (Dr. Rajendra Prasad):\*** Friends, I consider it my greatest honour and privilege that I have been given the opportunity of unveiling this portrait today. I had occasion to see and study at close quarters the life of Pandit Motilal during the last ten years of his life. During these ten years, I also saw those phases of his life which were most distinguished in the better part of his life. He was the life and soul of an edifice and his life abounded with glory and splendour. I saw that day also, when he, all of a sudden, so to say overnight, transformed his life altogether, and joined the band of those patriots, who, under his leadership and under the leadership of Mahatma Gandhi, had decided to sacrifice their all for the independence of the country. I remember that Panditji had gone to Bihar to appear in a big law-suit and that law-suit dragged on for some ten months. I worked as a junior in that law-suit. I also had some experience of the Bar and I got an opportunity to study the method of his work. Besides this, I also saw the life of comfort and luxury that he used to have, because in those ten months I worked with him day and night.

From Bihar he went to Calcutta to participate in that meeting of the Congress wherein the resolution regarding Non-Cooperation was first passed. In those days Panditji not only travelled in the first class but was getting the entire first class compartment reserved for himself although he used to occupy only one seat. This pertains to the days before he joined the Congress. A few days after Panditji returned from the Congress session, a meeting of the All-India Congress Committee was held at Bombay. The work relating to that law-suit pending at Arrah (Bihar) had by then finished. Panditji started from Allahabad to attend the meeting of the All-India Congress Committee and I also started from Patna to attend the same meeting. We both met at the Cheoki Railway Station. Panditji laughingly asked me in which class I was travelling. I informed him that I was travelling in the Inter class as the journey was pretty long. He told me, "Well, I have come down from first class to second class; you get yourself promoted from the inter to the second class and travel with me". I obeyed his orders. I saw how he bade farewell overnight to the comfortable life he was leading at that time and how he later on changed his mode of life, which served as an example not only to the members of his family but also to the entire country, the fruits of which we are enjoying to-day.

Just now, Shri Radhakrishnan told you that Panditji had said that he would not live to see *Swaraj*. Those were his last days. But prior to that, even though the Non-Cooperation movement was at its zenith and had gained a tremendous momentum, we could not comprehend that we would attain *Swaraj* so soon. But Panditji's determination was so strong that he once told me "Look, you are still young; I will certainly become the first President of India when India attains independence and becomes a Republic." But such an occasion did not come. He did not live to see that day, but India did see her President and her Independence. His vow was to become President and he devoted himself to this end with such a zeal that from the day the movement started, he associated himself with it to the very last days of his life.

I had also the opportunity to see the last days of his life. In 1930, it so happened that the Government had arrested, one by one, all of our leaders. All of them were put behind the bars, and the Government released Panditji for some unknown reason. I had not gone to jail. At that time Panditji used to direct the entire movement from his place at Allahabad and I had to stay with him very often, because he used to send me out on many errands and consult me on various matters. Thus, until June, 1930, when he was rearrested, I stayed with him for most of the time at Allahabad, and after a few days of his arrest I was also arrested. It so happened that Panditji fell ill in the jail and was released after some time. I was also released in December, after the expiry of my six-months' imprisonment, and lived with Panditji at Allahabad, during December and January. At that time our movement was gradually losing its intensity and Panditji was very anxious and very sick. He went to Calcutta for treatment, but even during that illness he did not stop exerting himself, in spite of the doctors' prescriptions and our entreaties, and worked upto eleven or twelve o'clock in the night, while we, younger people, used to get tired very soon. His last illness, in my opinion, was a result of this heavy exertion and his long-standing illness was considerably aggravated by this and resulted in his death. The day he left Allahabad for Lucknow, I was with him. Pandit Jawaharlal accompanied him to Lucknow and I remained at Allahabad. I then went away to Patna. Unfortunately he died just after reaching Lucknow. We had to rush again to Allahabad, not to meet him but to mourn him.

The life of Panditji was such that not only the Indians of his generation derived inspiration from him, but also that his memory will remain green, and at the top of the list of patriots, so long as stories about the sacrifices and hard work of our leaders for the sake of India's freedom are being told. It is a great legacy he has left us and we should preserve it so that the coming generations may benefit thereby. As has just now been said, he sacrificed his all for the service of the country and the

best thing that he gave was that he dedicated Jawaharlal not only to this country but to the whole world.

We only wish that we should not only perpetuate his memory, but also benefit from his life and work, so that we may have that spirit of sacrifice which is required of us in the present day circumstances. With these words, I unveil this portrait.

*[The portrait was then unveiled and thereafter Shri Kulkarni, the artist, was introduced to the audience and presented with a bouquet by the Speaker.]*

**Mr. Speaker:** It is now my pleasant duty and privilege, Sir, to thank you for having so kindly consented at very short notice to unveil the portrait of the first Leader of the Opposition in the previous Assembly. Though Motilalji did not live to see freedom at work and the first Parliament, he has

now presented to us, as has been rightly said, his son, to whom everybody in this country and in the world looks for guidance. Motilalji is not dead; he is living hundred-fold in his son.

The portrait was drawn at short notice. We wanted to have the portrait as early as possible. It shows Motilalji at an earlier age. Those who saw him towards the end of his life would like to have his portrait at that age. I thank the artist for the manner in which he has done it exceedingly well. I also thank Shri Jaspat Rai Kapoor and the presentation committee for having presented it to this Parliament. This is one of the rare gifts that should adorn the House of Parliament, as he was the first Leader of a stout Opposition. And this Opposition worked for freedom both outside Parliament and inside it.

I thank you once again for the kindness with which you have unveiled the portrait in our presence.

## Short Notes

### *Presiding Officers*

#### **Election of Speaker—Felicitations by the Prime Minister and Home Minister**

Shri M. Ananthasayanam Ayyangar was unanimously elected Speaker of the Lok Sabha on the 11th May, 1957, when the House met after the second General Elections. His name was proposed by the Prime Minister and seconded by the Minister of Parliamentary Affairs. On the unanimous adoption of the motion, Shri Ayyangar was conducted to the Chair by the Prime Minister, Shri S. A. Dange (Communist Party) and Shri Jaipal Singh (Jharkhand Party).

Congratulating the Speaker on his election, the Prime Minister said:

"You are not new to this office, Sir, and in electing you, the House has not, if I may say so, taken a risk. We have some of us, who were also Members of the previous Parliament, come into intimate contact with you in your capacity as Speaker and previously as Deputy-Speaker of this House.

"The Speaker occupies a very high position in accordance with our Constitution. But, if I may say so, the office of Speaker of the Lok Sabha has become by convention, by practice, something even higher perhaps than what the Constitution says. . . . .

"It is well-known that under the system of Parliamentary Government, while the Constitution has necessarily great force and while we have bound ourselves by oath and otherwise to abide by the terms of the Constitution, the Constitution by itself is not enough. Conventions have to grow up and a certain tolerance of each other has to grow up—a certain attempt to

understand, to adapt oneself; in other words, a House like this, Sir, has in effect to become an exemplar to the nation at large. As we are representative of the nation, representing various parts of the country, various ideas, various parties, so also in our behaviour in this House we have to set an example of mutual forbearance and tolerance and an attempt to pull together, to the nation at large."

The Prime Minister added that the Speaker with his considerable experience of this office in the past would give good leadership to Parliament so that it could undertake the "joyful adventure" of building up the nation.

Felicitations were also offered to the Speaker on behalf of all the other parties and groups in the House by Shri S.A. Dange, Acharya Kripalani, Shri Karni Singh, Shri Raja Mahendra Pratap, Shri Vijayarama Raju and Shri Pratap Keshari Deo.

Replying to the felicitations, the Speaker said:

"I thank you for having so kindly elected me unanimously to the exalted office of the Speaker of Lok Sabha. I am grateful to the Leader of the House and the Leaders of various groups for the kind words that they have spoken about me.

I came to this House in 1934 which was then the Central Legislative Assembly and ever since, I have been continuously a member of this House, and I have seen through all its vicissitudes and changes. During the previous regime, I had many opportunities of working in the Opposition under great leaders who fought for freedom both inside and outside the House. I know the difficulties of the Opposition

Benches. I should do my best to protect the interests of the various groups and the liberties and privileges of the House as a whole.

Since 1947, I have had many opportunities of studying at close quarters the working of the Government. I was elected Deputy-Speaker of the House in 1948 and again in 1952 and was elected Speaker in March 1956. I had therefore ample opportunities to study first hand the working of parliamentary democracy. I can assure the House that nothing shall be wanting on my part to strengthen the foundations of democracy and to uphold the traditions and conventions of Parliament.

Ours is the biggest democracy in the world. I hope that this Parliament will develop traditions which may be welcome and acceptable not only to our Parliament but also to other Parliaments in the world. As an instrument of the peoples' voice in the matter of legislation and in the governance of the country I shall with your co-operation try to make it as effective as possible.

The necessary existence of parties in a parliamentary democracy does not necessarily imply that they should be fighting in all matters. There can be a large measure of agreement amongst the parties. I hope and trust that there will be co-operation amongst all parties and if ever they fight, they will do so without rancour and take defeat without bitterness. This kind of spirit will conduce to the growth of democracy in an ever-increasing manner.

We have done well during the First Parliament. I expect many far-reaching issues will come up for discussion during this Second Parliament which coincides with the period of the Second Five-Year Plan. I hope and trust that all Parties and Groups in this House will develop a spirit of cordiality

and accommodation and work unitedly in the best interests of the country and the community as a whole.

I once again thank you for having conferred upon me this high office and I assure you that I shall do my best to uphold the traditions of our Parliamentary democracy and see that your expectations in me are fulfilled".

The Speaker was also congratulated on 17th May, 1957 by the Home Minister, Pandit G. B. Pant, who said:

"I would, with your permission, Mr. Speaker, offer you my hearty congratulations on your unopposed return to this august office. The fact of your being elected without any opposition from any quarter is a conclusive proof of satisfaction that you have given to every Member of the House during your previous term."

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#### **Election of Deputy-Speaker—Felicitations by the Minister of Education and the Speaker**

Sardar Hukam Singh was unanimously elected Deputy-Speaker of the Lok Sabha on 17th May, 1957. His name was proposed by the Minister of Education and Scientific Research, Maulana Abul Kalam Azad, and seconded by the Minister of Parliamentary Affairs, Shri Satyanarain Sinha. Congratulating Sardar Hukam Singh on his election, Maulana Azad said:

"Ours is a new Parliament and this is the first phase of its life. We have to establish very many new conventions and also preserve some old ones. The responsibility cast on those who are entrusted with the task of guiding the deliberations of the House is very great. It is their duty to establish new traditions in the House. I am confident that Sardar Hukam Singh would

carry this responsibility very well. His personality will go down as an example for the coming generation of Members."

Felicitations were also offered to the Deputy-Speaker on his election by Shri S. A. Dange, Mr. Frank Anthony, Acharya Kripalani, and Shri B. R. Singh on behalf of the various parties and groups in the House.

Congratulating the Deputy-Speaker on his election, the Speaker observed:

"I am personally delighted that Sardar Hukam Singh, who was my deputy last time, has been once again returned this time unanimously. Though he officiates only in the House, his responsibilities are as great as that of the Speaker himself. Those who occupy the Chair here on the spur of the moment will have to decide very far-reaching issues, hold the balance amongst all the parties, be absolutely impartial and never lose one's temper.

"Sardarji is eminently fitted to discharge the duties of the Speaker in his absence as his deputy. I once again congratulate him on the unanimous vote of the House for having him as the Deputy-Speaker of the House. I am confident that he will relieve me very often and thus assist me."

Replying to the felicitations, the Deputy-Speaker said:

"Mr. Speaker, Sir, I am extremely obliged to the sponsor of the motion, and the members of the Government who have initiated this motion and proposed me. I am equally obliged to my friends here of the Opposition, who have said so many sweet words for myself.

"Sir, I am immensely grateful to the Members, all sections equally, for reposing confidence in me for the second time. I am taking up this responsibility with confidence because I have full faith in the genero-

sity and large-heartedness of the members of this House as also in their keen anxiety to assist in the successful working of democracy and to uphold the noble traditions of this august House. From what I have seen of the hon. Members during the last 5 days I feel convinced that every one in this House has come with a burning desire to serve his countrymen and to help promote our parliamentary system. When I look back to the past year my confidence increases all the more, as I recollect that I received full co-operation and assistance from all quarters of the House. I am obliged for that generosity and crave similar indulgence from the Members in future.

"I do assure all sections here that I would try to discharge my duties with impartiality and even-handed justice. I thank the House again."

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#### *Members' Salaries and Allowances*

#### **Rise in Members' Salaries (Australia)**

According to the Parliamentary Allowances Act, 1956, which was passed by the Australian Parliament on May 29, 1956, the Members of the House of Representatives and the Senators in the Australian Parliament are given the following allowances and amenities as from 1st July, 1956 :—

- (a) A sum of £ A 2350 per annum as Parliamentary allowance to each Senator and Member of the House of Representatives. The allowance hitherto paid was £ A 1750 per annum ;
- (b) An Electorate Allowance (*i.e.* allowance for reimbursement of Parliamentary expenses) of £ A 600 per annum to each City Member, of £ A 800 per annum to each country Member and £ A 700 per annum to each Senator. This allowance was hitherto paid to Members divided into six categories and ranged from £ A 400 to

- £ A 900. The allowance has, however, been now made subject to income-tax, whereas it was previously tax free;
- (c) A Living Allowance of £ A 2.10sh. per day to each Member of the House of Representatives and Senator while at Canberra for Parliamentary sittings. This allowance remains the same as before;
  - (d) The Gold Pass allowing free travel for M.Ps. on Government railways and tramways has been abolished and all country railway travel on parliamentary business is now allowed for the Member on production of a warrant.
  - (e) The air travel allowance ranging from £ A 50 to £ A 150 per annum, hitherto paid, has been abolished and all air travel on parliamentary business is now allowed on production of a warrant;
  - (f) The Stamp Allowance of £ A 6 per month, hitherto paid, has been abolished and is now provided for in the electorate allowance;
  - (g) There was previously no allowance paid for official telephone expenses and the present electorate allowance is intended to include a provision for this expense as well;
  - (h) The services of a typist-secretary previously allowed to each Member and Senator continue as before;
  - (i) Free return travel to the Australian Territories for each Member and Senator once in each Parliament but not more than once in any year. This is in addition to the previous travel facility given to two parties of Members each year;
  - (j) The following special allowances are also payable: To Ministers and the Leader of the Opposition—£ A 1,000; to the Speaker, President, Leader of the Opposition in Senate and the Deputy Leader of the Opposition in the House of Representatives—£ A 250. Pre-

vously these special allowances were tax-free.

The Prime Minister receives £ A 10-10sh. per day as Travelling Allowance—other than in Canberra or home base—on official business. All other Ministers, President, Speaker and Leader of Opposition receive £ A 7-7sh. per day.

These changes in allowances and amenities are the result of the recommendations of a committee of three businessmen headed by Sir Frank Richardson appointed by the Australian Government in August, 1955. The Committee submitted its report on April 18, 1956. The reason for the revision of the allowances paid to M.Ps. was explained by the Australian Prime Minister, Mr. Menzies in the Australian House of Representatives on May 24, 1956 as due to the fact that the salaries and allowances of the M.Ps. had been fixed more than four years ago since when there had been a sharp rise in prices and most wages and salaries in the country had increased.

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#### *Unveiling of Portraits*

#### **West Bengal Legislative Assembly: Portraits of National Leaders Unveiled**

On November 10, 1956, the Prime Minister unveiled the portraits of eighteen national leaders in the lobbies of the West Bengal Legislative Assembly, Calcutta, at a brief ceremony held for the purpose. The portraits are the first instalment of forty such paintings approved by the West Bengal Government for adorning the lobbies of the Assembly at a cost of Rs. 60,000. They include, among others, those of Mahatma Gandhi, Rabindra Nath Tagore, Raja Ram Mohan Roy, Swami Vivekananda and Motilal Nehru. Unveiling the portraits, the Prime Minister said:

“It is right that we should remember ourselves and make other people—the generations to come—remember the great people who have moulded our destiny not only in the political

field which attains usually a great deal of prominence—whether it is in newspapers or otherwise—but in the other and, in the final analysis, more important fields—the fields of the mind, of science, of culture.... It is necessary, not only desirable but necessary, that they (the younger generation) should have a more intimate and emotional memory of past events and past great figures. Thus the history and the life of a country becomes an integrated whole, growing from one step to another."

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*Secretaries' Meetings*

**Meeting of the Standing Committee of the Secretaries of Legislative Bodies in India**

A meeting of the Committee of Secretaries of the Legislative Bodies in India was held on the 5th and 6th March, 1957 at Hyderabad under the Chairmanship of Shri M. N. Kaul, Secretary, Lok Sabha. The meeting was attended by the following :—

- Shri S. L. Shakhder, Joint Secretary, Lok Sabha.
- Shri G. V. Chowdhury, Secretary, Andhra Pradesh Legislative Assembly.
- Shri A. R. Mukherjee, Secretary, West Bengal Legislature.
- Shri S. H. Belavadi, Secretary, Bombay Legislature.
- Shri K. K. Rangole, Secretary, Madhya Pradesh Legislative Assembly.
- Shri T. Hanumanthappa, Secretary, Madras Legislature.
- Shri G. S. Venkataramana Iyer, Secretary, Mysore Legislature.
- Shri D. N. Mithal, Secretary, Uttar Pradesh Legislative Assembly.

The Committee, in their two-day session, besides considering administrative and procedural matters of common interest to all legislatures in the country, also held detailed discussions as to the arrangements to be made by the Central and State Legislatures concerned, in connection with the Conference of Commonwealth Parliamentary Association to be held in New Delhi in December this year.

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*Questions*

**Questions asked during First Parliament**

The increasing interest shown by Members of Parliament in asking questions of the Government is revealed by the statistics of questions asked in the Lok Sabha during the period 1952 to 1956, i.e. up to the end of the 14th Session.\* The number of questions asked during this period steadily increased from 5636 in 1952 to 11,849 in 1956. The number of questions received (excluding withdrawn or lapsed questions) also registered a steady increase from 1952, when it was 10845, to 22496 in 1956, the proportion of questions admitted to questions received being 48% in 1952 (5215) and 54% in 1956 (12109). The number of questions orally answered was 1633 in 1952 as compared to 3088 in 1956, the number of supplementaries answered during these years being respectively 8624 and 12795.

Among the several Ministries of the Government, those which came in for the largest number of questions were respectively: the Ministry of Railways, the Ministry of Commerce and Industry (later split up into Commerce and Consumer Industries and Heavy Industries) and the Ministry of Food and Agriculture. Those which received the minimum number of questions for answer during this period were the Ministry of Law, the Ministry of Information and Broadcasting, the Ministry of Works, Housing and Supply and the Ministry of Rehabilitation.

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*Detention of Members*

**Information about a Member under Detention: Practice in U.K. and India**

It is a long-established right of Parliament of the United Kingdom to receive immediate information about the arrest of a Member, whenever any of its Members has been arrested by the Government on criminal charges. The House of Commons has always maintained this right and it is the duty of the committing magistrate to com-

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\*During the Fifteenth Session held in 1957, the number of questions received was 297, out of which 189 questions were admitted and answered. The number of supplementary questions asked was 526.

municate the fact and cause of the arrest of a Member to the Speaker by letter. The Speaker is also to be informed of the offence and conviction, if any, of the Member after trial.

In addition, the Member, who is arrested and detained, may communicate to the House through the Speaker the fact of his detention. The House may also obtain information about the condition of the Member under detention, the treatment meted out to him and other facilities afforded to him, by putting questions to the Government. There is, however, no regular practice whereby the House would be constantly informed of the position of an arrested Member, the condition of his health etc., as this would more or less amount to claiming a new privilege, which is not admissible, under a resolution of the Lords assented to by the Commons in 1704.\*

As regards the position in India, Article 105 (3) of the Constitution states that the powers, privileges and immunities of Parliament shall be those of the British House of Commons until defined by law. Parliament has therefore the right to be informed of the arrest, detention and conviction of a Member and the Member may also communicate the matter to the House through the Speaker. According to Rule 261 of the Rules of Procedure of the Lok Sabha, whenever a Member is arrested on a criminal charge, or sentenced or detained, the committing judge or magistrate should inform the Speaker of the arrest, its reason as well as the place of detention.

Further, a detenu member has also the right to correspond with the legislature of which he is the Member and this right has been acknowledged and upheld by the Courts. The House can also obtain information about the condition of health of the arrested Member or any other relevant matter by putting questions to the Government, as was recently done in the case of Shri A. K. Gopalan, a Member of the Lok

Sabha, who was arrested and detained in Ahmedabad in August, 1956.

It is not, however, open to Parliament, to adopt a practice, whereby it would receive constant and regular information about the position and health of an arrested Member, as this right is not enjoyed by the British House of Commons.

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### Standing Committees

#### Standing Committees of the House of Commons (U.K.)

It is the practice in the British House of Commons to appoint a number of Standing Committees at the commencement of every session for considering Bills and other public business committed to them\*\*. According to *May*, all Bills, except those for imposing taxes, or Consolidated Fund or Appropriation Bills, those for confirming provisional orders and those which have been approved for reference to a Select or Joint Committee or Committee of the Whole House, stand committed or referred to Standing Committees, as soon as they are read a second time in the House†.

#### Composition :

Each Standing Committee has a permanent nucleus of twenty members nominated for the duration of the session by a Committee of Selection "which is directed in nominating those members to have regard to the composition of the House" (*May*, p. 627). The Committee of Selection has also the power to add not more than thirty members to each of the Standing Committees, in respect of any Bill referred to it, to serve on the Committee during the consideration of such bill. In adding such members, the Committee of Selection is to have regard to their special qualifications as well as the party com-

\*"That neither House of Parliament have power, by any vote of declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament."

\*\*Standing Order No. 57 provides for the appointment of Standing Committees, *vide* pp. 626 and 1031 of *May's Parliamentary Practice* (15th Ed.).

†*Ibid.* p. 512.

position of the House. Every Standing Committee is thus a microcosm of the House.

**Chairman :**

The Chairman of each Standing Committee is appointed by the Speaker from a panel consisting of not less than ten members nominated by him at the commencement of every session. The Speaker may also change the Chairman so appointed, from time to time.\*

**Procedure :**

The Bills committed to Standing Committees are distributed among the Committees by the Speaker who may change their allocation from time to time, if occasion should arise. In all but one of the Standing Committees, precedence is given to Government Bills, and these Bills are considered by the Standing Committees in such order as the Government may, from time to time, determine. "The Committee in which precedence is given to Private Bills is designated by the Committee of Selection"† and the Bills committed to it are considered in the order of their allotment.

Notices of amendments to Bills referred to a Standing Committee may be given by Members who are not members of the Committee but those amendments cannot be considered by the Committee unless they are moved by a member of the Committee. These amendments are however printed and circulated to the Committee. Petitions are not received by a Standing Committee.

A clause creating a charge on the people or public revenue, known as "money clause" cannot be considered by a Standing Committee, unless a resolution of a Committee of the Whole House sanctioning the charge (known as a 'money resolution') has been agreed to by the House.

**Sittings :**

The first meeting of the Committee is fixed by the Chairman of the Committee and

subsequent meetings by the Committee itself as it meets from time to time. A Standing Committee may sit on any day on which the House is sitting, before, during and after the sitting of the House. When a division is called in the House, the Chairman will suspend the Committee's proceedings for such time as will enable the members to vote in the division. Except when a quorum is not present, the Chairman cannot adjourn the Committee without the consent of the members present. The quorum of the Committee is fifteen. The Press and members of the public are admitted to the meeting, except when the Committee may order them to withdraw.

**Minutes of Proceedings :**

The minutes of proceedings of the Committee and a *verbatim* report are taken and printed for circulation to members of the Committee and for the information of the House.

\* . . . . \*

**Address to Members**

**Earl Attlee's Speech at the Madras Branch of the Commonwealth Parliamentary Association**

During his recent visit to India, Earl Attlee, the former Labour Prime Minister of Great Britain, paid a visit to the Madras Legislature and was accorded a reception by the local branch of the Commonwealth Parliamentary Association on the 16th October, 1956. Replying to the address of welcome by Dr. P. V. Cherian, Chairman, Madras Legislative Council, Earl Attlee made the following observations about Parliaments in general :

"It is very interesting to compare the kind of things that is happening in different Houses, because every House has its own character. Some of them, I think, are awfully grave,

\*May's Parliamentary Practice (15th Ed.) p. 628.

†*Ibid* p. 628.

some of them go in for what may be called a good number of jokes. We all like, particularly when the sitting is prolonged, to hear a good number of jokes and jests. I have known various Legislatures where in the middle of the debate they speak as from the pulpit and nothing happens. The way we work in Westminster is oftentimes to talk across the Table to the opponents amidst prolonged interruptions. I have known some of the best things brought about in the House of Commons simply by an interjection, often a rude one!"

Earl Attlee also paid a warm tribute to the Indian people for having 'managed to catch the spirit of Parliamentary institutions'—not only the letter but also the spirit.

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### *Constitutional Changes*

#### **Independence of Ghana: Felicitations by the Prime Minister and Shri Krishna Menon**

On the 6th March, 1957, the West African territory of Ghana, hitherto known as Gold Coast, became an independent member of the Commonwealth. A meeting was organised in Delhi on the same day, by the African Students' Association of India to celebrate this event. The Prime Minister, who addressed this meeting, said that he was happy to associate himself with the independence celebrations of Ghana and would have been happier if he were able to be present at Accra on that day. He added:

"There are many dark shadows in Africa. So it is a pleasure to find that out of that darkness, this light has come, which I hope will spread. Those who are responsible for this deserve our congratulations.

"There is something more important about the independence of Ghana than perhaps of some other countries, as it symbolises so much for the whole continent of Africa which has had a tragic history for hundreds of years. To see Africa or a

part of it turn its face towards the dawn after a dark night is indeed something, the very thought of which is exhilarating. This breath of dawn is bound to move people in India not only intellectually but emotionally also."

The Prime Minister then referred to the 'rich history' of Africa—rich in cultural element, in political organization, forms of democracy and State socialism—and mentioned the fact that Ibn Batuta who came to India at the time of Mohammed Tughlak was an African traveller. He hoped that the people of Ghana would rediscover their old roots and adapt them to modern conditions. He had no doubt that their Prime Minister, Dr. Nkrumah, and the people of Ghana would face their new responsibilities and problems bravely.

Shri V. K. Krishna Menon, Minister without Portfolio in the Union Cabinet also congratulated Ghana on the attainment of her independence, while speaking in the Lok Sabha on March 26, 1957. He said:

"I ask your indulgence to join in the general expressions of happiness that have been uttered in this House in connection with the emergence of the Gold Coast as an independent State. As we did at the United Nations, I think it is useful to read in the records of this House, that this is not a country that for the first time emerges into civilization but, like ourselves, whose civilization has been overlaid by the hand of imperial rule and has now come back into its own. Speaking before the Legislative Assembly on the 18th of May, the Prime Minister of Gold Coast said:

"The Government proposes that when the Gold Coast attains independence, the name of the country should be changed from 'Gold Coast' to the new name of 'Ghana'. The name Ghana is rooted deeply in ancient African history, especially in the history of the western portion of Africa

known as the Western Sudan. It kindles in the imagination of modern West African youth the grandeur and the achievements of great mediaeval civilization which our ancestors developed many centuries before the European penetration and subsequent domination of Africa began. According to tradition the various people or tribal groups in the Gold Coast were originally members of the Great Ghana Empire that developed in the Western Sudan during the mediaeval period.

For the one thousand years that the Ghana Empire existed, it spread over a wide expanse of territory in the Western Sudan. Its influence stretched across the Sudan from Lake Chad in the East to the Fouta Djalon mountains in the west, and from the southern fringes of the Sahara Desert in the north to the Bights of Benin and Biafra in the south. Thus the Ghana Empire was known to have covered what is now the greater part of West Africa, namely, from Nigeria in the east to Senegambia, in the west. While it existed, the Ghana Empire carried on extensive commercial relations with the outside world, extending as far as Spain and Portugal. Gold, animal skin, ivory, kola, nuts, gums, honey, corn and cotton were among the articles that writers had most frequently named. It is reported that Egyptian, European and African students attended the great and famous universities and other institutions of higher learning that flourished in Ghana during the mediaeval period to learn philosophy, mathematics and law. A famous Arabic writer has stated that there was during this period exchange of professors between the University of Santore in

Ghana and the University of Cordova in Spain.

"Mr. Speaker, I thought I would read this because it brings memories to our minds and also a feeling that the whole world which has been overlaid by certain aspects of modern civilization much to its detriment is now coming back to its own. It is also appropriate that, while congratulating Ghana and expressing our good wishes to her, we should also recall that her independence in many ways has been reached in the same way as ours that is, in the last stages by co-operation with the metropolitan power in conditions of peace, and I believe a tribute is due to that metropolitan power also in bringing an end to the imperial rule in this part of West Africa."

### ***Services and Facilities in Parliament***

#### **Automatic Voting Equipment**

In order to save the time of the House in recording the votes of Members in the case of Division, an Automatic Vote Recording Equipment has been installed in both the Houses of Parliament. This device consists of a push button set and a push switch at the desk of every Member, a master key Board at the Secretary's table in the Chamber, a Lamp Field Indicator Board on either side of the Speaker's seat and two circular Time Indicator Boards in the two corners on either side of the Speaker's chair. There are also two Result Indicator Boards near the Time Indicator Boards, to indicate the totals of the 'AYES', 'NOES' and 'ABSTENTIONS' and the total number of Members present during a Division.

The push button set at the desk of each Member consists of three push buttons—a green button for 'AYES', a red button for 'NOES' and a black button for 'ABSTENTION'—together with a pilot light to

indicate whether the vote of the Member has been correctly recorded by the Equipment. The apparatus is so devised that it can record both an *ordinary division* wherein the nature of the vote cast by each Member is known and *secret voting* wherein this is not revealed.

When a Division is ordered by the Speaker, the Secretary is required to press a button on the Key Board installed on his table for operating the Equipment, according as the division is ordinary or secret. Immediately, a gong sounds which will be the signal for the Members to record their votes. On the sounding of the gong, each Member present in the Chamber will have to press with one hand the push switch and with the other any of the three push buttons for 'AYES', 'NOES' or 'ABSTENTION' according to his choice. He has to keep both of them pressed for ten seconds until a second gong sounds indicating that the time for recording the votes is over. The passage of the time of ten seconds is indicated by the movement of light in the two circular Time Indicator Boards. If any Member has pressed the wrong button on his desk and desires to correct his error in voting, he may do so by pressing the right button *before* the second gong is sounded. The result of each Member's voting is immediately reflected in the Lamp Field Indicator Boards on either side of the Speaker's chair by a green, red or white light according as his vote is 'AYE', 'NO' or 'ABSTENTION' in the case of an ordinary Division, and by a mere white light in the case of secret voting. The small pilot lamp on each Member's desk will also show whether the vote of the Member has been correctly recorded by the Equipment.

Immediately after the sounding of the second gong, the Equipment starts totalling up the 'AYES', 'NOES' and 'ABSTENTIONS' and one minute thereafter the totals of 'AYES', 'NOES', and 'ABSTENTIONS' as well as the total number of Members present in the Chamber are flashed in the Result Indicator Boards. The total of 'AYES' and 'NOES' is also flashed on an Indicator Board installed on the Secretary's table.

The whole process from the time of the ringing of the usual Division bells to the time of the declaration of the result will not take more than four minutes. Members will also be able to cast their votes from their seats without going to the lobbies. Each Member will be assigned a fixed seat in the Chamber so that each particular light in the Lamp Field Indicator may always indicate the same Member. There is also another Result Indicator Board in the Lobby which will flash the particulars of voting of each Member and the final result of each Division which will be photographed and kept as a permanent record of voting in each Division.

## First Parliament

### Parliament Week and Exhibition

With a view to acquainting the public with the activities of the First Parliament, a Parliament Week was organised by the Lok Sabha Secretariat from March 26 to April 1. The chief feature of the Week was an interesting exhibition opened by Shri M. Ananthasayanam Ayyangar, Speaker of the Lok Sabha, on the 26th March, at the Reception Hall of Parliament House. The exhibition consisted of a number of photographs and charts, graphic illustrations, publications and photographic copies of some rare documents showing the landmarks in the constitutional evolution of democracy in India since the middle of the nineteenth century. The working of both Houses of Parliament was also graphically illustrated by several tables and charts showing the outstanding legislation enacted during the period of the First Parliament, the number of questions asked by Members, the proportion of questions asked of different Ministries, the manner in which the various Parliamentary Committees functioned etc. A map of India in which were inserted colour slides of the buildings of Parliament and of the various State Legislatures, the photographs of the previous Presidents of the Indian Legislative Assembly, the group photographs of the Members of the previous Houses and the teleprinter by which Members were informed of the latest world deve-



*Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha being conducted round the Parliamentary Exhibition which he opened in the Reception Hall of the Parliament House on March 26, 1957*

### Short Notes

lopments hour-by-hour during session time were of added popular interest. The exhibits also included charts and photographs relating to Parliamentary activities in Great Britain and the United States.

Besides, colour slides were shown to the public every day, depicting the various activities inside Parliament House. Documentaries of Parliamentary interest, both Indian and foreign, were also shown at the Exhibition.

About 20,000 people visited the Exhibition and in view of the wide popular interest it evoked, it was extended upto April 4. Among the visitors were several M.P.s, Judges of the Supreme Court, Advocates and educationists, besides a large number of students from the educational institutions in the Capital. The Prime Minister who visited the exhibition on 29th March, 1956, made the following remark in the Visitors' Book: "A good exhibition from which we can all learn something."

*I stand for the sovereign freedom of the individual within the laws which freely-elected Parliaments have freely passed. I stand for the rights of the ordinary man to say what he thinks of the Government of the day, however powerful, and to turn them out, neck and crop, if he thinks he can better his temper or his home thereby, and if he can persuade enough others to vote with him.*

WINSTON S. CHURCHILL in his first election broadcast on June 4, 1945. (*The War Speeches of W. S. Churchill*, Vol. III, 1952).

# Future Parliamentary Activities

## III. EXTRA PARLIAMENTARY ACTIVITIES\*

BY

M. N. Kaul,

*Secretary, Lok Sabha*

**I**n the field of extra parliamentary activities, certain schemes which are under consideration or which ought to be introduced may be mentioned here.

### **Inter-Parliamentary Association of Members of Parliament and State Legislatures**

The Speakers' Conference has taken a decision that there should be an Inter-Parliamentary Association of which the members of Parliament and members of State Legislatures should be members. This Inter-Parliamentary Association should meet once a year so that matters of common interest are discussed. For this purpose, parliamentary groups are being formed in the various States under the guidance of the Speakers. A central body will then be formed and will arrange annual conferences in the various parts of the country so that there is better understanding of the problems of the country as a whole, there is unity of purpose and an exchange of ideas on matters of common interest to the various States. All State Legislatures and Parliament combined form the Grand Parliament of India and it is only for purposes of convenience or administrative necessity that the administration of the country has been divided into various units—each called a State—and the total functions have been divided between Parliament and the States. Nevertheless, the basic principles remain, *viz.*, that we are one country and we have one aim which is the development of the country and its unity. It is therefore but natural that in the Parliamen-

tary sphere, this should be more in evidence than in other spheres, because ultimately power springs from Parliament or State Legislatures and it is on these bodies that responsibility for shaping the future of India is cast. Every effort should be made to strengthen the idea of a Parliamentary Association and to give it life and a practical meaning.

### **Exchange of Parliamentary Delegations With Foreign Countries**

Since Independence, our Parliamentary delegations have gone abroad and foreign delegations have been received by us. Such visits have so far been restricted to one or two in a year. The time has now come when in keeping with India's position in world affairs the number of such goodwill missions or delegations should be increased so that more areas are covered in one year. Such delegations should consist of members of Parliament as well as members of State Legislatures. They give a good opportunity to members to expand their vision and to imbibe ideas and to appreciate the difficulties and problems of other people. Furthermore such visits help to develop bonds and increase goodwill. Similarly, arrangements should be made to receive a larger number of foreign delegations which come here, in order to enable visiting members to carry impressions of our country to their own lands and to help in strengthening and developing goodwill throughout the world.

\*This is the third and last instalment of the article written by the author. The previous two instalments appeared in the issues of April and October, 1956, (Vol. II, Nos. 1 and 2) respectively.

### **Asian-African Regional Organisation of the Inter-Parliamentary Union**

Our Parliament is already a member of the Commonwealth Parliamentary Association and the Inter-Parliamentary Union. We have so far made good contribution in the development of both the organisations. But the time has come when we should help in developing an Asian-African regional organisation of the Inter-Parliamentary Union. Countries of Asia and Africa have common points of view and have many problems. As in the executive sphere, so in the parliamentary field, these countries should meet together, discuss and arrive at conclusions under the auspices of the Inter-Parliamentary Union. A beginning was made last December, when the Executive Committee of the Inter-Parliamentary Union and the representatives of Asian countries met in Delhi and strongly suggested that a regional conference of Asian countries should be held at regular intervals. It is necessary that this idea should be further developed and given a more practical shape.

### **Parliament to Control its own Affairs**

Parliament should have control over its own affairs. At present some of the matters relating to Members' conveniences or Parliamentary activities in which they are vitally interested are under the control of officers of the Executive Government and Parliament has not much say, with the result that there is often some friction or some discontent. Such matters should, as far as possible, be under the complete control of the Members themselves, and Parliament should be completely independent of the Executive Government in so far as its own affairs are concerned. Matters such as the Parliament House building, printing press, provision of telephones, Members' residences and the like should be under its own control. Such a step would be symbolic of the supremacy of Parliament and its sovereignty in its own affairs. Similarly, the Parliament Estate should be earmarked and the thoroughfares running through its grounds should be controlled under the authority of Parliament. There are proposals for putting up collapsible gates at the entrances to Parliament

House Estate and when this is done it should secure a compact area for the use and needs of Parliament.

### **Decoration of Parliament House**

A scheme for the decoration of the Parliament House is in progress. A Committee was appointed to formulate a plan for the entire building. The Committee have made a report and their suggestions are now being implemented. An Artists' Committee has been formed and they have distributed the work among the artists from the various parts of the country. This Committee meets from time to time and reviews the work done. At present the work is still in preliminary stages and it is hoped that during the Second Five Year Plan considerable progress would have been made towards the implementation of the scheme.

### **Gradual Adoption of Hindi for Parliamentary Purposes**

Hindi is being gradually adopted in Parliamentary sphere. We have made considerable progress in adopting the use of Hindi for various purposes. We are now practically conducting the work in both the languages—English as well as Hindi. I need not catalogue all the various purposes for which Hindi is used. But we have to be very patient in this matter. We have to take note of the fact that a large number of Members do not know Hindi and they are not likely to be proficient in it for some time to come. In order that these Members may take part effectively and there is no dislocation in the work of Parliament or a fall in its standards, we have necessarily to go slow, and continue both the languages until it is convenient for everybody to switch over to Hindi.

### **Research and Reference Work to Help Members**

We are now producing synopsis of debates giving in a small booklet the gist of all the proceedings and speeches. We are also engaged in bringing a digest of cases in the

## Journal of Parliamentary Information

Supreme Court and High Courts having a bearing on the Constitution and in due course we will be bringing out a synopsis of Acts passed by Parliament and the various State Legislatures. We have also, for the convenience of Members, been bringing out abstracts of reports, list of articles in the various publications, Fortnightly News Digest, brochures on selected subjects for intensive study, etc. Members are also helped individually in their work in Parliament with material and references.

We also bring out a 'Journal of Parliamentary Information' in which matters of procedure in Parliament and in other Legislatures are included and discussed. The foundation has thus been firmly laid and we have already passed the first stage.

In the end, let me say that Parliamentary influence which at present is felt will begin to pervade every sphere of activity and will give us courage to go forward on the road to victory. *(Concluded)*.

*I consider political experience absolutely necessary, because a man who understands politics understands free Government. Our Government is by the consent of the people, and you have to convince a majority of the people that what you are trying to do is right and in their interest. If you are not a politician, you cannot do it.*

HARRY S. TRUMAN in "The Truman Memoirs"  
quoted in *Life* dated November 28, 1955.

# States Reorganisation in India

By

S. L. Shakhder

*Joint Secretary, Lok Sabha Secretariat*

## Historical Background

The political map of India was redrawn on the 1st November, 1956, with the implementation of the States Reorganisation Act.

Even before Independence, the question of reorganisation of States on a more rational basis had been raised on many occasions. It was alluded to as early as 1918 in the Report on the Indian Constitutional Reforms<sup>1</sup>. The Indian National Congress formally resolved at its Nagpur Session in 1920 that the reorganisation of States should be undertaken on the principle of linguistic homogeneity.<sup>2</sup> These aspirations have to be appreciated in the context of the conditions prevailing under the British rule, for the political map under them had been shaped more by the military, political and administrative exigencies of the situation rather than linguistic or cultural affinities of the people.

The merger of about 600 'Princely' States, after independence, either into the neighbouring provinces or their constitution into new administrative units, had further complicated the picture.

Soon after Partition, the question of reorganisation of States was taken up by the Constituent Assembly of India which appointed in June 1948 a Linguistic Provinces Commission, known as the Dar Com-

mission, to enquire into the desirability of creating certain linguistic provinces like Andhra, Karnataka, Kerala and Maharashtra. While reporting against any reorganisation being undertaken at that stage of country's political development, the Dar Commission laid down that "in forming the provinces, the emphasis should be primarily on administrative convenience, and homogeneity of language will enter into consideration only as a matter of administrative convenience and not by its own independent force."<sup>3</sup>

In order "to review the position and to examine the question in the light of the decisions taken by the Congress in the past and the requirements of the existing situation, in view of the report of the Linguistic Provinces Commission", the Indian National Congress at its Jaipur Session in December 1948, appointed a Committee consisting of Shri Jawaharlal Nehru, Shri Vallabhbhai Patel and Dr. Pattabhi Sitaramayya.<sup>4</sup> This Committee, known as the J.V.P. Committee, expressed the view that in considering this problem "the primary object should be the security, unity and economic prosperity of India and every separatist and disruptive tendency should be rigorously discouraged".<sup>5</sup> The Committee added that "if public sentiment was insistent and overwhelming" in any area for the creation of a Linguistic State, the practicability of satisfying the demand should be examined "subject to

<sup>1</sup>Report on Indian Constitutional Reforms, 1918, para. 246.

<sup>2</sup>Pattabhi Sitaramayya—History of the Indian National Congress, Vol. I.

<sup>3</sup>Report of the Linguistic Provinces Commission, para. 131.

<sup>4</sup>J. V. P. Report, p. 1.

<sup>5</sup>*Ibid*, p. 15.

certain limitations in regard to the good of India as a whole". They added: "Public sentiment must clearly realise the consequence of any further division so that it may fully appreciate what will flow from their demand. We feel that the case of Andhra Province should be taken first and the question of its implementation examined before we can think of considering the question of any other Province."<sup>o</sup>

Thus, while the general approach was to discourage the formation of States purely on linguistic grounds, exception was made in the case of Andhra which was formed out of the State of Madras on October 1, 1953. This was done partly on the suggestion of the J. V. P. Committee and partly due to the exigencies of the situation. Subsequently, similar demands were pressed by the leaders of Kannada and Marathi-speaking areas. As each such problem was closely inter-related with other problems, it was felt increasingly difficult to consider the issue of formation of a new State in isolation.

#### States Reorganisation Commission

Consequently, on the 22nd December, 1953, the Prime Minister made a statement in the Lok Sabha announcing the Government's decision to set up a Commission to examine the whole question of the reorganisation of the States of the Indian Union.

The States Reorganisation Commission consisting of Shri S. Fazl Ali as Chairman and Shri H. N. Kunzru and Shri K. M. Panikkar as Members was accordingly appointed on the 29th December, 1953.

The Commission was asked to examine—

"the reorganisation of the States of the Indian Union objectively and dispassionately, so that the welfare of the people of each constituent unit as well as of the nation as a whole is promoted".

The Commission was required to make recommendations regarding "the broad principles which should govern the solution" of the problem of reorganisation and to lay down "the broad lines on which a particular State should be reorganised."<sup>7</sup>

#### Commission's Recommendations

The Commission travelled extensively, visited 104 places and interviewed more than 9,000 persons for gathering public opinion on the subject. It received, in response to a Press note, 1,52,250 documents from individuals, parties and associations for consideration, though the number of "well-considered" memoranda did not exceed 2,000.

In its Report\*, submitted to the Government on 30th September, 1955, the Commission proposed a scheme of reorganisation in which the component units of the Indian Union were to comprise two categories, namely "States" forming primary federating units and "Territories" to be Centrally administered, in place of the hitherto complicated categorisation into Part A, B and C States and Part D Territories.

The States proposed by the Commission were<sup>8</sup>:

1. Madras
2. Kerala
3. Karnataka
4. Hyderabad
5. Andhra
6. Bombay
7. Vidarbha
8. Madhya Pradesh
9. Rajasthan
10. Punjab
11. Uttar Pradesh
12. Bihar
13. West Bengal
14. Assam
15. Orissa
16. Jammu and Kashmir

\* J.V.P. Report, p. 16.

<sup>7</sup>Report of the States Reorganisation Commission, para 2.

<sup>8</sup>Released for public information on 10th October, 1955.

<sup>o</sup>*Ibid.*, para. 754.

The three territories, proposed to be Centrally-administered, were :

1. Delhi,
2. Manipur, and
3. Andaman and Nicobar Islands.

Disagreeing with his colleagues, the Chairman, in a separate Note, recommended that Himachal Pradesh should not be merged with the Punjab but should become a Centrally administered territory.<sup>9</sup> Shri Panikkar, in a Note of Dissent, favoured the creation of a new State to be called the State of Agra comprising parts of Uttar Pradesh, Madhya Bharat and Vindhya Pradesh.<sup>10</sup>

### Debate on the Report in Parliament

Since the issues involved were not free from controversy, the Government decided to refer the Report to the various Legislatures for preliminary discussion in advance of the formal consultations as required under the provisions of the Constitution.<sup>11</sup> The Report was discussed at length by the State Legislatures and Parliament. Motion that the Report be taken into consideration was moved by the Minister of Home Affairs in the Lok Sabha on the 14th December, 1955. In the debate, which lasted 55½ hours in the Lok Sabha and 41 hours in the Rajya Sabha, as many as 244 Members participated.

With a view to make the debate fully representative of diverse views, it was suggested by the Speaker that Members, having a common view on certain aspects of reorganisation, should hold informal discussion among themselves and then apprise him of the specific points and the names of their spokesmen.<sup>12</sup>

Another suggestion made by the Speaker and accepted by the House was for laying on the Table of the House written memo-

randa by Members who were not able to get a chance to speak. Such memoranda were treated as part of the proceedings.<sup>13</sup> In this way, 145 written memoranda were included in the proceedings.

After the details of the Report had been fully discussed both inside and outside Parliament and certain controversial issues had been settled with the general agreement of the parties concerned, the Government incorporated their decisions in the form of a draft Bill, known as the States Reorganisation Bill.

On the 16th March, 1956, the Bill was placed before Parliament and referred the same day to the State Legislatures under Article 3 of the Constitution. The State Legislatures were requested to communicate their views within 30 days. Though strictly according to the provisions only those States as were being affected by the Bill need have been referred to, the Government extended the reference to cover all the Part A and Part B States as well as the Legislatures or the electoral colleges of Part C States.

The Bill was approved by the Legislatures of 11 out of 12 affected States (in Travancore-Cochin, the Assembly was not functioning and the Legislative powers devolved on Parliament), a few of which also offered some suggestions.

After the views of the States concerned had been ascertained, the Bill was introduced in the Lok Sabha on the 18th April. Motion for reference of the Bill to a Joint Committee was moved in the House on the 23rd April and was, after a lengthy discussion, adopted on the 26th April, 1956.

Since the Bill entailed some financial commitments and the Government desired to refer it to a Joint Committee\* of Lok Sabha

\*Report of the States Reorganisation Commission, page 238, para. 1.

<sup>9</sup>*Ibid.*, pp. 251-252.

<sup>10</sup>Constitution of India, art. 3, see *Infra*.

<sup>11</sup>L. S. Deb., dt. 9-12-55.

<sup>12</sup>*Ibid.*, dt. 19-12-55.

\*The Joint Committee, with Pandit G. B. Pant, Home Minister, as the Chairman, consisted of 51 Members—34 from the Lok Sabha and 17 from Rajya Sabha.

and Rajya Sabha, the first proviso to Rule 92\* of the Rules of Procedure and Conduct of Business in the House of the People was suspended by the House, on a Motion moved by the Home Minister under Rule 402.<sup>14</sup>

The Committee presented its report to the Lok Sabha on the 16th July.\*\*

Ten Members appended their minutes of dissent to the report and one of the common points of their dissent was their objection to Bombay City being constituted into a Union Territory.

The Bill as reported by the Committee was subjected to another lengthy and intensive debate in both the Houses, the Lok Sabha devoting as many as 57 hours and 42 minutes to it. An important development during the course of the debate was the move initiated by a private Member in the Lok Sabha on August 2, for creating a bigger bilingual State of Bombay, comprising Maharashtra, Gujarat, Bombay City, Vidarbha, Marathwada, Saurashtra and Kutch. The move gained considerable support and on the following day a memorandum signed by 180 Members, endorsing the new proposal, was submitted to the Prime Minister. Acceptance of the proposal was formally announced in the House by the Home Minister on August 7.

The Bill as reported by the Joint Committee and as subsequently amended by the House to provide for a bigger bilingual Bombay was unanimously passed by the Lok Sabha on August 10 and by the Rajya Sabha on August 25.

## Bihar-West Bengal (Transfer of Territories) Bill

Though the States Reorganisation Commission had recommended the transfer of certain areas from Bihar to West Bengal, the issue of the re-adjustment of boundaries of these two States was excluded from the States Reorganisation Bill and left to any possible mutual arrangement that could be arrived at between the two States. A proposal to merge the two States was in fact mooted but had later to be given up for lack of popular support. As the readjustment of boundary was considered an administrative necessity, it was effected through the Bihar and West Bengal (Transfer of Territories) Act which sought to link the northern and southern parts of West Bengal by transferring to it certain areas which were within the jurisdiction of Bihar State.

### The Reorganisation Scheme

With a view to give constitutional effect to the reorganisation of States and territorial adjustments envisaged in the S. R. Bill, it became necessary to make certain amendments to the Constitution also. The full reorganisation scheme, as emerging from Parliament is, therefore, embodied in the States Reorganisation Act, 1956, the Bihar and West Bengal (Transfer of Territories) Act, 1956, and the Constitution (Seventh Amendment) Act, 1956.

As against the hitherto 28 constituent units comprising the Indian Union the final Reorganisation Scheme makes provision for only 20 units—14 States *viz.*, Andhra Pradesh

\*92. When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :—

- (i) that it be taken into consideration ; or
- (ii) that it be referred to a Select Committee of the House ; or
- (iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council ; or
- (iv) that it be circulated for purpose of eliciting opinion thereon :

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

Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days, before the day on which the motion is made, and such objection shall prevail unless the Speaker allows the motion to be made.

<sup>14</sup>. L.S. Deb., dt. 23-4-56.

\*\*The report was laid on the Table in Rajya Sabha on 30th July, 1956, when the Council met after recess.

## States Reorganisation in India

Assam, Bihar, Bombay, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal and Jammu and Kashmir and 6 centrally administered territories, namely Delhi, Himachal Pradesh, Manipur, Tripura, the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindive Islands.

The scheme effects no territorial change in the case of Assam, Orissa, Uttar Pradesh and Jammu and Kashmir. The boundaries of Madras, Bihar and West Bengal have been adjusted. The broad composition of the remaining seven States is as under :—

The previous State of Andhra, with the addition of the Telangana area of the old State of Hyderabad, has been renamed as Andhra Pradesh ;

The new State of Bombay has been formed by merging the States of Kutch and Saurashtra and the Marathi-speaking areas of Hyderabad and of Madhya Pradesh, in the old State of Bombay after transfer therefrom of the Kannada-speaking areas to the new State of Mysore and a small portion of Rajasthan ;

The new State of Kerala comprises the territories of the former State of Travancore-Cochin, after some exchange of boundary-territories with Madras ;

The new State of Madhya Pradesh has been formed by merging the previous State of that name (excepting eight districts) with the former States of Madhya Bharat, Bhopal and Vindhya Pradesh ;

The new State of Mysore brings together the Kannada-speaking people and comprises the territories of the former States of Mysore and Coorg; and certain territories from the former States of Bombay, Hyderabad and Madras ;

The new State of Punjab comprises the territories of the former States of

Punjab and of Patiala and East Punjab States Union; and

The new State of Rajasthan has been formed by merging the territories of the former States of Ajmer and Rajasthan.

Some of the important features of the scheme thus implemented are:

- (i) The new pattern of States is mainly unilingual in character with two exceptions—Bombay and Punjab, both of which are bilingual.
- (ii) The institution of Rajpramukhs and classification of States as 'A' and 'B' has been given up. All the States are now equally autonomous.
- (iii) Safeguards for protection of linguistic minorities have been provided. In addition to certain administrative safeguards, the Constitution (Seventh Amendment) Act<sup>15</sup> also calls for the appointment of a Special Officer to report to the President on the working of these safeguards and whose reports are to be laid before Parliament and sent to Governments of States concerned.
- (iv) The new States and 'Territories' are grouped together in five different Zonal Councils: the Punjab, Rajasthan, Jammu and Kashmir, Delhi and Himachal Pradesh form the Northern Zone; Uttar Pradesh and Madhya Pradesh, the Central Zone; Bihar, West Bengal, Orissa, Assam, Manipur and Tripura, the Eastern Zone; Bombay and Mysore, the Western Zone; and Kerala, Andhra Pradesh and Madras form the Southern Zone.

The Zonal Councils which are advisory bodies would discuss and make recommendations to the Centre with regard to matters of common interests in the field of economic and social planning, border disputes, linguistic minorities, inter-State transport and any matter connected with and arising out of the reorganisation of States. Each Council will have a Union Minister as Chairman and

<sup>15</sup>Article 350B of the Constitution of India.

have as members the Chief Ministers and two other Ministers of the component States—all nominated by the President of the Union. In the case of Centrally-administered areas the President will nominate two members.

- (v) In addition to the formation of Zonal Councils, another new feature introduced in the scheme is the setting up of Regional Standing Committees in the States of Andhra Pradesh and Punjab in order to provide adequate safeguards to the Telangana region in the former and the Hindi and Punjabi regions in the latter. Composed of members of the Assembly representing these regions, the Committees will be consulted regarding legislation

relating to certain specific matters. Proposals can also be made by the regional Committees to the respective State Governments in this respect or with regard to questions of general policy not involving any financial commitments other than expenditure of a routine and incidental character. The advice tendered by the Committee will normally be accepted. In case of difference of opinion, a reference will be made to the Governor concerned whose decision will be final and binding.

Although the task of redrawing the political map has been completed, the infinitely more exacting task of consolidating and stabilising these administrative units remains.

*What is the good of Parliamentary Government? After all, it is all talk. Talk is, after all, a process of passing Acts. The fact is that they are thrashed out, worked out, by discussion with the play of mind on mind.*

LORD ATTLEE in his address to the Members of the U.P. Legislature at Lucknow on October 22, 1956.

# Development of Parliamentary Procedure in India

## II. ORIGIN AND GROWTH OF PARLIAMENTARY BUSINESS IN INDIA\*

BY

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From 1862 to 1893 was a period of quiescence for Indian Legislatures. An attempt of the Indian Legislative Council to become 'a petty parliament' and 'to constitute itself into a body for the redress of grievances' had failed and the Indian Councils Act, 1861, expressly provided that no business other than legislation should be transacted at any meeting of the Legislative Council. The rules framed under the Act of 1861 carefully avoided the use of any expression which might imply that the Legislative Council was by itself a separate and independent body. The word 'session' and other expressions which might give rise to any idea of prorogation were omitted altogether. Even the term 'Legislative Council' was not officially used till 1909.

The Legislative Council was, therefore, solely engaged in legislation. Other kinds of parliamentary business with which we are now familiar, such as, questions, non-official resolutions, voting of the budget etc. had no place in the programme of business of the Indian Legislatures.

After the lapse of thirty years or so, when, in the meantime, public opinion had become vocal and the Press had sufficiently developed, it was felt that 'the Government suffered from the lack of any means of, or opportunity for, explaining policy, replying to hostile criticism or attack, and giving official information to the public. Press conferences were not even thought of in those days. The Government of India made representations to the British Government

and as a consequence, the Indian Councils Act, 1892, was passed by the British Parliament which conferred two important rights on the Indian Legislatures—the right to discuss the annual budget and to ask questions.

### Discussion of Budget

The system of preparing an annual budget and laying it before the Legislature was introduced in 1860 by James Wilson, a member of Parliament, who was sent out to India as Finance Member to straighten out the financial difficulties of the Indian Government. The first budget was presented on 18th February, 1860, but no discussion was possible under the rules. Opportunity for discussion was, however, afforded by presenting the budget in connection with some proposal for taxation. But the Council had no right of voting on the budget. Between the years 1861 and 1892, there were only sixteen occasions on which the budget was discussed, because the budget was not regularly presented to the Council (although it was published in the official Gazette) but was presented only when there was any bill for taxation.

The rules of 1893 prescribed that a financial statement should be made before the Council every year and that the members should be at liberty to offer any suggestions; the Finance Member would have the right of reply and the debate should be closed by the President making any observation he might think necessary.

\*The first part of this article appeared in Vol. II, No. 2 of this Journal.

The rules which were framed in 1909 while anticipating the Morley-Minto Reforms enlarged to a certain extent the scope of the discussion of the budget. The budget was considered in two stages. A preliminary budget called the financial statement was presented to the Council. There was a general discussion and resolutions were moved recommending alterations in the budget proposals. The Government might or might not accept any of the recommendations. Thereafter, a final budget was presented with explanations, if any, of the recommendations of the Council that had not been accepted. There was again a general discussion and the debate closed with the President making a statement. Certain items of expenditure such as that of the Army were excluded from the purview of discussion by the Council.

### Questions

It was in 1893, as already mentioned, that the members of the Legislative Council got the right of asking questions. No restriction was put by the rules on the subjects about which questions could be asked. But in moving for the adoption of the rules, the Governor-General pointed out that there were certain matters, *e.g.*, military preparations with regard to which no Government could allow itself to be publicly interpellated and the Governor-General reserved the right to disallow any question at his discretion, on the ground that it could not be answered consistently with the public interest. The first question was asked on the 16th February, 1893, by the Maharaja of Bhirga about the hardship caused by the system of collecting supply of provisions for Government officers on tour. There was no provision for the asking of supplementary questions. The right to put supplementaries was given by the rules of 1909 and then also to the members asking the question. It was in 1921 that members other than the one putting the question got the privilege of asking supplementaries.

### Non-Official Resolutions

The Morley-Minto Reforms of 1909, besides enlarging the scope of the budget discussion, and allowing supplementaries to

questions, for the first time allowed the Legislature to discuss any matter of general public interest and laid the origin of non-official resolutions—a common feature in the business of Indian Legislatures. The rules provided that resolutions in the form of recommendations could be moved on matters of general public interest and required the President of the Council to allot time for the discussions of such resolutions. There was some restriction on matters which could be discussed, *e.g.*, foreign affairs could not be discussed, and the President also had the right to disallow any resolution on the ground that it could not be discussed consistently with the public interest. The resolutions were, of course, not binding on the Government. The first resolution under the rules was moved on 25th February, 1910, by Gokhale recommending prohibition of indentured labour for Natal.

### Montague-Chelmsford Reforms

It was in 1921, after the Government of India Act, 1919, came into effect, that so far as procedure was concerned, the structure of parliamentary Government came to be established, although the Governor-General had certain overriding powers. The Legislature got the right of voting on the budget. Under the rules, another important right was conferred on the Legislature—that of moving an adjournment motion for the purpose of discussing any matter of urgent public importance. The Act of 1919 for the first time laid down in express terms that there should be freedom of speech in the Legislature and immunity for the publication of official proceedings. The Legislature also got the right of electing its Presiding Officer.

The rules of procedure were divided into two classes—rules and standing orders. Rules were framed by the Executive Government and standing orders by the Legislature. The first standing orders were framed by the Government but could be altered by the Legislature with the consent of the Governor-General.

The procedure for the discussion of the budget was necessarily changed altogether.

After the presentation of the budget, there was a general discussion and then demands for grants were made and voting took place. It was laid down that no appropriation could be made by the Legislature except on the recommendation of the Executive Government. The Legislature had the right to reduce any grant but not to increase or alter the destination of any. Provision was made for the presentation of supplementary budget and for demands for excess or additional grants.

The rules also provided for the setting up of a Public Accounts Committee for scrutinising the audited accounts of the Government. The Committee was to consist of members some of whom were to be elected by the Legislature and some nominated by the Government. It was therefore not wholly a committee of the House. Later on after 1937, the Public Accounts Committee came to be entirely elected by the Legislature.

The members were not slow to take advantage of the new right of moving adjournment motions. The first motion was moved on September 5, 1921, by T. Rangachariar to discuss the Moplah Rebellion.

#### Presiding Officers Vs. Courts and Government

During this period two incidents occurred which had a direct bearing on parliamentary procedure and are worth relating. One was a conflict between the Legislature and the Courts and the Government—both involving the presiding officer of the Legislature.

In 1924, the demands for the salaries of Ministers, Mr. Fazlul Haque and Sir A. K. Gaznavi, were rejected on a vote on the budget by the Bengal Legislative Council. The Ministers, however, continued in office and a supplementary budget was presented for the salaries of the same two Ministers. The President of the Council, Mr. Cotton, having refused to rule the motion for the demand out of order, a suit was brought in the Calcutta High Court and

Mr. Justice C. Ghosh issued a temporary injunction restraining Mr. Cotton from putting the motion before the Council. The Governor-General came to the rescue and the rule relating to the presentation of a supplementary budget was amended providing in express terms that a supplementary demand could be made even though the same demand had been refused once by the Council. There was a controversy over the jurisdiction of the Court to interfere. Ultimately, the Government of India Act, 1935, made an express provision that the Presiding Officer of a Legislature would not be subject to the jurisdiction of any Court in respect of his powers for regulating the procedure and conduct of business of the House.

The other incident took place in 1929—the famous dispute between President Patel of the Central Legislative Assembly and the Viceroy, Lord Irwin. A motion to take the report of the Select Committee on the Public Safety Bill into consideration was ruled out of order by President Patel on the ground that no proper debate could take place without reference to the Meerut conspiracy case which was *sub-judice* and that he could not put the question of such importance without a reasonable debate. The consequence was a curtailment of the right of the President by an amendment of the rules by the Governor-General to the effect that the President should not have any power to prevent or delay the making of any motion relating to a bill made by a member in charge of the bill or to refuse to put, or delay the putting of, any such motion. This amendment was made without consulting the President or the Legislature and there was vehement protest in the House. The Government of the day had at last to agree that there should be a convention that the Legislature should be consulted before any important change is made in the rules except in the case of emergency.

#### 1937 and After

Under the Government of India Act, 1935, which came into effect in 1937, the

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Legislature got the power of framing its own rules of procedure except in regard to certain specified matters, such as financial business and matters within the individual responsibility of the Governor-General or the Governor. Rules with regard to these were framed by the Governor-General or the Governor but in consultation with the Presiding Officer of the Legislature. It was after Independence in 1947 that the Legislature was given the full right of regulating its own procedure.

The rules and standing orders that were framed by the Executive Government from time to time, in their own sphere and within the limitations imposed by the statutes closely followed the practice of the House of Commons. It is for this reason that when the Legislature got the right to frame its own rules, it was necessary only to make minor adaptations to suit the changed circumstances. The rules of procedure even now in force substantially follow the old rules. (Concluded).

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*Under the British rule, the Viceroy could issue ordinances for making laws and executing them. There was a hue and cry against this combination of executive and the legislative functions. Nothing had happened since, to warrant a change in the opinion. There should be no ordinance rule. Your Legislative Assemblies should be your only law-makers.*

MAHATMA GANDHI addressing the prayer meeting on October 7, 1947 at New Delhi. (*Mahatma—Life of Mohandas Karam Chand Gandhi* by D. G. Tendulkar, Vol. VIII).

# The Chairmen's Panel\*

BY

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HERE are a number of organs of the House of Commons which get very little publicity and yet are vital to the working of Parliament. One of these is the Chairmen's Panel, which was set up when standing committees "upstairs" were invented in 1882, and which has been the main influence determining the forms of procedure in standing committees.

According to existing Standing Orders (dating from 1934) the members of the Panel "have power to consider matters of procedure relating to standing committees and to report their opinion thereupon to the House from time to time."<sup>1</sup> The Panel, do meet about the beginning of each session and in the course of their proceedings pass a number of resolutions which are duly reported to the House. These receive little attention<sup>2</sup> probably because, as one chairman put it,<sup>3</sup> they "have whiskers on". The procedure in standing committee is by now almost settled and only occasionally does any new point sufficiently interesting to attract attention arise to require some fresh decision.

The role of the Chairmen's Panel in the past was much more important: they have played a vital part in the development of standing committees throughout their history. In the early stages immediately after 1882 they decided on what lines these new committees should develop, and what

position the chairman of one of them should fill. Since then they have greatly influenced further development through a number of excellent special reports based on their experience of procedure in the committees. Many of the recommendations contained in these reports have since been carried into effect.

When standing committees of the House of Commons were first established by the Resolutions of 1882 a Chairmen's Panel was established consisting of not less than four nor more than six persons nominated by the Committee of Selection. The Panel themselves were given the duty of appointing the chairman to each individual committee, a practice probably inherited from the General Committee on Railway and Canal Bills<sup>4</sup>. The Resolutions also defined the procedure to be followed in the standing committees which, it was ordered "shall be the same as in a select committee unless the House shall otherwise order".

This was stated again quite clearly by C. T. Ritchie in the debate on the first motion to refer a Bill to a standing committee in 1883. "It has been suggested that the Panel of Chairmen should lay down rules of procedure; but the Standing Order gives them no such authority, and the question is eminently one for the decision of the House"<sup>5</sup>. The real position was,

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<sup>1</sup> S. O. 62(3).

<sup>2</sup> Since session 1946-47 they have been recorded only in the Journals and not in Hansard.

<sup>3</sup> In private conversation.

<sup>4</sup> See O. C. Williams: *History of Private Bill Procedure* Vol. I., pp. 130-33. H.M.S.O.

<sup>5</sup> 3 Parl. Deb. 277 c. 981. See also Mr. Speaker's ruling that standing committees may not frame regulations for their own procedure. 3. Parl. Deb. 276C, 413-14.

however, betrayed by Sir Lyon Playfair, Chairman of the Panel 1883-84, during the same debate: "the Panel of Chairmen has had several meetings", and "they have agreed among themselves"<sup>6</sup>—words which reveal a very different situation. The General Committee on Railway and Canal Bills had been established some thirty years previously expressly for the purpose of securing uniformity in the treatment of private legislation. A panel of chairmen had been formed so that the chairmen might consult one another to this end<sup>7</sup>. Possibly following this precedent the Panel of Chairmen of Standing Committees met and consulted together (they had nine meetings altogether during the 1883 session) and once that happened, the Panel were in effect formulating rules of procedure.

The first modification of standing orders effected by the concerted practice of the Panel concerned the whole basis of procedure in the new type of committee and the position that should be taken up by the chairman. In a select committee the chairman takes part in the deliberation of the committee, makes his views known, and helps the committee to arrive at a decision. In a committee of the whole House the chairman takes no part in the debate and conducts the proceedings as impartially as they are conducted in the House itself by the Speaker. The question was which of these two examples should be followed by the new standing committees. Standing orders provided that procedure should be similar to that which applied in select committees. But in the debate already mentioned one member of the Panel, Sclater-Booth, made his attitude quite clear. "I would not have accepted the chairmanship of one of these committees if it had been understood that the chairman was to be a partisan chairman. I made it a *sine quo non* that there is nothing in the standing orders of select committees which should prevent the procedure

of standing committees being assimilated as much as possible as regards form and order of debate with the proceedings of committees of the whole House."<sup>8</sup>

The other chairmen seem to have agreed with Sclater-Booth. George Goschen, chairman of the first standing committee to meet, announced to the committee that "the proceedings should be conducted with as much order, formality, and regularity as possible. With that end in view it was suggested that members should rise when they addressed the committee and also that they should as far as possible address the Chair".<sup>9</sup> Such order and formality was certainly based on the example of the committee of the whole House. Concerning the role of the chairman, Goschen "personally took a strong view that the chairman ought to confine his action to maintaining order and performing analogous functions to the chairman in committee of the whole House. . . . he proposed himself not to intervene in the debate on any clause or amendment."<sup>10</sup> The more formal atmosphere of the Committee of the Whole House was encouraged in another direction, too. Goschen announced that "it would not be out of order to refer to members by their names, but at the same time his own opinion was that they should assimilate their proceedings to those of the House".<sup>11</sup> Two days later when the second standing committee met for the first time Sclater-Booth took a rather stronger line and suggested that it was "desirable that members should not be referred to by name".<sup>12</sup> Sclater-Booth's verdict on the trend two months later was: "If the standing committees have had any success—and I think their success has been considerable—it is owing to the fact that they have departed as widely as possible from the practice of select committees and have conformed as nearly as possible to that of the Committee of the Whole House".<sup>13</sup>

<sup>6</sup> *Ibid.*, c. 958 and c. 959.

<sup>7</sup> See O. C. Williams, *op. cit.*

<sup>8</sup> *Ibid.*, c. 974.

<sup>9</sup> See *The Times*, 11th April, 1883, p. 4, col. 1.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *The Times*, 13th April, 1883, p. 4, col. 2.

<sup>13</sup> 3 Parl. Deb. 279 c. 2013-14.

## The Chairmen's Panel

Unfortunately this left a number of problems unsolved. The perversion of standing orders through the action of the Chairmen's Panel was generally acquiesced in; nevertheless, the provision remained as part of standing orders until 1948, in spite of a number of attempts to get it removed.<sup>14</sup> Lord Randolph Churchill had tried to alter it when it was first introduced in 1882; in 1906 the chairman of the Panel gave evidence to the select committee on procedure about the provision and persuaded them to recommend its alteration; and again in 1919 another chairman of the Panel tried to persuade the House that the provision was misleading and should be left out. The problem was put to the House quite clearly by Laurence Hardy, a member of the Panel, in 1906. "The procedure in the standing committees is supposed to follow that in select committees. The procedure in grand committees has, however, changed very much of late from the procedure of a select committee and has followed in every detail the procedure of the Committee of the Whole House; and the consequence is that the chairmen of the grand committees in making a ruling on many points have often found themselves in considerable difficulty."<sup>15</sup> The sort of difficulty which might arise was explained to the 1906 select committee by the chairman of the Panel. He asked what the chairman should do if anyone attempted to insist on a standing committee's hearing evidence—recognized as one of the main forms of proceeding in select committee.<sup>16</sup> Such difficulties were overcome only by the exercise of common sense and wise discretion on all sides, reinforced from time to time by a formal increase in the powers of the chairmen.

The power of the Chairmen's Panel "to consider matters of procedure relating to standing committees and to report their opinion thereupon to the House from time to time," as has already been mentioned, was not included in standing orders until 1934.

In fact, the Panel had been reporting *some* of its decisions to the House in the form of resolutions ever since 1901. The power of the Panel in this direction, like many of the powers now enjoyed by individual chairmen in standing committee proceedings, was generally recognized long before it was accorded formal recognition in standing orders. This is illustrated, for instance, by a letter which the Speaker sent to the Panel on 19th March, 1908. At that time, once consideration of a particular Bill had begun in standing committee, it had to be concluded before any other business could be discussed. This was causing a good deal of delay and the Speaker was concerned to eliminate the difficulty. He suggested to the chairmen that if they would "agree to adopt a particular practice in this matter it might save an amendment of standing orders which otherwise would seem to be required."<sup>17</sup>

Six resolutions have been reported to the House by the Panel at various times. These are as follows:

(1) "Any member of the Chairmen's Panel may and he is hereby empowered to ask any other member of the Chairmen's Panel to take his place (temporarily) in case of necessity." (Sessions 1901 to 1933-34.)

This flowed from the practice of "self-appointment" by the Panel. If individual chairmen are appointed by the Panel as a whole then it is only logical for each chairman to be empowered to provide for his own temporary replacement. This practice was changed in 1934 (see below) when the Speaker was given the task of appointing the chairman of each standing committee. This change in standing orders rendered the resolution inoperative and it was discontinued from that time. A further amendment had to be made to standing orders in 1947 empowering a chairman to ask another member of the standing com-

<sup>14</sup> Since 1948 certain aspects only of select committee procedure have been applied to standing committees, by S. O. 57(5).

<sup>15</sup> 4 Parl. Deb. 152 c. 1174.

<sup>16</sup> When the Estimates were referred to a standing committee in 1919, the Leader of the House refused to allow the committee to call officials and other witnesses before them to explain individual items in spite of the wording of the standing order.

<sup>17</sup> H. C. 112 of 1906.

mittee to take his place, temporarily, whenever this became necessary.

(2) "In the absence of the Chairman of the Chairmen's Panel, the Panel may be convened at the request of any two members of the Panel." (Sessions 1910 to 1932-33.)

This can hardly have been of any great importance. It was agreed to by the Panel in Session 1933-34 but was not reported to the House. This omission clearly seems to have been intentional, and it appears that when the previous resolution was abandoned in Session 1934-35, the opportunity was taken of allowing this one to be forgotten, too.

(3) "Where, on two successive sittings of a standing committee called for the consideration of a particular bill, the committee has to be adjourned by reason of the absence of a quorum within the first twenty minutes of the time for which the said committee was summoned, the chairman to instruct the clerk to place the particular bill at the bottom of the list of bills then waiting consideration of that committee, and that the committee shall forthwith be convened to consider the other bill or bills then waiting." (Sessions 1920 and 1924-25 to date.)

This was one of many attempts to solve the problem created by the difficulty experienced in securing the attendance of a quorum at a standing committee meeting. One of the worst results of the non-attendance of a quorum for any particular Bill was the delay imposed on other Bills due for consideration by the same committee later—for a committee could not ordinarily begin discussion of a new Bill until proceedings on the old one had been concluded. The engineering of the absence of a quorum thus became a standard method of obstruction, and this resolution was one of the replies decided upon by the Chairmen's Panel.

(4) "It is the undoubted and established right of the chairman who is appointed to a standing committee for the consideration of a particular bill to name the day and hour on which the consideration of that bill shall begin". (Sessions 1924-25 to 1946-47.)

This does not express any new departure in the practice of naming the date and time of the first meeting of a standing committee, but indicates the procedure adhered to since 1884. In the first session in which standing committees were appointed, 1883, the Minister in charge of the Bill seems to have decided when the committee should meet. In 1884, however, this privilege passed to the chairman of the committee. Until the 1920's the chairman also seems to have determined the times of subsequent sittings, but this power has since passed to the committee itself. This resolution confirmed the practice with regard to the first meeting of the committee just at the time when the committee itself was asserting its power to determine the time of later meetings. Its provisions were embodied in standing orders in 1947 and the resolution then became superfluous.

(5) "If during the consideration of a bill before one of the standing committees it shall appear that the business would be expedited by postponing the further consideration of the bill in hand until the next bill on the list has been reported, and if the member in charge of the bill rises and makes a motion to that effect, the chairman will be in order in proposing such a question." (Sessions 1933-34 to date.)

This is another attempt to reduce the amount of delay in standing committee proceedings. Its history goes back much further than the date of its first reporting. In his letter of 19th March, 1908 to the Panel already mentioned, the Speaker suggested that the Panel take some action. The Chairmen's Panel met and decided that a chairman would from then on be in order in accepting a motion from a member in charge of a Bill before a standing committee for the postponement of further consideration of that Bill to a day to be named by the chairman on the request of the member in charge. If such a motion were agreed to, the committee would proceed to consider the next Bill on the list. This decision is considered to have been superseded by the very similar terms of the fifth resolution, decided

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upon in 1924<sup>18</sup> but not reported to the House until 1933.

(6) "Whenever the chairman of a standing committee adjourns the committee without question put, the debate on any question then under discussion, or further consideration of the bill, shall be resumed at the next sitting of the committee." (Sessions 1945-46 to date.)

This followed automatically on the new sessional order agreed to in 1945 concerning the adjournment of standing committees at 1 o'clock without question put.<sup>19</sup> It is really only common sense formally expressed. When standing committees were adjourned in the past without putting any question (before 1921) this practice was followed without any dispute being aroused.

Many decisions of the Chairmen's Panel are not reported to the House as resolutions: they nevertheless have equal force with those which are reported. One or two of these have already been mentioned, for instance, the 1908 decision regarding the postponement of further consideration of a Bill, which was, however, acted upon only once, in 1919.<sup>20</sup> Another such decision concerned the time a chairman would wait for a quorum to assemble at the beginning of a standing committee sitting. No particular waiting period was fixed and in the early 1920's practice seems to have varied from one committee to another. In 1924 a complaint was at last received in the House and the Chairman of the Panel explained that the customary rule was to wait twenty minutes.<sup>21</sup> Some Chairmen seem to have remained unaware of the rule, and after a further complaint in the House in 1929, the Panel met and agreed that if a quorum were not present within twenty minutes from the time appointed for the meeting of the committee, the chairman should adjourn the

committee to a future day unless there were any special circumstances which in his opinion made it advisable to allow a longer period of grace.<sup>22</sup> This was never reported to the House of Commons, but it has regularly been acted upon since and no more complaints have been made to the House on that score.

Quite recently the Chairmen's Panel dealt with the question of voting while members were in the committee room, but not in the precincts of the committee itself. During the proceedings on the Civil Aviation Bill on 28th May, 1946, Emrys Hughes voted from the "public" part of the committee room. When a protest was made the chairman ruled that in view of the shortage of accommodation he would allow it this once, but members would have to be in the body of the committee to speak.<sup>23</sup> A very similar event occurred on 15th February, 1951, in the committee considering the Sea Fish Industry Bill.<sup>24</sup> The matter was raised at the next meeting of the Chairmen's Panel. A decision was presumably arrived at, but it was not reported to the House. Whether or not it is reported to the House as a resolution, a decision of the Panel is still decisive

The Chairmen's Panel have on some occasions disregarded standing orders systematically; on others they have taken the lead in amending them. In special reports they have made to the House the Panel have recommended a number of changes which have later found general favour. In 1905 the Panel felt bound to report on a change in the nature of the Bills being referred to standing committees. They thought that standing committees were not adapted to deal with Bills which aroused "strong party or political controversy" or excited "acute religious susceptibilities". Such Bills had, however, recently been referred to standing committees and if this practice were to continue the

<sup>18</sup> According to Erskine May, p. 631.

<sup>19</sup> This sessional order was made a standing order in 1947 and is now SO 63(2).

<sup>20</sup> Compensation for Subsidence Bill 30th July, 1919, H. C. 153 of 1919, p. 4.

<sup>21</sup> See 5 H. C. Deb. 176 c. 381-84.

<sup>22</sup> Erskine May, p. 634.

<sup>23</sup> S. C. Deb. 1945-46, Vol. III c. 509-11.

<sup>24</sup> S. C. Deb. 1950-51 c. 1020-22.

Panel thought that the chairmen of the committees should be given power to accept a motion for the closure. Such a motion would be carried if twenty members voted in majority. The Panel also thought that consideration should be given to the idea of restricting the duration of speeches in standing committees and limiting the number of them any particular member was allowed to make. This has never found favour with House of Commons, but the first problem was dealt with by amendments to standing orders which were approved in 1907. The Select Committee, appointed in 1906 as a result of the Panel's report, recommended that standing committee chairmen should have power to deal with irrelevance and repetition as well as accept closure motions and the Government followed their advice.

The other principal recommendation contained in the Chairmen's Panel's special report was "that the distinction of the two standing committees between Law and Trade . . . . should be abolished, and the bills should be referred to either of the two committees according to convenience". In 1907 this change was also effected when the number of standing committees was increased to four. Apart from the Scottish Standing Committee they have since then been distinguished not by name, but by letters of the alphabet.

One of the undesirable results of the change in the character of the Bills brought before the Standing Committees was the increasing reluctance of M.Ps. to attend standing committee meetings. Under the existing standing orders if the number attending the committee fell below the quorum, proceedings were automatically suspended until a quorum reassembled. The delays caused by the operation of this rule had become so serious by 1908 that the Panel made a further special report dealing with this topic alone. They suggested that standing orders should be amended to provide that proceedings in a standing committee should not be suspended for lack of a quorum unless the Chairman's attention was drawn to the fact by a member of the committee, or the absence of a quorum was revealed by a

division. No changes were made to standing orders, but on the suggestion of the Speaker, the Panel themselves took steps to alleviate some of the worst effects of the non-attendance of a quorum for a particular Bill.

Towards the end of 1919 the Chairmen's Panel made another special report which was not published, but was sent to the Government and the authorities of the House. In this the Panel agreed that the experiment of referring the Estimates to a standing committee, tried out by the Government in 1919, had been a failure. They therefore recommended that the number of standing committees should be reduced from six to five. A further point in favour of this step was their experience that "when more than three standing committees decide to sit on the same day, difficulties always arise as to the attendance of a quorum, as to a room to sit in, and as to the necessary clerical and reporting staff".

The Panel also reported on their experience that most of the business of the standing committees was taken in hand not by the main body, or "nucleus" of the committee, but by the members specially added to the committee for that particular Bill. They therefore recommended that the numbers in the nucleus should be reduced and the number of added members or "specialists" increased. They hoped that this might improve both the attendance and the quality of the work done in standing committee. No action was taken by the Government except that the Estimates ceased to be referred to standing committee.

The Panel were not satisfied with this and in 1925 made another special report to the House of Commons<sup>25</sup>. In this they quoted with approval the report of 1919 and declared that the succeeding years had served to strengthen and support the ideas and recommendations contained in it. This time the Government was pressed into action by members of the House, and changes were made to standing orders in 1926. The number of standing committees was reduced from six to five and their composition was altered. The size of the body of the com-

<sup>25</sup> H.C. 137 of 1924-25.

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mittee was changed from between forty and ~~sixty~~ to between thirty and fifty, and the number of added members was increased from between ten and fifteen to between ten and thirty-five exactly in accordance with the

recommendations of the Chairmen's Panel. No further changes were made in the number and composition of the standing committees till the "revolutionary" changes of 1947.

# Failure of the Constitutional Machinery in the States and Issue of Proclamations by the President under Article 356 of the Constitution\*

**S**INCE the commencement of the Constitution on the 26th January, 1950, there have been four occasions when the President had to suspend the Constitution owing to the failure of the Constitutional machinery in the States. The first Proclamation under Article 356 of the Constitution was issued in 1951 when the President took over the administration of the Punjab, the second was in 1953 in respect of the Pepsu, the third in 1954 regarding Andhra and the latest was on the 23rd March, 1956 when the President assumed to himself the governance of the State of Travancore-Cochin.

## Form of the Proclamation

The form in which the Proclamations were issued was the same in each case. The opening paragraph of the Proclamation read as follows:

"WHEREAS I, Rajendra Prasad, President of India, received a report from the Governor/Rajpramukh of the State of . . . , and on considering the report and other information received by me, I am satisfied that a situation has arisen in which Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as the Constitution)."

## Resolution Approving the Proclamation

These Proclamations were laid before the Parliament and Resolutions for approving the same were brought up by the Government at the earliest opportunity in terms of clause (3) of Article 356 of the Constitu-

tion as will be evident from the table given below:—

Name of the State	Date on which Proclamation was issued	Date on which the Resolution approving the Proclamation was adopted by Provisional Parliament/ Lok Sabha
1. Punjab	20-6-51	9-8-51 (Provisional Parliament).
2. Pepsu	4-3-53	12-3-53
3. Andhra	15-11-54	19-11-54
4. Travancore-Cochin	23-3-56	29-3-56

## Discussion on Resolutions

When the Resolution seeking approval of the Proclamation came before Lok Sabha there was a demand from the Opposition Members that Government should lay on Table, in addition to the copy of the Proclamation, a copy of the Report, of the Governor or Rajpramukh of the State. It was argued that the Report of the Governor or Rajpramukh of the State being a most vital document leading to the issue of the Proclamation, Parliament had a right to know its contents not merely because it was concerned directly with President's Rule in the State but because this would enable Parliament to come to a correct conclusion regarding the justification for the action taken by the President. Government declined to produce the papers on the ground that it was a confidential document and it would not be in the public interest to disclose its contents.

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

### Form of Resolutions

In all the above cases the Resolutions as moved were identically worded. Amendments were moved to these Resolutions by Members. Some of the amendments were declared as out of order by the Chair. Some others were moved but negatived. A statement showing the Resolution as moved, as finally adopted and the various amendments moved together with their disposal is given in Annexure\*. It will be seen from the aforesaid statement that amendments which were outside the scope of the Resolution or were negative in character were ruled out of order by the Chair.

In the case of Andhra and Travancore-Cochin States, the Resolution was adopted by the House in an amended form.

### Delegation of Powers

Soon after the Resolutions were approved by the House, Government brought in the State Legislature (Delegation of Powers) Bill by which Parliament delegated the legislative powers of the State exercisable by the Parliament to the President under sub-clause (a) of clause (1) of Article 357. Under these Acts the President was empowered to make laws for the State.

In the case of Pepsu, Andhra and Travancore-Cochin, the Bills provided for a Committee consisting of members of Parliament whom the President shall consult, whenever he considers practicable to do so, before enacting any Act under the powers conferred upon him by the Act'.

In the case of the Punjab State Legislature (Delegation of Powers) Bill, 1951, which was the first Bill of its kind, such a provision did not exist.

The Committees in respect of Pepsu and Andhra consisted of ten members of Lok Sabha nominated by the Speaker and five members of Rajya Sabha nominated by the Chairman while the Committee in respect of Travancore-Cochin consisted of fourteen members of Lok Sabha and seven members

of Rajya Sabha. The majority of the Members nominated to the Committee belonged to the States affected. The Committees act only in an advisory capacity and are not subject to the Rules pertaining to Committees of Parliament.

Laws made by the President under these (Delegation of Powers) Acts were required to be laid before both the Houses of Parliament and Parliament had the power to amend these Acts within the period of seven days after which they were so laid. Hitherto in one instance only a President's Act in respect of the Punjab was amended by Parliament.

The Provisional Parliament adopted a Resolution on the 11th November, 1951 making certain amendments in the Punjab Security of the State Act, 1951 (President's Act No. I of 1951). These amendments were later on incorporated in the Punjab Security of the State (Amendment) Act (President's Act No. III of 1951).

Under the Punjab State Legislature (Delegation of Powers) Act, 1951 passed by the Provisional Parliament on 17-8-51, twelve President's Acts were issued—including Act No. III which contained the amendments made by Parliament to Act No. I.

Under the Pepsu Legislature (Delegation of Powers) Act passed by Lok Sabha on the 30th April, 1953, fourteen President's Acts were issued.

Under the Andhra State Legislature (Delegation of Powers) Act, 1954 passed by Lok Sabha on 2-12-54, thirteen President's Acts were issued.

The Travancore-Cochin State Legislature (Delegation of Powers) Bill was passed by Lok Sabha on the 28th March, 1956 and was in force till 5th April 1957, when the President's rule was revoked.

### Resolutions Approving the Continuance in Force of Proclamations

Under clause (4) of Article 356 of the Constitution, a Proclamation approved by

\* Given at the end of the article.

Parliament ceases to operate on the expiration of six months from the date of passing of the second of the Resolutions approving the Proclamation under clause (3). After a Resolution for the continuance of the Proclamation is passed by both the Houses of Parliament before the expiry of these six months the Proclamation continues to be in force for a further period of six months. In the cases of the Punjab and Pepsu only which remained under the President's rule for more than six months such Resolutions for continuance in force of the Proclamation were passed by Parliament. The Resolution in respect of the Punjab adopted on 16-2-52 read as follows:—

“That this House approves the continuance in force of the Proclamation issued by the President on the 20th June, 1951 under Article 356 of the Constitution assuming to himself all the functions of the Government of Punjab and approved by Parliament by a Resolution passed on the 9th day of August, 1951.”

The Resolution in respect of the Pepsu which was adopted by Lok Sabha on the 16th September, 1953 was identically worded.

### **Budget**

In the case of all the four States, Parliament was required to vote grants and pass Appropriation Bills for the withdrawal of moneys from the Consolidated Funds of the States. In the case of the Punjab, Supplementary Demands for Grants were voted by the Provisional Parliament on the 29-9-51 and again on 19-2-52 and the relevant Appropriation Bills were passed on 1-10-51 and 22-2-52 respectively. The Budget of the Punjab was presented on 15-2-52 and a general discussion on the Budget was held on 18-2-1952. The Budget was not voted in full, but Demands for Grants on Account were voted on 19-2-1952 and the relevant Appropriation (Vote on Account) Bill was passed on 22-2-1952.

In respect of the Pepsu, the Budget for 1953-54 was presented on 25-3-53. The Budget was discussed on 1-5-1953 and 2-5-1953 and the Demands for Grants were voted in full on 2-5-53. The relevant Appropriation Bill was passed on the same date. Earlier, on 26-3-53 Grants on Account had been voted by the House and the relevant Appropriation Bill was passed on the same date. Supplementary Demands for Grants for 1952-53 and for 1953-54 were discussed and voted on 26-3-53 and 19-12-53 respectively and the relevant Appropriation Bills were passed by Lok Sabha on the same dates. The Supplementary Grants for 1953-54 were voted on 24-2-54 and an Appropriation Bill was passed on the same date. This Bill was passed by Rajya Sabha on 1-3-54 but before the President could assent to it, the Proclamation was revoked on 7-3-54. The President, therefore, withheld his assent to the Bill.

In the case of Andhra, Supplementary Demands for Grants were voted on 18-12-54 and the relevant Appropriation Bill was passed on that date. The Budget of Andhra was presented to the House on 7-3-55. The Budget was, however, not discussed. Grants on Account for 1955-56 were voted by the House on 11-3-55 and the Andhra Appropriation (Vote on Account) Bill was passed on the same date.

The Travancore-Cochin Budget was presented to Lok Sabha on the 28th March, 1956. Demands for Grants on account were voted and the connected Appropriation Bill passed by the 29th March, 1956. The main Demands for Grants for the year 1956-57 were discussed on the 14th May, 1956 and the Appropriation Bill also was passed the same day.

### **Revocation of Proclamations**

The Proclamation in respect of the Punjab was revoked by the President on the 17th April, 1952 soon after the first General Elections in the country. The Proclamation remained in force for over 10 months.

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In the case of the Pepsu a fresh election was ordered by the President and when a stable Ministry was formed as a result of the election the Resolution was revoked on the 7th March, 1954. In Andhra too fresh elections were ordered and soon after the results of the elections had been declared the Proc-

lamation was revoked on the 23rd March, 1955.

In Travancore-Cochin, the Proclamation was issued on 23rd March 1956 and was in force until 5th April 1957. It was revoked on the latter date after the second General Elections.

## ANNEXURE

## Resolutions Regarding Proclamations by the President under Article 356 of the Constitution

## PUNJAB

(9-8-51)

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Resolution as moved	Amendments moved	Amendments ruled out of order*	Resolution as adopted
<p>"That this House approves the Proclamation issued by the President on the 20th June, 1951, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Punjab."</p>	<p>1. Add at the end—</p> <p>"till the general elections have taken place and the new State Assembly meets."</p> <p>(Sardar B. Mann)</p> <p>[Amendment withdrawn]</p> <p>2. Add at the end—</p> <p>"but is of the view that the Government of India is responsible for creating a situation which took away from the people of Punjab the right of democratic Government".</p> <p>(Shri R. Velayudhan).</p> <p>[Amendment negatived]</p>	<p>1. Add at the end—</p> <p>"and is of the opinion that the Ministers and Members of the Legislature suspended, against whom there may be reasonable grounds for believing that they have been guilty of corruption, nepotism or other serious misconducts may be proceeded with and suitably punished."</p> <p>(Sardar Hukam Singh)</p> <p>[Reason : "The amendment does not fall within the scope of the Resolution.]</p>	<p>The same Resolution, as moved was adopted.</p>
PEPSU			
(12-3-53)			
<p>"That this House approves the Proclamation issued by the President on 4th March, 1953 under Article 356 of the Constitution, assuming to himself all the functions of the Government of the Patiala and East Punjab States Union".</p>	<p>1. For the original resolution substitute :—</p> <p>"That this House disapproves the action of the Government of India in suspending the Constitution in Patiala and East Punjab States Union and looks upon the assumption of all the functions of the Government of Patiala and East Punjab States Union by the President as unwarranted, undemocratic and unconstitutional."</p> <p>(Sardar Bahadur Singh &amp; S. Lal Singh.)</p> <p>2. In the Resolution,—</p> <p>(i) for the word "approves" the words "takes into consideration" be substituted, and</p>	<p>1. For the original resolution substitute :—</p> <p>"That this House is of opinion that no such situation has arisen in PEPUSU in which Government of the State cannot be carried on in accordance with the provisions of the Constitution, and the Proclamation of the President is in violation of Article 356 of the Constitution."</p> <p>(Shri Vallatharas)</p> <p>2. in the Resolution for "approves" substitute "disapproves".</p> <p>(Shri Vallatharas)</p> <p>[Reason : Amendments negative in character]</p>	<p>"That this House approves the Proclamation issued by the President on 4th March, 1953 under Article 356 of the Constitution, assuming to himself all the functions of the Government of the Patiala and East Punjab States Union, declaring that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament and making certain incidental and consequential provisions detailed in the said Proclamation".</p>

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Resolution as moved	Amendments moved	Amendments ruled out of order	Resolution as adopted
	(if) at the end, the following be added :		
	“and resolves that the President be requested to suspend the Rajpramukh of the Patiala and East Punjab States Union.”		
	(Shri H. N. Mukerjee).		
	3. Add at the end,—		
	“and resolves that it shall not be lawful for the President to act to any extent through the Rajpramukh of that State and that all the functions of the Government of PEPSU and all the powers vested in or exercisable by the Rajpramukh of that State under the Constitution or under any law in force in that State shall, subject to the superintendence, direction and control of the President, be exercised by the Adviser appointed by the President in this behalf.”		
	(Shri Vallatharas)		
	4. Add at the end,—		
	“and resolves that the General Election for constituting the new Assembly for the said State shall be held before 31st July, 1953, irrespective of the final order of the Delimitation Commission.”		
	(Shri Vallatharas)		
	[These amendments were negatived.]		
	5. Add at the end,—		
	“declaring that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament and making certain incidental and consequential provisions detailed in the said Proclamation.”		
	(Pandit Thakur Das Bhargava)		
	[Amendment adopted]		

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ANDHRA

(19-11-54)

Resolution as moved	Amendments moved	Amendments ruled out of order	Resolution as adopted
<p>"That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra".</p>	<p>1. Add at the end— "but would express a feeling of disappointment at the failure of the constitutional and conventional formalities which should precede the assumption of powers under Article 356 of the Constitution." (Shri Raghavachari) [Amendment negatived]</p> <p>2. Add at the end— "as that was the only proper constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry." (Shri N. Rachiah) [Amendment adopted]</p>	<p>1. For the original resolution substitute— "This House expresses its disappointment at the failure of the Government to give proper advice to the President to direct the Governor of Andhra to follow the democratic procedure of calling the Leader of the Opposition to form the Government on the overthrow of the Prakasam Ministry by a no-confidence motion." (Dr. Rama Rao)</p> <p>2. For the original resolution substitute— "This House, after taking into consideration the Proclamation issued by the President on the 15th November 1954 under clause (1) of Article 356 of the Constitution, disapproves the action of the Governor of Andhra in not calling upon the Opposition to form a Government as required by convention of Parliamentary democracy and requests the President to revoke the said Proclamation under clause (2) of Article 356 of the Constitution of India and to direct the Governor to entrust the Opposition with the formation of the Government." (Shri A. K. Gopalan)</p>	<p>"That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Andhra as that was the only proper constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry."</p>

TRAVANCORE-COCHIN

(29-3-56)

<p>"That this House approves the Proclamation issued by the President on the 23rd March, 1956, under Article 356 of the Constitution, assuming to himself all the functions of the Government of Travancore-Cochin." ]</p>	<p>1. In the Resolution— for "approves"— substitute "regrets". (Shri H. V. Kamath) [Amendment negatived]</p>	<p>1. For the original resolution substitute— "That this House disapproves the Proclamation issued by the President on the 23rd March, 1956 under Article 356 of the Constitution assuming to himself all the functions of the Government of Travancore-Cochin." (Shri H. V. Kamath)</p>	<p>"That this House approves the Proclamation issued by the President on the 23rd March, 1956, under Article 356 of the Constitution, in relation to the State of Travancore-Cochin."</p>
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*Failure of Constitutional Machinery in States*

Resolution as moved	Amendments moved	Amendments ruled out of order	Resolution as adopted
	<p>2. Add at the end—</p> <p>“as that was the only proper course to be adopted for the situation that arose on the resignation of the Congress Ministry headed by Sri Panampilly Govinda Menon.”</p> <p style="text-align: right;">(Shri A. M. Thomas)</p> <p>[Amendment not pressed]</p>	<p>2. In the resolution—</p> <p>for “approves” substitute “disapproves”.</p> <p style="text-align: right;">(Shri H. V. Kamath)</p>	
	<p>3. Add at the end—</p> <p>“and resolves that the Proclamation shall be revoked before the 30th April, 1956 and Parliamentary Government restored in the State.”</p> <p style="text-align: right;">(Shri R. Velayudhan)</p> <p>[Amendment negatived]</p>	<p>3. In the resolution—</p> <p>for “approves” substitute “urges the revocation of”.</p> <p style="text-align: right;">(Shri H. V. Kamath)</p> <p>[Reason : Amendments negative in character].</p>	
	<p>4. Add at the end—</p> <p>“and declaring that the powers of the Legislature of the said State shall be exercisable by or under the said authority of Parliament and making certain incidental and consequential provisions detailed in the said Proclamation.”</p> <p style="text-align: right;">(Shri A. M. Thomas)</p> <p>[Amendment not pressed]</p>		
	<p>5. In the Resolution—</p> <p>for “assuming to himself all the functions of the Government”—</p> <p>substitute “in relation to the State of”</p> <p style="text-align: right;">(Shri H. V. Pataskar)</p> <p>[Amendment adopted]</p>		

# “Prayer” Procedure on Delegated Legislation in Britain\*

## PARLIAMENTARY CONTROL OVER DELEGATED LEGISLATION

Orders-in-Council, rules and regulations made by Ministers and Government Departments, which constitute delegated or subordinate legislation and which are known as statutory Instruments<sup>1</sup> are subject in England to varying degrees of Parliamentary control, the degree of control depending in each case upon the parent statute which authorises it<sup>2</sup>. In some cases, the instrument has no effect, or no continuing effect, until Parliament has expressly approved it; in some other cases, it can be annulled if, within a time limit, either House of Parliament records its disapproval of the instrument. In both cases, it has to be laid before Parliament and the two procedures by which Parliament exercises its control are known as the *affirmative* and *negative* methods.

### The Affirmative Method

The affirmative procedure is usually provided for when matters of principle are delegated, in particular where a tax or levy may be imposed or where the terms of a statute may be modified. Under this method an instrument is not allowed to take effect until approved by a positive resolution of both Houses of Parliament. In cases where the Crown is empowered to act by Order-in-Council, the draft Order is laid before Parliament and both Houses have either to present addresses to the Crown praying for the Order to be made or to agree to resolutions approving the draft Order. In the case of rules and regulations made by Ministers or Gov-

ernment Departments, a resolution has to be passed by both Houses approving them in draft, before they can become operative.<sup>3</sup>

### The Negative Method

The commonest method of Parliamentary control is, however, the negative method, for which a provision is inserted in the parent act that the instruments made thereunder, though taking effect forthwith or at some named future date, shall be subject to annulment in pursuance of a resolution of either House of Parliament adopted within a named time-limit.<sup>4</sup> If within the time-limit either House resolves that the instrument be not made (or, in the case of an Order-in-Council that the draft be not submitted to the Crown) then no further proceedings are to be taken thereon. This does not, however, prevent a fresh draft being laid before Parliament.

The number of days during which a negative resolution could be moved formerly varied from statute to statute. Since 1948, however, the period has been standardised at forty days by the Statutory Instruments Act of 1946.

### Difference between Affirmative and Negative Methods

There is a practical difference between the affirmative and the negative types of proce-

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

<sup>1</sup>. The name “Statutory Instruments” was given by the Statutory Instruments Act, 1946 which was brought into force on the 1st January, 1948.

<sup>2</sup>. May's Parliamentary Practice : Fifteenth Ed. (1950), p. 823.

<sup>3</sup>. *Ibid.*, p. 826.

<sup>4</sup>. *Ibid.* p. 827.

dure. The former involves a motion in the House of Commons by the Government which has therefore to see that there is a sufficient number of members in the House to support it in case of a division. The negative motion on the other hand is moved by any single member of the House. It is popularly called a "prayer" because in form it is "An Humble Address praying" the Crown to take action for the annulment of the instrument. The Member moving the motion must find his own opportunity and must also see that forty supporters are present, as otherwise the House may be "counted out." If Members moved negative motions against every instrument which is subject to annulment, the whole business of the House could be brought to a standstill; but it may not always occur to a Member to "pray", and hundreds of instruments thus "ride out" their forty-day period unchallenged.

#### Time-limit to "Prayer" Motion

Under the Standing Orders of the House of Commons, motions of both the affirmative and the negative type are "exempted business", that is, they are not blocked by the normal adjournment of the House at 10.30 P.M. but may be protracted late into the night. This proved a source of great inconvenience to Members, particularly the Government supporters, who had to sit late every night in the House in order to support the Government against every prayer for annulment which was carried far into the night. A Select Committee, which was appointed in 1952, considered this question and on its recommendation, the House of Commons recently ordered that no prayer for the annulment of an instrument should be moved after 11.30 P.M. If a prayer is still under consideration at that time, the Speaker shall put the question to vote unless he thinks that owing to the lateness of the hour at which the motion is made or the importance of the subject the time for debate has been inadequate. If so, he may adjourn the debate to the following day.

#### The "Scrutiny Committee"

Since 1924, the House of Lords had possessed a standing "Special Orders Committee" which examined and reported upon all the instruments requiring affirmative approval. In the session of 1943-44, the House of Commons constituted a Committee for the rest of that session to scrutinise all draft or final instruments laid before the House which were exposed to the negative or required the affirmative procedure. The reason for setting up this Committee was that no individual Member would be able to give adequate time for the study of all the numerous instruments laid before Parliament every year and that therefore it was necessary to entrust the task to a Committee which would dig into the pile and single out those few instruments to which the House needed to give attention. This "Scrutiny Committee" was not to concern itself with questions of the policy or merits of an instrument nor with the questions of legal validity, but was authorised to draw attention to any unusual or unexpected use of a statutory power. The Committee, which was thereafter re-appointed every session, has during the past eight sessions from 1946-47 to 1953-54 examined over 6800 instruments and drawn the attention of the House to 66.

The Scrutiny Committee consists of eleven Members drawn from all the political parties in proportion to their strength in the House. Its Chairman is by convention a Member of the Opposition. The meetings are usually held once a fortnight. The Committee scrutinises all instruments, and before deciding to bring any instrument to the notice of the House, it invites the Minister or Department concerned to give an explanation. Since, however, the explanation is not usually available till the next meeting of the Committee, its report may not reach the House before the end of the forty-day period for "praying". Long before this, a Member may have tabled his own negative motion in the House. Thus the Parliamentary control by negative motions is most imperfectly linked with the Committee's scrutiny.<sup>5</sup>

<sup>5</sup> Sir Cecil Carr : *Parliamentary Supervision in Britain* (New York University Law Review, May 1955, p. 1054).

**Other methods of Parliamentary control**

The affirmative and negative types of supervision are the two special methods of control by which the responsibility of Government and the Ministers to Parliament is sought to be maintained. Apart from these two methods, however, there exists in the House of Lords a general power of challenging delegated legislation by moving for papers (and dividing the House upon the motion) or by asking a question. In the

House of Commons, the opportunities of question time are also freely used for enquiry as to the purpose, meaning and effect of statutory instruments, and it is not uncommon for a Member to pursue the matter further on a motion for adjournment, in case he is dissatisfied with an answer. Members of both Houses have in addition such chances as Parliamentary arrangements afford of pressing for the repeal of a statute under which obnoxious rules or orders are made and also of revoking those rules and orders by statute<sup>6</sup>.

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<sup>6</sup> May's Parliamentary Practice • Fifteenth Ed. (pp. 823-24).

*Though for political and administrative purposes a nation's will is expressed through the mouth of its Government, the heart of a nation is the composite heart of all its people.*

LORD PETHICK-LAWRENCE in a New Year Day message to India on 1st January, 1957 (The *Hindustan Times* dated 1st January, 1957).

## President's Rule in Travancore-Cochin\*

**O**n the 23rd March, 1956, the President issued a Proclamation under Article 356 of the Constitution assuming to himself all the functions of the Government of the State of Travancore-Cochin and declaring that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament.†

Till the date of the issue of the Proclamation the State Legislature had not passed the Budget for 1956-57 although it had been presented to it on the 9th March, 1956. It was, therefore, essential that the Demands for Grants on Account and the relevant Appropriation Bill were passed before the 31st March, 1956.

The Proclamation could not be laid on the Table of Lok Sabha before the 28th March, 1956 as there were no sittings of the House during the intervening period, and the Travancore-Cochin Budget for 1956-57 was presented at 5 P.M. on that day. As a rule papers are circulated to Members after they are laid on the Table. In the peculiar circumstances of the case copies of the Proclamation were, however, circulated to Members on the 24th March, 1956 and Members were informed through the Bulletin of that date that the Proclamation would be laid on the Table of the House on the 28th March, 1956 and the Resolution for its approval would come up on the 29th March. As Budget papers had not been received by the Ministry of Finance on the 24th March, 1956 another para. was also issued for the information of Members to the effect that the Budget of the State of Travancore-Cochin for the year 1956-57 was proposed to be presented on the 28th March, 1956 and the Demands for Grants on Account were expected to be submitted to the vote of the House on the 29th March,

1956, immediately after the Resolution regarding issue of the Proclamation had been approved by the House.

A Resolution for the approval of the Proclamation was moved by the Minister for Home Affairs in Lok Sabha on the 29th March, 1956 and was approved by the House on that date in the following form:—

“That this House approves the Proclamation issued by the President on the 23rd March, 1956 under Article 356 of the Constitution in relation to the State of Travancore-Cochin.”

The House thereafter took up consideration and voting on the Demands on Account. The Budget had already been presented at 5 P.M. the previous day. The Demands for Grant on Account were voted. The connected Appropriation Bill was then introduced. According to the usual practice, a gap of at least two days is given between the presentation of the Budget and voting of the Demands and also between the passing of the Demands and consideration and passing of the Appropriation Bill. In the special circumstances of this case, this requirement was waived by the Speaker.

Another interesting point of procedure arose in connection with the Travancore-Cochin Appropriation (Vote on Account) Bill. On the date of the issue of the Proclamation, Rajya Sabha was not in session, having been prorogued earlier on the 17th March. The Bill being a Money Bill had to be returned by Rajya Sabha within a period of fourteen days from the date of its receipt from Lok Sabha under Article 109(2) of the Constitution. The Rajya Sabha was scheduled to meet only on the 23rd April, 1956, and if the Bill had been transmitted to Rajya Sabha as soon as it was passed, the

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

†The Proclamation was revoked on 5th April 1957, after the second General Elections.

period of fourteen days would have expired before the Rajya Sabha met. In order to meet this difficulty the transmission of the Message to the Rajya Sabha was delayed till the 16th April, 1956. On 29th March, 1956 immediately after the Appropriation Bill was passed by the House, the Speaker announced to the House that in the special circumstances of the case he had directed the Secretary not to transmit the Bill to Rajya Sabha till the 16th April, 1956.

The Bill, although it had been passed by Lok Sabha, could not have become an Act till it was passed by Rajya Sabha and assented to by the President. On the other hand it was necessary that funds should be available to the Travancore-Cochin Government to run its administration with effect from the 1st April, 1956. In order to meet this situation, the President promulgated an Ordinance called the Travancore-Cochin Appropriation (Vote on Account) Ordinance, 1956 embodying the provisions of the Bill as passed by Lok Sabha, which provided for the withdrawal of the requisite sum out of the Consolidated Fund of the Travancore-Cochin State. This is the first instance where Moneys have been withdrawn out of the Consolidated Fund of a State

under the authority of an Ordinance issued by the President.

The Ordinance was laid on the Table of the Lok Sabha on the 14th April, 1956 and on the Table of the Rajya Sabha on the 23rd April, 1956, when it met again after prorogation. When the Travancore-Cochin Appropriation (Vote on Account) Bill, as passed by the Lok Sabha came up for consideration by the Rajya Sabha on the 27th April, 1956, the Government moved an amendment to that Bill itself to the effect that the Ordinance may be repealed, as it would no longer be necessary when the Bill was passed by the Rajya Sabha. The Rajya Sabha accepted that amendment on the same day and recommended to the Lok Sabha that the Bill as amended may be agreed to. The Lok Sabha agreed to this recommendation on 3rd May, 1956 and the Ordinance was thus repealed by a provision in the Act dealing with the same subject. This is an instance to show that an Act of Parliament can also provide for the repeal of an Ordinance, although it is not specifically stated in Article 123 of the Constitution\*. It further shows that this type of amendments can be made in the Appropriation Bill as well.

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\*Article 123 of the Constitution :—

- (1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.
- (2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament but every such Ordinance—
  - (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period, resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and
  - (b) may be withdrawn at any time by the President.

# Some Parliamentary Activities at a Glance

## DEBATES IN PARLIAMENT

### Lok Sabha Discussion on Faridabad Development Corporation Bill—Question of Disqualification in respect of membership of Corporation

The Faridabad Development Corporation Bill, which provides for the establishment and regulation of a trading Corporation for carrying on trade and industry in the town of Faridabad and for assisting in the rehabilitation of displaced persons settled therein, was passed by the Lok Sabha on the 26th November 1956. The Rajya Sabha, which considered the Bill on the 13th and 14th December 1956, made an amendment to the Bill that "the office of the member of the Corporation shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament."

Moving the above amendment in the Lok Sabha on the 22nd December, 1956, Shri Anil K. Chanda, Deputy Minister of External Affairs, explained that the amendment would enable Members of both the Houses of Parliament to accept membership of the Corporation and thus help to associate responsible members of the public in the affairs of the Corporation. He, therefore, asked the Lok Sabha to accept the amendment.

Pandit Thakur Das Bhargava opposed the amendment on the ground that the Corporation, as envisaged in the Bill, would have executive and financial functions, such as would give its members powers of patronage and of dispensing gifts, which do not ordinarily fall within the purview of the Members of Parliament. He stated that these powers would come within the prohibition given in the Report of the Parliamentary Committee which recently examined the whole question of the Office of Profit and on which further action is to be taken by the Government. He wanted that the question

of the membership of the Faridabad Corporation should also be referred to the permanent Committee which was proposed to be shortly appointed for the purpose of scrutinising every office of profit and it should be left to that Committee to decide whether the membership of the Corporation was particularly an office in which disqualification should be incurred.

Shri Raghavachari also opposed the amendment and said that acceptance of a position in the Corporation was not desirable for Members of Parliament, as it was one from which one could distribute favours and patronage and thereby affect the voter or any other member of the public. He added that it was undesirable in the public interest that Members of Parliament should occupy such positions.

Shri K. K. Basu felt that the membership of the Corporation would stand in the way of a proper discharge of his duties by a Member of Parliament both in Parliament and in his constituency, as both were more or less whole-time work. As the powers of the Corporation were such that its members would be able to distribute favours, a Member of Parliament who enjoyed the membership of the Corporation was at an advantage when compared to other candidates in an election, and this was not conducive to the proper functioning of Parliamentary democracy, he added.

The Minister for Works, Housing and Supply (Sardar Swaran Singh), replying to the debate, said that the association of Members of Parliament with an activity similar to that of the Corporation was good for a variety of reasons, the chief among which being that it would make available to Government and the Corporation the public and the non-official point of view in the running of the Corporation. He therefore urged the House to accept the amendment.

Thereupon Pandit Thakur Das Bhargava, and Shri N. C. Chatterjee wanted an assurance from the Government that notwithstanding the passage of the measure the matter would again be referred to the Parliamentary Committee for scrutiny, when such a Committee was set up and that if the Committee found the membership of the Corporation a disqualification for Membership of Parliament, the Government would accept that decision. The Minister for Works explained that the Government would not stand in any way against the revision of the measure in question by Parliament at a future date. Further, the Minister of Home Affairs (Pandit G. B. Pant) also added that the Faridabad Corporation was not a commercial organisation meant for profit, but a philanthropic organisation meant for the rehabilitation of displaced persons. He stated that the Corporation was running at a loss and the association of the Members of Parliament with the Corporation was desirable with a view to eliminating all waste and running the organisation in an economic way, so that public funds were used in a prudent manner. He also gave the assurance that the matter would again be referred to the Parliamentary Committee to be set up and that its decision would be accepted.

The amendment was thereafter put before the House and accepted.

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### PARLIAMENTARY QUESTIONS

*Lok Sabha*

#### Administrative Vigilance Division

(July 18, 1956)

The Minister in the Ministry of Home Affairs (Shri B. N. Datar) informed the Lok Sabha, in reply to a question, that the function of the Administrative Vigilance Division was supervision and co-ordination of the Special Police Establishment and the Vigilance Units in the individual Ministries and Departments who detect and investigate cases of misappropriation of Govern-

money and stores. Forty-eight cases of misappropriation of Government money and stores involving an amount in the neighbourhood of Rs. 5 lakhs were detected upto the 30th June, 1956, the Minister added.

#### Zonal Councils

(March 26, 1957)

In a written reply to a question regarding the meetings of the Zonal Councils (which came into existence on 1st November, 1956) and the subjects to be discussed by them, the Minister in the Ministry of Home Affairs (Shri B. N. Datar) informed the Lok Sabha that the inaugural meetings of the Zonal Councils would be held soon after the new Ministries in the States assumed office. The subjects to be discussed would include matters of procedural character such as the rules of business and items which might be suggested by the State Governments concerned.

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### COMMITTEES AT WORK

#### Public Accounts Committee (Lok Sabha): Submission to Parliament of a Report relating to excesses in advance of the main Report on the whole Appropriation Accounts

In the Thirteenth Session of the Lok Sabha (July-September 1956), when Government approached Parliament for regularising excesses in accounts relating to the year 1951-52, the House deemed it desirable to devise a procedure whereby these excesses could be regularised in such a way that the time-lag between the detection of the excesses and their regularisation by Parliament was reduced to the inevitable minimum.

The matter was therefore discussed on 11th October, 1956 by the Public Accounts Committee, which felt that the above delay could be reduced to the minimum, if the excesses were reported to Parliament soon after they were discovered and if the Committee considered them and presented a separate report thereon to Parliament as early as possible thereafter. It was therefore

decided that as soon as excesses in accounts relating to a year which had just closed came to notice, the Comptroller and Auditor-General should, in advance of his main Report on the Appropriation Accounts, report these excesses to Parliament in the prescribed manner. Such advance Reports would only be a temporary expedient till the work of the preparation of the Appropriation Accounts relating to previous years became current. The Committee would then proceed to examine the circumstances leading to these excesses with reference to the facts of each case and present a separate report to Parliament making their recommendations on these excesses. Thereafter Government might proceed to take necessary action to have these excesses regularised by Parliament in the same session or the following session.

- (a) whether a statement made by a Minister constitutes an assurance;
- (b) whether an assurance has been satisfactorily implemented; and
- (c) whether the implementation has taken place within a reasonable time.

The Committee further agreed to drop all outstanding assurances up to the eighth Session (15th November to 24th December 1952) as they had outlived their utility.

The Report of the Committee was presented to the Lok Sabha on 22nd December 1956 by the Chairman of the Committee, Shri K. S. Raghavachari.

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

During the period 1st July, 1956 to 31st December, 1956, the Committee on Government Assurances (Lok Sabha) held five sittings and considered the question of the implementation of assurances given by Ministers on the floor of the House up to the thirteenth session (16th July to 13th September 1956). The Committee also re-examined the procedure relating to assurances and arrived at the following conclusions:—

- (i) As a Parliamentary Committee, it is their primary responsibility on behalf of the Lok Sabha to watch the implementation of assurances given by Ministers from time to time on the floor of the House. In order to assist them in their work, the Lok Sabha Secretariat should exercise a test check on the lists of assurances furnished by the Department of Parliamentary Affairs with a view to see whether all assurances of a substantial character have been incorporated in the lists.
- (ii) The Committee should be the final authority to decide:

#### **Sixth Report of the Public Accounts Committee (U.K.): Parliamentary Control over Non-recurrent Grants to Universities**

The question of Parliamentary control over the expenditure of universities out of the non-recurring grants made to them by the Exchequer had long been the subject of a controversy between the Public Accounts Committee and the Treasury in England. The Public Accounts Committee had, from time to time, pressed the view that this control should be effected by enabling the Comptroller and Auditor-General to inspect the books and accounts of the universities relating to their capital expenditure out of the non-recurring grants. The Treasury, on the other hand, had held the view that this would impair the autonomy of the universities and requested the Committee to defer their decision until the results of a special investigating committee appointed by the University Grants Committee under the Chairmanship of Sir George Gater to enquire into the universities' method of expenditure were known.

The Public Accounts Committee of 1953-54 agreed to the request of the Treasury but desired that in the meantime the Comptroller and Auditor-General should have access to such papers and records of the

University Grants Committee as related to non-recurring grants. The Treasury, however, did not favour this suggestion for the following reasons:—

- (a) It would involve duplication of work, as the Treasury should also have access to those papers of the University Grants Committee;
- (b) While it is a part of the function of the University Grants Committee to consider the *policy* behind the applications of the universities for grants, the Comptroller and Auditor-General is not concerned with questions of policy; and
- (c) The Comptroller and Auditor-General would not in many cases be able to get sufficient information from the papers of the University Grants Committee and would have to go further into the accounts of the universities themselves.

The Public Accounts Committee of 1956 did not agree with the above reasons, as, in their opinion, their suggestion need not involve "such wholesale duplication" of work as was envisaged by the Treasury and the Comptroller and Auditor-General could be "trusted" to confine his investigations to his own domain and "not to delve into questions of academic policy" and he would also only ask the University Grants Committee to obtain for him any further information he needed from the universities instead of directly approaching the universities himself.

The Public Accounts Committee, in their sixth Report published in 1956, therefore, reiterated the view of the earlier Committee of 1953-54 that "the Comptroller and Auditor-General should at least be given the right of access to such papers and records of the University Grants Committee as relate to non-recurrent grants." They further expressed the view that the larger question of an effective Parliamentary control over the expenditure of universities did not fall within the scope of the Gater Committee and

had not been dealt with by them and therefore remained to be settled.

The Treasury have, however, again rejected the recommendation of the Committee that the Auditor-General should be given access to the papers of the University Grants Committee relating to non-recurrent grants. In a recent minute published on 12th February, 1957, the Treasury have stated that they have complete confidence in the determination and ability of the University Grants Committee to discharge their functions with a full sense of responsibility to the Government and the universities and that they had received explicit assurances from the University Grants Committee regarding economy and efficiency in the matter of spending non-recurrent grants.\*

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#### Committee on Absence of Members from sittings of the House (Lok Sabha): Eighteenth Report—Seat of a Member declared vacant

In its Eighteenth Report presented to the Lok Sabha on the 3rd December 1956, the Committee on Absence of Members from the Sittings of the House (Lok Sabha) did not recommend leave of absence to Shri Sibnarayan Singh Mahapatra, a Member of the House, who was absent from the sittings of the House for over 600 days continuously.

Moving the motion for the acceptance of the Report by the House on the 4th December, 1956, Shri Altekar, the Chairman of the Committee, stated that the Member was granted leave by the House from time to time for long periods amounting in all to 484 days on 7th March, 1956. On the 5th April 1956, the Member again sent an application asking for leave for 83 days from the 8th March 1956, adding the ground as "marriage in the family". The Committee in its sitting of the 3rd May, 1956 felt that "marriage in the family" was too vague a reason and not sufficient ground for granting such a leave, and asked the

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\*The Times, London dated the 13th February 1957.

## Some Parliamentary Activities at a Glance

Member's explanation of the ground. But no reply was received from the Member.

The Committee, thereupon brought to the notice of the Member that if he continued to remain absent for more than sixty days together, his seat was liable to be declared vacant by the House. It also communicated its views to him through the State Government, that no further leave could be recommended for him, as he had not furnished proper reasons. The Member thereafter sent an application on 7th November, 1956, stating that leave should be given to him for the whole period on the grounds of "ill-health and some domestic troubles". As no proper explanation of the ground was given, the Committee, at its meeting held on the 21st November, 1956, made the following recommendation in the Report:

"The Committee considered that in view of the disregard shown by the Member to the House and in the absence of any satisfactory explanation for his continuous absence, they would not be justified in recommending leave to the Member. The Committee, therefore, recommend that leave of absence may not be granted to the Member and a motion may be made under Rule 284\* with a view to declaring the seat of the Member vacant."

After a number of Members had spoken, some in favour and some against, the following motion was adopted by the House:

"That this House agrees with the recommendation of the Committee on Absence of Members in respect of Shri Sibnarayan Singh Mahapatra contained in the Eighteenth Report of the Committee."

On the 5th December 1956, the Chairman of the Committee, Shri Altekar, moved the following motion:

\*Rule 284 (1) of the Rules of Procedure says :

"The seat of a member shall be declared vacant under clause (4) of Article 101 of the Constitution on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf.

†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.

"In pursuance of clause 4 of Article 101 of the Constitution of India† the seat of Shri Sibnarayan Mahapatra, Member of Lok Sabha, who has been absent from all meetings of the House for a period of more than 60 days is hereby declared vacant".

After the Deputy Speaker had placed the motion before the House, Shri H. V. Kamath, rising on a point of order, stated that the motion regarding vacation of seat could not be moved, as adequate notice had not been given to Members to table amendments to the motion. The Deputy Speaker replied that the present motion had to follow as a matter of course, consequent upon the motion adopted by the House the previous day and that therefore, no amendment to the motion could possibly be conceived by any Member. He, however, allowed Shri Kamath to move a motion for the postponement of the discussion of the subject to a subsequent date, but it was negatived by the House. Thereupon, the original motion declaring the seat of Shri Mahapatra vacant was adopted by the House.

### PROCEDURAL MATTERS

#### Draft States Reorganisation Bill, 1956: Procedure Adopted for Discussion in various State Legislatures

In pursuance of the proviso to Article 3 of the Constitution of India, the President on March 16, 1956, referred the States Reorganisation Bill 1956, to the legislatures of the States concerned. Article 3 of the Constitution states:

"Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more 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 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 area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired".

The text of the reference made by the President under the proviso to Article 3 of the Constitution to various States was as follows:

"Whereas the Government of India, after considering the report of the States Reorganisation Commission and consulting the State Governments and the parties and interests concerned, propose that a Bill to provide for the reorganisation of the States of India and for matters connected therewith should be introduced in Parliament as early as practicable;

And whereas the proposal contained in the Bill affects, *inter alia*, the area, boundaries or name of each of the following States, namely, Andhra, Bombay, Madhya Pradesh, Madras, Punjab, Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin;

Now, therefore, in pursuance of the proviso to Article 3 of the Constitution of India, I hereby refer the Bill to the legislature of each of the aforesaid States for expressing its views thereon within a period of one month from the date of this reference."

The procedure followed in various State legislatures in this connection is described below:

### *Bombay*

In the State of Bombay, there was some procedural controversy when the S.R. Bill was referred to the Legislature for consideration. The Chief Secretary to the Government of Bombay addressed a letter to the Speaker, Bombay Legislative Assembly and the Chairman, Bombay Legislative Council forwarding copies of the Draft States Reorganisation Bill 1956, and the Annexure thereto together with a copy of the reference made by the President, for distribution to the members of the Legislature. The Speaker objected to the procedure adopted on the ground that the reference was not addressed to him or to the Secretary of the Legislature Department, as it should have been done under Article 3 of the Constitution as amended by the Constitution (Fifth Amendment) Act, 1955, nor was any direction given to the Chief Secretary in the letter received by him to forward the reference to the Speaker. In the circumstances the Speaker considered that no reference was received by the Legislature from the President as required by Article 3 of the Constitution. Subsequently the Speaker received a letter from the Governor stating that the President of India had made a reference dated 16th March, 1956, to the legislature of the States including the Bombay State under Article 3 of the Constitution and had asked that necessary action may be taken for ascertaining the views of the Legislature. A similar letter was received by the Chairman, Bombay Legislative Council. After the receipt of this letter, the Speaker allowed the motion for consideration.

Thereupon, the motion to take the Draft Bill into consideration was moved by the Chief Minister in the Legislative Assembly and a general discussion took place for six days. The Bill was not introduced as it was not a Bill of that House. In the next three days amendments tabled by the members were considered and voted upon. Out of 66 amendments, all, except two, were either withdrawn, rejected, or not moved while two were accepted. The amendments were conveniently grouped for the purpose of voting, and in this way all the amendments were voted upon and disposed of. It was open to the members to speak on the clauses of the Bill and the Annexure but the clauses themselves were not put to vote. At the end, the Chief Minister moved a motion that the Bill and the Annexure there-to be approved subject to the amendments passed by the House. There was not much discussion on the motion at this stage, nor were any amendments moved to the Resolution. The motion was put to vote and carried.

#### *Madras*

As the proviso to Article 3 of the Constitution (Fifth Amendment) Act, 1955, it was no longer necessary for a State Legislature to express its views with respect to the introduction of such a Bill in Parliament\*. Therefore, in regard to S.R. Bill 1956, Shri C. Subramaniam, the Leader of the House in the Madras Legislative Assembly, moved the motion for taking the Bill into consideration. This motion was put and carried after a general discussion. The clauses were then taken into consideration one by one, and the members were allowed to express their views on each clause either in the form of amendments to the clauses or in the form of resolutions containing suggestions for amendments. After all the amendments and resolutions had been disposed of, the Leader of the House moved:

"That the proposed States Reorganisation Bill, 1956, having been con-

sidered fully and approved, this House is of the view that the Bill should be amended on the lines indicated in the opinions and resolutions approved by the House."

After a short discussion on this motion, it was carried. No amendments were allowed to this motion.

#### *Other States*

The Draft States Reorganisation Bill, 1956 was also referred by the President to the following States which were to be affected by it, namely, Madhya Bharat, Madhya Pradesh, Mysore, Hyderabad, Punjab, Saurashtra, Rajasthan, Andhra and PEPSU. The procedure followed by the legislatures of these States while expressing their views on the Draft Bill was more or less similar. The Bill was not formally introduced in the House, but was circulated among members. It was taken into consideration on a motion or resolution moved by the Chief Minister of the State. A general discussion took place. Amendments to clauses relating to the State were allowed, discussed and disposed of. The clauses concerned were in some cases separately voted upon and approved. The final motion along with approved amendments was then put to vote and carried.

In the case of Part C States the Draft Bill was not referred to them by the President, as the Constitution does not provide for such a reference. In the legislatures of Ajmer, Coorg and Bhopal, the Draft Bill was considered in the form of a resolution, discussed and passed. In the case of Delhi, the Draft Bill was forwarded by the Chief Minister to the Speaker who circulated copies thereof among the members of the legislature. Notice of motion for discussing the Bill was given, but was subsequently withdrawn by the leader and the Bill was not discussed. In the Vindhya Pradesh Legislative Assembly, the Bill was laid on the

\* In the case of the Andhra State Bill, 1953, the State Legislature had to offer its views both with respect to the proposals to introduce the Bill and with respect to its provisions. This was done prior to the Constitution (Fifth Amendment) Act, 1955.

Table of the House and was discussed for two days. There was neither any formal resolution nor voting.

The Bill was not referred to Assam, Bengal, Bihar, Orissa, Jammu and Kashmir as it did not relate to their territories. In the case of Travancore-Cochin, the Bill could not be considered as the State Legislature was dissolved and the Administration was directly under the President. The operation of the proviso to Article 3 of the Constitution, was, therefore, suspended in this case.

In U.P., the Draft Bill was not referred by the President as it did not relate to the territories of the State. But copies of the Bill were circulated to the members of the State Legislature. A motion for consideration of the proposals for reorganisation was moved and adopted. A resolution containing the wishes of the House, requesting the Government of India to take certain steps was adopted. The resolution expressing the approval to the Bill did not come up before the House.

\* \* \*

#### Lok Sabha—Precaution to be taken by Members before making statement in the House—Speaker's Ruling.

On the 18th December 1956, during the debate on the Supplementary Demands relating to the Railways, Shri H. V. Kamath, a Member of the Lok Sabha stated that he had received a letter from a responsible person from Trichy in South India regarding the Ariyalur train disaster and read out the contents of the same. As the statements made in the letter were serious, the Minister for Railways and Transport desired that the letter might be given to him in original, so that he could have the allegations contained therein enquired by the Committee which was going into the whole matter of the railway accident.

On the next day, Shri O. V. Alagesan, the Deputy Minister for Railways stated in the House that what Shri Kamath sent to the Railway Minister in response to the latter's request was not actually a letter

but only a printed pamphlet which purported to be the English translation of a speech alleged to have been delivered by that person at a public meeting in Trichy on 7th December 1956, which appeared in a vernacular daily of Trichy on the 10th December. The Deputy Minister added that Shri Kamath had thus left a misleading impression on the House when he said that he was reading from a letter received by him while actually he was reading from a printed pamphlet and that it was a clear breach of privilege of the House.

Shri Kamath stated in reply that he had received by post the printed pamphlet referred to, along with a small forwarding slip, duly signed by the person who made the speech in Trichy and asking Shri Kamath to "do the needful in Parliament." Shri Kamath could not send that slip to the Railway Minister along with the printed pamphlet, as he had mislaid it, and thought that the slip was not very important. He could not also contact the Railway Minister to explain to him the position.\*

The Speaker, after hearing the explanation of Shri Kamath, stated:

"Shri Kamath appreciates the position that if there was no forwarding letter—even the signature is the most important thing—it would not help him..... If, as he said, a letter was received by him, a single line letter with a signature, that sets the matter at rest. But I would request hon. Members that whenever they make a serious statement of this kind, they must thoroughly satisfy themselves about its authenticity. Anything that appears in newspapers is not necessarily authentic; hon. Members have to weigh the pros and cons....."

For the future I would request the hon. Members that whenever they make a serious statement of this kind, they must rely upon authentic statements, and even when they read a letter, either handed over to them or sent to them by post, they must, if they get time, make it doubly sure before they make any responsible statement on the floor of the House."

\* \* \*

\* Subsequently on 21st December, 1956, Shri Kamath laid on the Table a telegram received by him from the person who was said to have written the letter to him from Trichy. The telegram confirmed that the person had sent the letter to Shri Kamath together with the printed pamphlet. A letter confirming the telegram was also later filed by Shri Kamath with the Lok Sabha Secretariat.

**Lok Sabha—Consideration of Motor Vehicles (Amendment) Bill—Continental Procedure Adopted**

On the 28th November 1956, the Lok Sabha took up consideration of the Motor Vehicles (Amendment) Bill, 1956 as reported by the Joint Committee which was set up for considering the changes proposed in the Bill to the Motor Vehicles Act, 1939.

When the Bill as reported by the Committee came up before the House, several Members made observations and raised points touching upon different aspects of the Bill. Shri Raghavachari, the Chairman of the Joint Committee, who stayed in the House throughout the debate watching the course of the debate, spoke at the end—before the Minister in-charge of the Bill had replied to the debate—explaining the line the Joint Committee had taken on the various matters connected with the Bill and clarifying the whole position.

This procedure is a departure from the course usually adopted by the Indian Parliament in considering Bills and marks a new development which is in conformity with the practice current in some of the Western European Parliaments, particularly those of France, Denmark, Finland and Italy. In the legislatures of these countries, it is the practice to appoint a *Rapporteur* for each Bill received by a Committee, and it is the duty of the *Rapporteur* to maintain contact with the minister or other member in charge of the Bill, to provide the information needed by the Committee, draft its Report and then defend it in the House<sup>1</sup>. A member of the Committee is usually appointed as the *Rapporteur*. In the French Parliament, the general discussion on the Bill after the publication of the Report of the Committee is opened by the *Rapporteur*, who not only

prepares the written report of the Committee but also defends it in the Chamber<sup>2</sup>. In Denmark a *Rapporteur* is elected by the Committee before a Report is made to the House, and it is the *Rapporteur's* duty to explain the Report to the House<sup>3</sup>. In Finland, the Reports of the Committees are normally expounded to Parliament by the Chairmen of the Committees, but if necessary, a Committee may appoint a separate *Rapporteur* and any such appointment must be mentioned in the Committee's Report<sup>4</sup>. In Italy also, during the detailed discussion of the clauses of the Bill in the House, after the Committee has given its Report, any one or more members of the Committee may speak in the capacity of a *Rapporteur*<sup>5</sup>.

\* \* \*

**Bills: Private Member's Bill: Motion for circulation of a Bill requiring President's Recommendation for consideration under Article 117(3) held in order although recommendation not obtained by the Member at the time of moving the motion**

On the 10th August, 1956, when Shri V. P. Nayar, a Member of the Lok Sabha, moved the motion for circulation of the Unemployment Relief Bill, 1953, for eliciting opinion thereon, the Deputy Minister for Labour (Shri Abid Ali) raised a point of order that as the Bill required the recommendation of the President for consideration under Article 117(3)\* of the Constitution which had not been obtained by the Member, the motion was not in order. Shri V. P. Nayar submitted that the motion for circulation was distinct from the motion for consideration and no recommendation of the President was necessary for the former motion.

The Minister of Legal Affairs (Shri H. V. Pataskar) contended that the Bill appeared to attract the provisions of Article

<sup>1</sup> *European Parliamentary Procedure* by Campion and Lidderdale p. 35.

<sup>2</sup> *Ibid* p. 117 and 128.

<sup>3</sup> *Ibid* p. 69.

<sup>4</sup> *Ibid* p. 102.

<sup>5</sup> *Ibid* p. 153.

\* Article 117 (3) of the Constitution says:— A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

110(1) (d) \*\*, and as such it should not have been introduced without the recommendation of the President under article 117(1)† but as it has already been introduced, no further motion in respect of the Bill should be moved without the recommendation of the President.

Ruling out the point of order, the Deputy Speaker observed:—

“The contention is that it was not a Bill which could have been introduced. But it has been introduced and Parliament has permitted it. If there was some defect in that, now we cannot call that in question.”

The Chair referred to Article 122‡ of the Constitution in support of his observation and further observed:—

“The second objection is that Article 117(3) of the Constitution is a bar to our proceeding with this Bill.

The article reads:—

‘A Bill which, if enacted and brought into operation would involve expenditure from the Consolidated Fund of India, shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.’

The wording here is ‘shall not be passed’. I do not think it is the contention of the Minister that this word ‘passed’ would include even this motion that it should be circulated for eliciting public opinion thereon.

It has been held that the motion for circulation is a distinct one, it is a different one, and Article 117(3)

does not stand in the way of that motion being made. I am also of that view. Therefore, there is no obstacle so far as this motion is concerned and we can proceed with it.

\* \* \*

**Resolution: A part-discussed Resolution does not lapse after prorogation of a session**

On the 20th July, 1956, when further discussion on the resolution regarding enquiry into the working of the Income Tax Department moved by Shri H. V. Kamath in the previous session was resumed, a point of order was raised by Shri R. D. Misra that in view of Article 107(3) of the Constitution\* the discussion on the resolution should not be resumed, as it had lapsed on account of the prorogation of the House after the previous Session.

Ruling out the point of order the Speaker observed:

“..... Article 107(3) of the Constitution refers specifically to a Bill pending in Parliament. It states that a Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses. From this it is sought to be inferred that resolution and other notices will lapse. A provision has been made only with respect to the Bill, and therefore, the others must lapse. But it does not specifically say so.’

..... Campion and May's *Parliamentary Practice* have been referred to for the purpose of showing that in Great Britain, in the House of Commons, as soon as a session is prorogued, all the pending notices lapse, including notices of the Bills, even though they might have been part-heard and so on. That has

\*\* Article 110(1)(d) says:—For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with.....the appropriation of moneys out of the Consolidated Fund of India.

† Article 117(1) says:—A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States.

‡ Article 122 states: (1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.

\* Article 107(3) of the Constitution:

‘A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.

been referred to for the purpose of showing that in this case where no provision has been made regarding resolutions that practice ought to be followed and, therefore, the resolution lapses.

'As against this, it has been pointed out that in Article 118\*\* provision is made for each House subject to the provisions of the Constitution to make rules. Rule 319† which has been referred to makes a provision for continuation of those resolutions which had been already moved. That rule says that a motion or resolution which has been once moved and pending before the House shall not lapse by reason of prorogation. The practice embodied in this rule 319, I understand, has continued to be guiding the destiny of this House and also the

destinies of the previous Central Legislatures since 1921.'

'In this connection, article 105‡ which has been relied upon, may also be referred to. I think that article 118 is absolutely independent of article 105. Definite provision has been made in article 118 regarding the rules for guiding the procedure of the Houses of Parliament. Whenever new rules have not been framed, the old rules including the practice will continue. Thus the general provisions in Article 105 stating that in other respects the procedure of Parliament will apply, will not apply to the rules of procedure.....'

I therefore, rule that 'this motion is not out of order and that it has not lapsed'...."

### Decisions from the Chair

#### Joint Committee

Where a Bill is referred to a Joint Committee, the House in which the Bill originated and was referred to the Joint Committee, is committed to the principle of the Bill, but not the other House.

(Lok Sabha Debates, Part II, 30th July, 1956)

#### Questions

Refusal by a Minister to answer a question would not constitute breach of privilege.

(Madras Legislative Assembly Debates, 10th August, 1956).

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\*\* Article 118(1) of the Constitution states :—

Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

† Rule 319 of the Rules of Procedure reads :—

A Motion, resolution or an amendment, which has been moved and is pending in the House shall not lapse by reason only of the prorogation of the session.

‡ Article 105(3) of the Constitution reads :—

In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and committees of each House, shall be such as may from time to time be defined by Parliament by law and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.

## Privilege Issues

### Power of a State Legislature to issue Warrant of Arrest in Cases of Contempt—*Blitz* Case against the U.P. Speaker‡

The scope and content of the privilege conferred upon a State Legislature by Article 194 (3)@ of the Constitution of India, particularly with regard to the arrest of a person for contempt of the Legislature, formed the theme of judicial interpretation in a recent case in the High Court of Bombay, in which the Speaker of the U.P. Legislative Assembly was sued for damages by Mr. Homi Mistry, an acting editor of *Blitz*, a weekly magazine issued from Bombay. The facts of the case as stated by the plaintiff, Mr. Mistry, were as follows:—

On 10th March 1952, the plaintiff learnt that the Speaker of the U.P. Legislative Assembly had issued a warrant for his arrest in Bombay, pursuant to a resolution passed by the U.P. Assembly for enforcing his presence before the Assembly to answer a charge of contempt of the Speaker arising out of the publication of a certain item in the issue of the *Blitz* on 29th September, 1951. On hearing this information, the plaintiff addressed a letter to the Commissioner of Police, Bombay, stating that it was not open to the latter to execute or permit the execution of the warrant, inasmuch as the U.P. Assembly had no authority or jurisdiction to

issue any warrant for execution outside the territorial jurisdiction of the State of U.P. A copy of this letter was also sent to the Chief Secretary to the Government of Bombay requesting him to see that the warrant was not executed within the territory of Bombay. The plaintiff was, however, arrested at Bombay on 11th March, 1952, by an officer of the Bombay Police and was taken to Lucknow where he was detained in a hotel until 18th March, 1952. On 17th March, 1952, a petition was moved on his behalf in the Supreme Court which passed an order for his release under Article 22 (2)\* on the ground that no person who is arrested could be detained in custody without the authority of a magistrate beyond twenty-four hours, excluding the time necessary for the journey from the place of arrest to the Court of the magistrate. He was, therefore, released on the 18th March, but was served with another notice on the same day for presenting himself before the Bar of the U.P. Assembly on the 19th March, which, however, he did not comply with.

The contention of the plaintiff was that the procedure adopted by the U.P. Assembly against him was in violation of Articles 21 and 22\* of the Constitution by which his personal liberty as a citizen had been guaranteed. The Speaker of the U.P. Assembly had also no authority to issue a warrant for

‡The Judgement in this case was delivered by the High Court of Bombay on 16th November, 1956.

@Article 194(3) of the Constitution :

".....the powers, privileges and immunities of a House of the Legislature of a State and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.

\*Articles 21 & 22 of the Constitution :

21. "No person shall be deprived of his life or personal liberty except according to procedure established by law.
22. (1) "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult and to be defended by, a legal practitioner of his choice.
22. (2) "Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twentyfour hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate."

the arrest of anyone outside the territory of U.P. The action was further in violation of Article 22 (2) of the Constitution, as the plaintiff was not produced before a magistrate within twenty-four hours of his arrest excluding the time of his journey.

It was on the other hand stated on behalf of the Speaker of the U.P. Assembly that the action taken by him was only in pursuance of a resolution of the House and that the suit of the plaintiff, therefore, amounted to challenging the validity of the proceedings of the House itself, which, according to Article 212† cannot be called in question by any court of law. It was further added that according to Article 194 (3), the powers and privileges of a State Legislature were the same as those of the British House of Commons, including the power to issue a warrant of arrest against anyone who is to be tried for contempt of the House, throughout the territory of India.

*Power to issue Warrant of Arrest and commit for contempt*

The learned judge, who heard the petition, agreed with this point and stated that the powers of the British House of Commons in this respect have been defined as follows by Dicey in his "Law of the Constitution" † :

"Each House of Parliament has complete control over its own proceedings, and also has the right to protect itself by committing for contempt any person who commits any injury against or offers any affront to the House, and no court of law will enquire into the mode in which either House exercises the powers which it by law possesses."

He added that the effect of the privilege of the House of Commons to regulate its own proceedings practically invested it with a judicial character, and as far as adjudication of the contempt of the House was concerned, it was a court of record, against whose decision, even if erroneous, there lies no appeal whatever. It had been laid down that the privilege of adjudging any con-

tempt of the House without being questioned by any court of law and the power of committing by a general warrant was a peculiar right appertaining to the House of Commons. The House, therefore, enjoyed the right to commit for contempt and to adjudge thereon, without any appeal or recourse to a court of law by the aggrieved party.

The privileges of the State Legislature in India under Article 194 (3) of the Constitution being equivalent to those of the House of Commons in the U.K., the power to punish for contempt had been expressly conferred on the State Legislature in clear and unequivocal terms. The warrant issued by the Speaker of U.P. Assembly being a general warrant indicating that the party was required in connection with a contempt proceeding, no court would be entitled to scrutinise such a warrant and decide whether it was a proper and valid warrant or not.

As to the point whether this privilege of the Legislature violated Articles 21 and 22 of the Constitution, the learned judge observed that every fundamental right was a justiciable one and therefore subject to the scrutiny of the court, whereas the privileges of the Legislature were not so. He added that the construction of Articles set out in the Constitution with reference to fundamental rights must be made to reconcile with Article 194, namely, leaving the privileges of the House inviolate and not make the privileges nugatory by other Articles. Further, Article 22 (1) and (2) was amended to apply to a warrant issued by the Executive and not to a judicial warrant wherein "the judicial mind had already been applied to the case when the warrant was issued" and there was therefore less reason for making the production of the arrested person before a magistrate a matter of a substantive fundamental right. The warrant issued by the Speaker of the U.P. Assembly being in the nature of a judicial warrant, indicating on the face of it that it was

†Article 212(1) of the Constitution :

"The validity of any proceedings in the Legislature of a State shall not be called in question in any court of law on the ground of any alleged irregularity of procedure."

19th Edition, p. 55.

issued in connection with contempt of the House, could not draw the protection afforded by Article 22 of the Constitution. The Speaker acted as an officer of the House and signed the warrant in performance of the duty arising in connection with the internal affairs of the House. He did nothing except in his capacity as Speaker. The immunity was an absolute one and officers were protected even if the warrant was wrongly executed by others and this was a clear bar under the Constitution and stood on a different and a higher footing to a bar under a statute. In the opinion of the learned Judge, in so far as the Speaker was concerned, the immunity provided by the Constitution was available and complete.

#### *Extra territorial jurisdiction of the Warrant*

The other question which was raised by the plaintiff was whether the warrant for arrest issued by the U.P. Speaker could be executed beyond the territory of U.P. He contended that just as under Article 245\* of the Constitution State Legislatures can make laws only for the whole or part of the respective States and the State laws are thus limited to the territory of the State, the privileges of the State Legislature cannot also travel beyond the State boundaries. The powers and privileges conferred on a State Legislature under Article 194 (3), he argued, were co-extensive with the territorial limits of the State.

The learned judge, on the other hand, held that no territorial limitation had been placed on the power conferred on a State Legislature by Article 194 (3). He stated that while express limitations had been placed on the Executive by Articles

73 and 162 and on the Judiciary by Articles 225 and 226, no such limitation on the State Legislature was to be found in the Constitution. The limitation, if it were to be imposed on the Legislature in connection with the exercise of its privileges, must be either imposed as an express one in the Constitution or by the concept of each of the States being an independent State. The Union of India, he added, was not formed of independent States retaining part of the jurisdiction at the time of the union, and there was also only one citizenship, every person being only a citizen of India and not a citizen of any particular State. It was therefore inconceivable that although the privilege of the Legislature could be exercised against every citizen within the territory of U.P. it could not be so exercised against anyone outside the border of that State, who could therefore assail the dignity of that House with impunity. Further, Article 194 (3) was in identical terms with Article 105 (3)† which provided for the privileges of the Houses of the Union Parliament, and there was no indication whatever in the Constitution to show that any limitation was expressly or impliedly imposed, whereby the writ of a State Legislature could not run outside the territory of the State. In the absence of any provision as regards territorial limitation either express or implied, it would be tantamount to affecting the content of the privilege itself if the Legislature was denied execution thereof outside the range of the boundaries of the State. The judge therefore held that the warrant issued by the Speaker of the U.P. Assembly could be executed beyond the territories of U.P. and that the U. P. Assembly was fully entitled to protect its dignity by the exercise of the privilege expressly conferred on it by Article 194.

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\*Article 245(1) of the Constitution :

"Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India and the Legislature of a State may make laws for the whole or any part of the State."

†Article 105(3) of the Constitution :

"In other respects, the powers, privileges and immunities of each House of Parliament, and of the Members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

*Effect of prorogation on pending Business*

Another point raised by the petitioner was that the charge of contempt brought against him had lapsed, as the report of the Privileges Committee which investigated this issue was signed on 18th January, 1952 and the Assembly was prorogued on 20th February, until 7th March, 1952, when the issue was taken up again and a resolution was passed by the Assembly for the arrest of the plaintiff. It was contended by him that all business except pending Bills lapsed on 20th February, 1952, when the Assembly was prorogued and could not be continued in the new session which met on 7th March. The charge of contempt made against him during the previous session could not therefore be taken cognizance of in the next session and a resolution for his arrest passed by the Assembly as was done on 7th March.

The learned judge, however, held that this contention of the Plaintiff was not sustainable, as, after a prorogation, the same House usually reassembled and met again, and further it was only a matter of procedure whether the business lapsed or not. There was nothing in the Constitution to show that all pending business except Bills, should lapse at the time of prorogation. He held that the House or the constitution of the House did not come to an end with prorogation and this being so, the power to punish could not come to an end just because the House ceased to do business for a particular period of time. He added that if the contention of the plaintiff were sustainable, the result would be that any contempt committed just at the end of a session and before prorogation would have to go unpunished. It was therefore not possible to accept the argument that apart from Bills, all pending matters whatever they be, should lapse with the prorogation of the House. Lastly, the judge held that this was a matter of procedure, and even if it was wrong procedure, the validity of its proceedings could not be called in question by any court of law on the ground of any alleged irregularity of procedure, under Article 212(1) of the Constitution.

\* \* \*

**Rajasthan Vidhan Sabha: Arrest of M.L.A. on civil claim.**

Is it a breach of privilege to arrest a member of a legislature, within 40 days of its scssion, for non-payment of land revenue? The issue was raised in the Rajasthan Vidhan Sabha on the 28th July, 1954, in connection with the arrest and detention of Shri Gurdalay Singh Sandhu, M.L.A. Shri Sandhu was arrested on the 9th April, 1954, by the Tehsildar of Padampur and detained in a jail till the 15th May, 1954, for his refusal to pay land revenue.

The matter was referred to the Committee of Privileges for consideration on a motion moved by the Chief Minister.

On the 27th September, 1956, the Committee reported that in their opinion the arrest of Shri Sandhu was in connection with a civil claim and consequently it constituted a breach of privilege. The contention that members of the Vidhan Sabha did not enjoy the privilege of freedom from arrest in revenue proceedings as distinct from civil proceedings was not found to be tenable.

The Committee also held that arrest or detention under an executive order on account of revenue proceedings should not be equated to arrest or detention under Preventive Detention Act as the latter partook more of a criminal than of a civil character.

The Committee, however, recommended that since the Tehsildar of Padampur and the Commissioner of Bikaner Division, who were guilty of a breach of privilege, had ordered the arrest and detention of Shri Sandhu under a *bona fide* belief that no question of privilege was involved in their action and had also offered their genuine apologies, the matter might be dropped.

After some discussion, the Vidhan Sabha unanimously adopted the Report of the Committee on the 27th September, 1956.

\* \* \*  
**Rajasthan Vidhan Sabha—Oath-taking by a Member—Substitution of wrong words in the Oath—a Question of Breach of Privilege**

On the 13th December, 1956, Shri Bhairon Singh, a member of the Rajasthan Vidhan

Sabha gave notice of the following privilege motion in the Assembly:

"Shri Harlal Singh, an existing Member of the House, has committed a breach of privilege of the House, by attending the House as a stranger after 3rd December, 1956, without taking oath in accordance with the provision of Article 188\* in the prescribed form as is given in Schedule III of the Constitution of India."\*\*

The Speaker asked Shri Bhairon Singh to explain the subject of his motion before the House, for deciding the admissibility of the motion. Shri Bhairon Singh said that when the Rajasthan Vidhan Sabha was re-constituted after the reorganisation of States it was decided that the members of the new Vidhan Sabha should take a fresh oath on the 3rd December, 1956. All the members took the oath on that day before the provisional Speaker nominated by the Governor, on being called one by one by the Secretary of the House. Shri Harlal Singh also came forward to take the oath, but since he did not know English, the Speaker offered to read out the words of the oath, so that the Member might repeat them. But the Member declined the help and proceeded to read the oath from the oath-card, in the course of which he uttered a few words wrongly. Another Member, Shri Vedpal Tyagi raised an objection to it, whereupon the provisional Speaker said that some of the words in the oath had been changed by Shri Harlal Singh, but all the same the Member accepted the text given in the oath-card.

It was argued by Shri Bhairon Singh that Shri Harlal Singh had not taken the oath in the proper manner in which it should have been taken, and therefore he should be treated as a stranger to the House. It was further contended that Shri Harlal Singh, having attended the House from the 3rd to 12th December and taken part in its proceedings, had committed a contempt and breach of privilege of the House and that the matter should, therefore, be referred to a Privileges Committee for consideration. Shri Bhairon Singh concluded by saying that Shri Harlal Singh had also incurred the liability for penalty under Article 193 of the Constitution†, and that he should be administered the oath again, before he could be allowed to attend the sittings.

Shri Mathuradas Mathur, another Member, opposed the admissibility of the motion on the ground that the Speaker on that day was satisfied that the oath had been taken correctly by the Member and did not feel it necessary to administer the oath again. Since the final authority in the matter was the Speaker, no question of privilege could arise, he added.

Shri Vedpal Tyagi felt it essential that the oath should be taken in the proper form and if the form was not observed, it should be treated as a contempt of the House and a breach of privilege. A few more Members supported this view and desired that the matter should be referred to the Privileges

\*Article 188 of the Constitution :

"Every member of the Legislative Assembly or the Legislative Council of a State shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule."

\*\*Third Schedule to the Constitution :

Form of oath or affirmation to be made by a member of the Legislature of a State :

"(I, A. B. having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

†Article 193 of the Constitution :

"If a person sits or votes as a member of the Legislative Assembly or the Legislative Council of a State before he has complied with the requirements of article 188, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of the State, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State".

Committee while some others opposed it. Shri Gopilal Yadav said that as the Speaker had already ruled the oath taken by Shri Harlal Singh to be in order, only that ruling of the Speaker and not the form of the oath could then be called in question. Shri Arjan Das contended that the provisional Speaker had no authority to decide any question of law or point of order.

After hearing both sides the Speaker gave the following ruling:

So far as the question of privilege is concerned, according to the Constitution, this House has the same privileges as are enjoyed by the Parliament of U.K. We can neither increase them nor curtail them. I believe the questions of a member not taking the oath and attending the House without taking oath are not questions of privilege. Therefore, this motion of privilege has no force. Now I would like to clarify the point whether the oath was taken in the prescribed words or not. This has caused much misunderstanding among the Hon'ble Members. Basically, the right of administering the oath belongs to the Governor. The Governor authorises a person to administer the oath. That day the members took the oath before the person so authorized and it is upto him to decide whether any member has taken the oath to his satisfaction or not. It is of course true that the Constitution prescribes the text of the oath, but it is for the person authorised by the Governor to administer the oath to decide whether the text has been fully adhered to or not. One way of taking the oath is for all members to gather here and take the oath one by one and the other is for the Speaker to administer the oath in his Chamber or his house. I have been authorised to administer the oath to Members who were absent on that day and accordingly I administered the oath to many Members during the Session. To those members who are still left out, I shall administer the oath in my Chamber. Therefore it is entirely a matter of my satisfaction to ensure that the oath is taken properly. The Members present here are just like spectators and they have no right to raise any objection in this matter. This matter concerns the person authorized to administer the oath and the person who takes the oath. If he believed that the oath was not properly taken, he could administer it again. The authorized person at that time considered the oath to be proper and there is no need to revise that decision now.

Another point raised was that the provisional Speaker was not competent to decide any point of order. Of course, he could not decide any constitutional objection at that time, but the point of order related to the question of oath and so he gave his decision on that. In my view that decision was final. The oath taken will be considered as perfectly in order. I do not find any force in the motion tabled and I consider it right to rule it out.

\* \* \*

### John Junor's Case (U.K.)

On the 17th December 1956, Sir Charles Taylor, a Member of the House of Commons, complained of a breach of privilege of the House by Mr. John Junor, the editor of the *Sunday Express* in respect of a leading article written by him in its issue of the 16th December, entitled "Privilege". The article stated that while the system of petrol rationing in Britain was putting ordinary members of the public to great inconvenience, it would not affect "politicians" as "they are to get prodigious supplementary allowances." Adding that "everywhere, the tanks of the politicians will be brimming over", it continued:

"What are M.Ps. doing about this monstrous injustice? Are they clamouring for Fuel Minister, Mr. Aubrey Jones to treat politicians like the rest of the community?... There is not a squeak of protest. If politicians are more interested in privileges for themselves than in fair shares for all, let it swiftly be made plain to them that the public do not propose to tolerate it."

Sir Charles Taylor alleged that the article was "not only untrue" but also "a disgraceful libel against the High Court of Parliament" and requested the Speaker for a ruling that "a *prima facie* case has been made out for the article to be referred to the Committee of Privileges."\*

After hearing the opinions of a few more Members, the Speaker observed:

"I always take the view that the Privilege of this House is a very serious matter, not to be lightly invoked. For that reason, I do not feel that every attack of this silly nature should be regarded by the House as a breach of privilege.... If it be the general sense of the House that the matter should go to the Committee of Privileges and the House so decides, I shall not dissent in any way."

Thereupon, the Leader of the House moved the motion that the matter be referred to the Committee of Privileges, which was agreed to by the House.

On 18th December, Mr. John Junor, the Editor of the *Sunday Express* sent a letter to the Speaker saying that his article had been "misread and misunderstood by some Members of Parliament" and that "it was not in any way intended to show discourtesy

\*House of Commons Official Report—Vol. 562, No. 30, dated 17th December 1956. Cols. 938-941.

towards the House of Commons." The comment, he said, "was not aimed at Members of Parliament in particular but at politicians in general". The purpose of the article, he added, was to comment on the system of petrol rationing, which, while being stringent upon ordinary members of the public, allowed petrol "for political party use in Parliamentary constituencies" for "motoring upto 3700 miles a month."

The Committee of Privileges, which enquired into the matter, heard the evidence of both Mr. Junor and the officer responsible for the allocation of supplementary petrol allowances to Members of Parliament. The latter stated that the maximum supplementary allowance given to a Member of Parliament for political and Parliamentary purposes was for 200 miles a month. Mr. Junor asserted that his article did not suggest that Members of Parliament were getting an unfair allocation of petrol, although he admitted that the term "politicians" used in his article covered the Members of Parliament. He further stated that while the article contained criticism of Members of Parliament for their failure to make a protest and comment aimed at Members of Parliament, *the attack* was not aimed at them. He added that he did not mean to be discourteous to the House of Commons or to bring it into disrepute, and that if it had been interpreted as discourtesy, he was then sorry.

The Committee, however, did not accept his contention and observed that, in their opinion, the article intended to hold the Members of Parliament "to public obloquy as a result of their alleged failure to protest against unfair discrimination of which they were the beneficiaries." They, therefore, held Mr. Junor "guilty of a serious contempt in reflecting upon all Members of the House and so upon the House itself, by alleging that Members of the House had been guilty of contemptible conduct in failing, owing to self-interest, to protest at an unfair discrimi-

nation in their favour." "Such an attack on Members" the Committee added "is calculated to diminish the respect due to the House and so to lessen its authority". They recommended that Mr. Junor should be severely reprimanded.

On 23rd January 1957, the House took up the Report of the Committee and decided that Mr. Junor should be called to attend the Bar of the House the next day, so that the House might hear what he had to say and then decide what further action should be taken on the matter.†

Mr. Junor was accordingly brought to the Bar on the 24th January, 1957 and the Speaker asked him if he had anything to say in extenuation, in view of the fact that the Committee had regarded his previous apology as "entirely inadequate". Mr. Junor then expressed his "sincere and unreserved apologies for any imputations or reflections which I may have cast upon the honour and integrity of the Members of this House" and added:

"At no time did I intend to be discourteous to Parliament. My only aim was to focus attention on what I considered to be an injustice in the allocation of petrol, namely, the petrol allowances given to political parties in the constituencies. In my judgement these allowances were a proper and, indeed, an inescapable subject of comment in a free Press. That was a view which I held then and hold now, Sir, but I do regret, deeply and sincerely, that the manner in which I expressed myself should have been such as to be a contempt of this House."

After he had withdrawn, the Leader of the House moved the following motion, which was agreed to by the House:

"That this House doth agree with the Committee of Privileges in their opinion that Mr. John Junor has been guilty of a serious contempt of this House, but, in view of the apology made to this House by him, this House will proceed no further in the matter."‡

†House of Commons Official Report—Vol. 563, No. 36, Cols. 203—17.

‡House of Commons Official Report—Vol. 563, No. 37, Cols. 407—09.

## Conferences

### CONFERENCE OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA

#### Madras

(September 16, 1956)

The fifth Conference of the Secretaries of Legislative Bodies in India was held at Madras on the 16th September, 1956 under the Chairmanship of Shri M. N. Kaul, Secretary, Lok Sabha. Thirty-six Secretaries and other officers were present.

The Chairman in his opening speech referred to the sad demise of Shri G. V. Mavalankar and a resolution on his death was passed.

The Chairman then gave a brief resume of the activities of the Secretaries' Committee for the last five years. He referred to the many problems discussed by the Secretaries' Committee e.g., privilege issues, Indian Parliamentary Service, matters arising out of the re-organisation of States etc.

The Chairman also made a mention of the Research and Reference Branch of the Lok Sabha Secretariat and the valuable and informative publications issued by it for reference by Members.

He then dealt with the procedure adopted by Parliament for the study of the Planning Commission's Report on the Second Five-Year Plan. He said that before the Report was discussed in the House, it was referred to a number of Committees drawn from both Houses which functioned as Joint Committees. The informal deliberations of these Committees were found very helpful at the time of the discussion of the Report by the House.

A resume of some of the important points discussed at the Conference is given below:—

- (i) On a point raised by the Secretary, Madras Legislature, whether it was

open to the Speaker to furnish on his own authority without consulting the State Government, information to an outsider as to whether a particular paper was placed on the Table or not, the Chairman observed that the Parliamentary proceedings being published documents could be examined by anyone to see whether a particular paper was placed on the Table or not but if information had to be produced before a Court, it should be left to the Secretary or Speaker to determine whether information should be given or not. The information, he continued, might be supplied to any member of the public without consulting the Government, though it may be had confirmed by the Government, if necessary.

- (ii) *Delegated Legislation.*—The Chairman said that the Committee on Subordinate Legislation had powers to examine and report to the House on all rules which the Government had made under delegated authority, irrespective of whether they were required to be laid on the Table or not. He added that if the House was empowered by the terms of the relevant statute to amend the rules which had been placed on the Table within the statutory period, then the rules, if they were amended by the House, came into effect after the House had passed those amendments and the amended rules were concurred in by the other House also. In other cases where the period had expired or where there was no provision in the statute that the House could amend the rules, a proper motion had to be brought before the House stating clearly the amendments which the House desired. These

amendments could be carried only by the support of the Government, as the legal power vested in them. Government were then bound to issue the necessary notification.

- (iii) *Sub-judice*.—On a question whether a Department of the Government could decline to furnish information to a Committee of the House on a matter pending before a Court of law, it was felt that it was within the right of Government to say that it would not be in the interest of the State to produce a certain document. Where such an objection is taken, the matter should not be taken up in the Committee. The representative of the Government should show to the Chairman the document which had been refused to the Committee. If the Chairman was satisfied that it would not be in the interest of the State to produce the document, the matter should rest there and the Chairman might explain the position to the Committee. In the case of an unresolved dead-lock between the Government and the Chairman of a Committee the matter should be referred to the Speaker for guidance and the Speaker's decision should be treated as conclusive both by the Government and the Committee.
- (iv) On a point raised by the Secretary, Punjab Vidhan Sabha, as to what should be done when a Bill passed by the Assembly and laid before the other House in the State could not be passed by it owing to its prorogation within the period of three months, it was felt that the position would be that when proceedings were initiated in the Lower House any time after three months, the jurisdiction of the other House terminated.
- (v) The Secretary, Mysore Legislature, raised a point as to whether it was necessary for the Legislature Secretariat to get back and retain one

copy of the Bill as passed by the Legislature and sent by the Secretariat to the President for his assent through the Government or whether it would be sufficient if it merely received a communication from the Government that the President had assented to the Bill. The Chairman replied that it was necessary for the Legislature Secretariat to obtain and retain a copy of the assented Bill and for this purpose, if necessary, one more copy of the Bill might be sent to the President for his assent. He added that where a State had two Houses of Legislature one of the two Houses should get a copy of the Bill with the assent of the President in which case it would be sufficient for the other House to get a communication from the former that the President had given his consent to the Bill.

CONFERENCE OF PRESIDING  
OFFICERS OF LEGISLATIVE BODIES  
IN INDIA

Madras

(September 17-19, 1956)

The twenty-second Conference of the Presiding Officers of Legislative Bodies in India was held in Madras from 17th to 19th September, 1956, under the Chairmanship of Shri M. Ananthasayanam Ayyangar, Speaker of the Lok Sabha.

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

Before taking up the agenda, the Conference passed condolence resolutions on the death of Shri G. V. Mavalankar, former Speaker of the Lok Sabha and Chairman of the Conference and Shri K. T. Bhashyam, late Chairman of the Mysore Legislative Council.

## Conferences

A resume of the discussion on some of the important points considered by the Conference is given below:

(1) *Indian Parliamentary Service.*—The Conference decided to appoint a Committee consisting of the Presiding Officers to be nominated by the Chairman, to consider the Report of the Committee of Secretaries on the proposed Indian Parliamentary Service that was placed before the last Conference of Presiding Officers held at Shillong in 1955, and to consider the question of the constitution of an All-India Parliamentary Service in all its aspects, and make a Report thereon to the Chairman of the Conference, as early as possible.

(2) *Inter-Legislature Association.*—The Chairman informed the Conference that a draft constitution of the proposed Inter-Legislature Association had been drawn up and approved by the Executive Committee of the Indian Parliamentary Group. It was decided that a Committee of Presiding Officers might be appointed to consider the draft constitution and suggest further steps for the formation of an Inter-Legislature Association.

(3) *Integration of Services.*—The Conference emphasized that no member of the staff of any State Legislature Secretariat affected by the Re-organisation of States should be retrenched. The Conference felt that attempts should be made to absorb the surplus staff in any of the following Offices:

- (i) Legislature Secretariats of the States in which the States they are serving in, will merge;

- (ii) Legislature Secretariats of neighbouring States;
- (iii) Zonal Councils; and
- (iv) Executive Departments of States.

So far as Class III and Class IV employees were concerned, efforts should be made to absorb them, as far as possible, in some offices located in the town or city in which they are now working.

(4) *Privileges.*—(i) The Conference felt that a revenue case was really a civil case and as there was no specific statutory provision curtailing the privilege of members in respect of freedom from arrest in civil cases, they were entitled to the same immunity in quasi-civil or revenue cases.

(ii) The Conference considered the Report of the Committee of Speakers appointed to examine the question of breach of privilege committed by a member of Parliament or a State Legislature in respect of the other House or another Legislature. The Speaker of the Bombay Legislature presented the Report to the Conference. It was agreed that the Report might be adopted and the Conference might leave the matter to the Chairman for further action.

(5) *Legislation.*—The Conference considered the question of the authority to whom a reference made by the President under the proviso to Article 3 of the Constitution of India\*, should be addressed. The Conference was of the view that after the amendment of the above Article, it was clear that the reference should be made by the President to the State Legislatures concerned and not to the concerned Governments.

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\*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 area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or with such further period as the President may allow and the period so specified or allowed has expired.

(6) *Debate.*—The Conference considered the question as to whether the conduct of a Government Officer who was praised or complimented in the House by a Minister was open to criticism by other members of the House who disagree with the remarks made by the Minister.

The Conference was of the view that it was not in accordance with Parliamentary practice either to praise or attack the conduct of Government Officers in the House. It was agreed that the general procedure adopted in the Lok Sabha should be followed in such cases.

(7) *Political Parties.*—With regard to the question regarding the relation of Presiding Officers with political parties, the Conference was of the view that the Presiding Officers should not associate themselves with any kind of political propaganda or other controversial political activities conducted by any Party but they could take part in nation-building activities.

(8) *Legislature Secretariats.*—At the end, the Conference considered the question whether the placing of the Secretariats of the State Legislatures under an administrative department of the Government, for purposes of communication with departments of Government on important matters, is consistent with the independent status of the Secretariats. The Conference felt that the Presiding Officers of different State Legislatures should take up the matter with their Chief Ministers and evolve a procedure whereby they could directly communicate with the Ministries through the Legislature Secretariats.

It was also decided that the next Conference should be held in Rajasthan.

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COMMONWEALTH PARLIAMENTARY  
ASSOCIATION: MEETING OF THE  
CONFERENCE ARRANGEMENTS  
COMMITTEE

A three-day meeting of the Conference Arrangements Committee of the Common-

wealth Parliamentary Association was held at Colombo from the 7th to 9th January, 1957, to decide the dates and arrangements for the next Conference of the Association to be held at New Delhi.

J. W. Higgerty Esq., M.P. (Union of South Africa) was the Chairman. Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha and Shri S. K. Mukerjee, Speaker, West Bengal Legislative Assembly represented India. Hon. Stanley de Zoysa, M.P. and Senator, the Hon. A. P. Jayasuriya, Finance and Home Ministers of the Government of Ceylon represented Ceylon.

Others who attended the meeting are: Sir Howard d' Egville, K.B.E., Secretary-General, General Council of the Association, Shri M. N. Kaul, Secretary, Indian Branch, Shri S. L. Shakhder, Joint Secretary, Indian Branch, Shri A. R. Mukerjee, Secretary, West Bengal Branch, Mr. B. Coswatee, Acting Secretary, Ceylon Branch, Mr. M. R. H. de Fonseka, Assistant Secretary, Ceylon Branch, and Mr. A. R. Fowler, Chief Clerk, General Council.

It was decided that the Conference should be held in New Delhi from the 2nd to 10th December, 1957, both days inclusive.

It was also agreed that pre-Conference tours starting from about the 20th November and continuing for about 10 days and post-Conference tours lasting for about 10 days and ending by about the 20th December should be arranged in India and Ceylon.

The number of delegates to be invited from various Branches of the Association was fixed at approximately 86. Seven Branch Secretaries and the Secretary-General with two of his Assistants are also to be invited.

The subjects for discussion at the Conference would be (i) International Affairs and Defence; (ii) Economic Relations in the Commonwealth; (iii) the problem of Underdeveloped Territories of the Commonwealth; (iv) the future of the smaller States in the Commonwealth; (v) the role of the English Language in the Commonwealth; and (vi) the working of Party System in Parliaments.

# Constitutional Developments

## CONSTITUTION OF INDIA; SCOPE OF ARTICLE 3: REFERENCE OF BILLS TO STATE LEGISLATURES FOR THEIR OPINION—JUDGMENT OF THE BOMBAY HIGH COURT.

What is the scope of Article 3\* of the Constitution of India? Should the amendments proposed by Parliament to a Bill once referred to the States in terms of that Article be further referred to the States?

These questions formed the subject-matter of a judgment delivered by the High Court of Bombay on 14th September, 1956, in the case of *Shri Babulal Parate vs. the State of Bombay* and another, in which the former had filed a petition "praying that a direction be issued to the opponents that the provisions contained in Section 8 and all the other consequential provisions of the States Reorganisation Act, 1956, are null and void." Section 8 of the States Reorganisation Act proposed the creation of a bigger composite State of Bombay instead of the original three units (the State of Gujrat, the State of Maharashtra and the Union Territory of the city of Bombay) proposed to be formed by virtue of a Bill which was referred to the Bombay State Legislature for its opinion. The proposal for the creation of a composite Bombay State was moved in Parliament and passed as an amendment to

the original proposal for the creation of three separate units. The contention of the petitioner was that whereas the original proposal was referred to the Bombay Legislature for its opinion, the amendment containing the subsequent proposal was not referred to it, and that the provision in the Act was therefore a violation of Article 3 of the Constitution and could not be given effect to. The suggestion of the petitioner thus was that under Article 3 of the Constitution, the State Legislature must be given an opportunity to express its opinion on every amendment which may be moved to the Bill when it is before Parliament.

Disagreeing with this view the learned judge observed:

"There will be justification for this view and this contention (of the petitioner) if Article 3 made it incumbent upon Parliament to consider only such matters or such proposals as have been submitted to the State Legislature for its opinion. But the only condition that the proviso to Article 3 requires is that the Bill which contains a particular proposal should be referred to the State Legislature for its opinion. Once the Bill has been referred to the Legislature and the Legislature has expressed its views, then there is no limitation upon the power and the authority of Parliament to deal with that Bill in the ordinary way. Now, this particular proposal setting up a composite State of Bombay was moved as an amendment to the original proposal of Bombay State being divided into three units and that amendment

\*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 area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

was accepted by Parliament. If the amendment was within the ambit of the Bill and if the amendment was germane to the question which was raised by the Bill and the matter contained in the Bill then it is difficult to understand how under the proviso to Article 3 there was any obligation upon Parliament to hold its hands before the State Legislature was consulted with regard to this amendment...."

"Now, whether the amendment was germane to the Bill or not, whether the amendment related to the subject matter and fell within the ambit of the Bill or not, was a question for the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha to consider. As a matter of fact, in the Lok Sabha a point of order was raised and the Speaker ruled that the amendment was in order\*. That ruling of the Speaker has not been challenged before us. Therefore that ruling stands and if that ruling stands, the effect of that ruling is that the amendment with regard to a composite Bombay State which was ultimately embodied in the Bill was germane to the proposal which was originally contained in the Bill and which Bill was referred to the State Legislature for its opinion....."

"When the Bill was referred to the State Legislature it was open to the State Legislature to express its opinion on every aspect of the matter which was contained in the Bill. It would be futile to suggest that the State Legislature's views had to be confined to the question whether the State of Bombay should be split up into three units..... In our opinion, that is not the scope or object of the proviso to Article 3 of the Constitution. Once the Bill containing the proposal that there should be three units in place of the State of Bombay was before the State Legislature, it was open to the State Legislature to consider that question and that proposal in all its aspects..... As a matter of fact, if one were to look at the debate in the State Legislature, the various points of view were actually canvassed. Therefore, what the proviso to Article 3 of the Constitution requires is that the views of State Legislature on all aspects of the proposal contained in the Bill should be before Parliament and Parliament should bear in mind what the State Legislature

considers about the proposal and after bearing that in mind should proceed to decide what it thinks proper. Therefore, it would be erroneous to suggest either that the views of the State Legislature with regard to the composite State of Bombay could not be before Parliament or that in fact they were not before Parliament.."

"Therefore, in our opinion the condition laid down in the proviso to Article 3 that the Bill should be referred to the Legislature of the State concerned for expressing its views having been satisfied, Parliament was competent to alter or amend that Bill as it thought proper and what has now ultimately reached the statute book is nothing else than the Bill which was referred to the State Legislature under the proviso to Article 3 and which in its subsequent legislative stage has been altered and amended by Parliament."

The petition was therefore dismissed.

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### THE ASSEMBLY OF THE PEOPLE'S REPRESENTATIVES OF THE KINGDOM OF THAILAND.

[Thailand became a Constitutional Monarchy following the coup d'etat of 24th June, 1932. There have since been a number of Constitutional changes. The Constitution promulgated on 23rd March, 1948, provided for a bicameral legislature. But, consequent to a further coup d'etat in November, 1951, the country reverted to the 1932 Constitution (subsequently amended in 1952) under which there is a single chamber.

Under the Thai Constitution, the King exercises the legislative power by and with the advice and consent of the legislature of the land—known as the Assembly of the People's Representatives, which is composed of members elected for five years.

The Assembly meets in one or more ordinary sessions each year—the duration of one session

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\*On 7th August 1956, during the discussion on the States Reorganisation Bill, Shri H. N. Mukherjee, a Member of the Lok Sabha, raised a point of order that the amendment to clause 8 of the Bill proposing the creation of a bigger bilingual State of Bombay instead of the original proposal to form three separate units was *ultra vires* of the Constitution and should be referred back to the State Legislatures concerned for ascertaining their views. The Speaker, however, disagreed with this view and ruled as follows :—

"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 the 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....

"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." [Lok Sabha Debates, dated 7th August, 1956].

being normally of ninety days. An extraordinary session may, however, be called either by the King of his own accord or at the request of at least one-third of the members. Dissolution of the Assembly is a Crown prerogative but the Royal Decree must provide for a new election within ninety days.

The President and the Vice-Presidents of the Assembly are members thereof and appointed by the King "in accordance with the resolutions of the Assembly".

Quorum is one-third of the number of members and decisions are taken generally by a majority unless otherwise provided in the Constitution. In the case of a tie, the presiding officer has one additional vote as a casting vote.

Excerpts from the Constitution relating to the Powers and Privileges of the Assembly and its Members, Legislative and Financial Procedure, and Constitutional Amendment are reproduced below.—Ed.]

### **Powers and Privileges of the Assembly and its Members**

*Section 56.*—At meetings of the Assembly, whatever words may be uttered by any member in the way of setting forth matters or expressing opinions or casting a vote are absolutely privileged. No one may put them forward as a ground for action or charge against such member in any way whatsoever.

Such privilege covers in its protection the printer and publisher of the reports of the meetings, acting by order of the Assembly, and also covers in its protection the persons invited by the Assembly to set forth matters or express opinions at its meeting.

*Section 62.*—During a session it is forbidden to place under arrest or detention or by warrant to summon a member of the Assembly for investigation on the ground that such member is charged in a criminal case, except in a case where permission has been obtained from the Assembly or a case of arrest in *flagrante delicto*.

In a case where a member is arrested in *flagrante delicto*, urgent report shall be made to the President of the Assembly and the

President of the Assembly may order the release from detention of the person arrested.

*Section 63.*—No criminal action brought against a member of the Assembly of the People's Representatives, whether out of or during a session, may be tried by the Court during a session, unless permission has been obtained from the Assembly, but even in that case, the proceedings of the Court must not obstruct such member coming to take part in meetings of the Assembly.

The proceedings of the Court prior to the invocation of the plea of membership are valid.

*Section 64.*—If a member of the Assembly was placed under detention pending a criminal investigation or trial before a session, the investigating officer or the Court, as the case may be, shall, when the time comes for the session order his instant release if requested to do so by the Assembly.

The order of release under the preceding paragraph shall take effect from the date of the order of release until the last day of the session.

*Section 74.*—The Assembly of the People's Representatives has power of control over State affairs.

At a meeting, every member has the right to put questions to a Minister of State on any matter relating to the work within his duties. But the Minister of State holds the right not to reply, when he considers that such matter should not yet be made public, because it concerns the safety or important interest of the State.

*Section 75.*—... Not less than one-fifth of the total number of members have the right to subscribe to and present a motion for opening a general debate in the Assembly, so that the Council of Ministers\* may make statement of facts or express views on ques-

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\*The executive functions of the Government are carried by a Council of Ministers, appointed by the King and composed of one President and "not less than fourteen and not more than twenty-eight other Ministers of State" In carrying out the affairs of State, the Council of Ministers must perform its duties with the confidence of the Assembly of the People's Representatives.

tions relating to the carrying out of State affairs.

The motion . . . . shall be handed in to the President of the Assembly (who) shall give notice thereof to the President of the Council of Ministers, in order that the time for opening the general debate may be fixed, which must not be later than thirty days as from the date on which the President of the Council of Ministers has received the notice. However, the Council of Ministers has the right to request that the opening of such general debate be not proceeded with, when it considers that it is a matter which should not yet be made public, because it concerns the safety or important interest of the State.

In opening a general debate under this Section, the Assembly may not pass any resolution on the question under debate.

*Section 76.*— . . . . Not less than one third of the total number of members have the right to subscribe to and present a motion for opening a general debate, in order to pass a resolution of non-confidence in the Ministers of State, individually or as a body.

When the opening of the general debate in the Assembly comes to an end, without a resolution to pass on from the agenda item on the opening of the debate, the Assembly shall pass a resolution of confidence or non-confidence. But the passing of a resolution in such a case shall not take place on the same day as that on which the debate comes to an end.

*Section 78.*—The Assembly has the power to select its members to form Ordinary Commissions, and has the power to select persons who are members or non-members to form Extraordinary Commissions, for undertaking any activity or enquiring into any matter within the scope of the work of the Assembly and then reporting to the Assembly. Such Commissions have the power to summon any person, to appear and furnish explanations or express opinions on the activity undertaken or the matter under consideration.

The privilege, as provided in Section 56, also covers in its protection persons who perform duties under this Section.

*Section 112.*— . . . If there is a question of interpretation of the Constitution which lies within the sphere of work of the Assembly of the People's Representatives, the Assembly shall have the power of interpretation and the interpretation by the Assembly shall be deemed to be final.

For interpretation of the Constitution under the preceding paragraph, the presence of not less than one half of the total number of members is required to form a quorum.

#### **Relations between the Executive and the Assembly.**

*Section 81.*— . . . In appointing the President of the Council of Ministers, the Royal Command is to be countersigned by the President of the Assembly of the People's Representatives. . . .

*Section 91.*—The King holds the Royal prerogative to declare war, when it has been approved by the Assembly of the People's Representatives and is not contrary to the Charter of the United Nations Organisation. The resolution of the Assembly giving its consent must have the votes of not less than two-thirds of the total number of members.

*Section 92.*— The King holds the Royal prerogative to make treaties of peace and armistice and make other treaties with different countries.

Any treaty which provides for a change in the Thai territory or requires the issuance of an Act to implement it, must receive the approval of the Assembly of the People's Representatives.

#### **Legislative Procedure**

*Section 66.*—Acts may be enacted as law only by and with the advice and consent of the Assembly.

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**Section 67.**—No act can be enacted as law with retro-active effect, to inflict criminal punishment upon persons or to inflict upon persons heavier penalties than those determined by the law in force at the time the offence was committed.

**Section 71.**—When the Assembly has completed a Bill, the President of the Council of Ministers shall submit it to the King for signature, and after its formal publication in the Government Gazette, it shall be enforceable as law.

**Section 72.**—Any Bill which the King does not approve and returns to the Assembly or does not return within sixty days, must be reconsidered by the Assembly. If the Assembly passes a resolution reaffirming it in its original form by a vote of more than one-half of the total number of members of the Assembly, the President of the Council of Ministers shall resubmit the Bill to the King once again. In the event of the King not signing and returning it within thirty days, the Act shall be given formal publication in the Government Gazette to be enforceable as law, as if the King had appended His signature.

**Section 73.**—Bills can be presented only by the Council of Ministers or by members of the People's Representatives. Money Bills, however, may be presented by members only upon endorsement by the President of the Council of Ministers.

Money Bills mean Bills dealing with all or any of the following matters, namely, the imposition, repeal, reduction, alteration or modification, remission, or regulation of obligations relating to taxes or duties; the appropriation, receipt, custody or expenditure of State funds; or the raising, guaranteeing or redemption of loans; or Bills dealing with currency.

In case of doubt, the President of the Assembly shall have the power to decide whether a Bill is a money Bill or not.

### Budgetary Provisions

**Section 68.**—The annual budget of the State must be enacted as an Act. If the

Act is not issued in time for the new year, the Budget Act of the preceding year shall remain in force for the time being.

**Section 69.**—Expenditure of State funds may be made only as sanctioned by the budget law. However, in case of urgent necessity, expenditure may be made in advance, provided that it complies with the rules and manner prescribed by law. In such case approbation from the Assembly must be sought at the first possible opportunity.

The approbation of the Assembly shall be made in the form of a specific Act or included in an Act for the transfer of budgetary funds or a Supplementary Budget Act or in the Annual Budget Act for the following year.

**Section 70.**—In a special case where it is expedient to have a continuous plan for a State service relating to public utilities, requiring expenditure of State funds for a longer period than one year, an Act may be enacted with binding effect on annual budgets, but such period must not exceed five years.

### Amendment of Constitution

**Section 111.**—This Constitution may be amended only under the following conditions:

- (1) A motion for amendment must come from the Council of Ministers or from members of the Assembly not less than one-fourth of the total number of members.
- (2) Such motion for amendment of the Constitution shall be considered in three readings.
- (3) The voting at the first reading involving acceptance in principle shall be by roll call and a vote approving the amendment by not less than two-thirds of the total number of members is required.
- (4) In the voting at the second reading involving consideration section

by section, a majority vote is deemed to prevail.

- (5) At the conclusion of the second reading there shall be a delay of fifteen days, after which the Assembly of the People's Representatives shall proceed with its third reading.
- (6) The voting at the third and last reading shall be by roll call and a vote approving issuance as a Constitution enactment by not less than two-thirds of the total number of members is required.
- (7) When the resolution has been voted upon as mentioned above, submission shall be made to the King and the provisions of Section 71 and Section 72 shall apply *mutatis mutandis*.

\* \* \*

#### THE GHANA (CONSTITUTION) ORDER IN COUNCIL 1957.

[On the 6th March 1957, the British territory of Gold Coast in North-West Africa became independent and a member of the Commonwealth, with the new name of Ghana, under the Ghana (Constitution) Order in Council 1957. Some important provisions of the Order in Council are reproduced below.—Ed.]

#### The Governor-General

4. (1) The Governor-General shall be appointed by Her Majesty and shall have and may exercise in Ghana during Her Majesty's pleasure such powers, authorities and functions as Her Majesty may be pleased to assign to him or as may be vested in him under the provisions of this Order or by any other law for the time being in force.

#### The Executive

6. The executive power of Ghana is vested in the Queen and may be exercised by the Queen or by the Governor-General as Her representative.

*The Cabinet.*—7. (1) There shall be a Cabinet of Ministers of not less than eight persons, being Members of Parliament, who shall be charged with the general direction and control of the Government of Ghana and who shall be collectively responsible to Parliament.

(2) The Ministers (one of whom shall be styled "the Prime Minister") shall be appointed by the Governor-General by Instrument under the Public Seal.

(3) Any Minister (other than the Prime Minister) may be removed from office by the Governor-General acting on the advice of the Prime Minister, by Instrument under the Public Seal.

(4) If at any time the Assembly shall pass a motion in express words of no confidence in the Government, the Governor-General shall, unless he is advised by the Prime Minister within three days of the passing of such motion to dissolve the Assembly, terminate the appointment of the Prime Minister.

*Vacation of Office.*—8. (1) Whenever the office of Prime Minister has become vacant and a person has been appointed to be Prime Minister in accordance with the provisions of section 7 of this Order, the offices of all the other Ministers shall become vacant.

#### Parliament

20. (1) There shall be a Parliament in and for Ghana which shall consist of Her Majesty the Queen and the National Assembly.

(2) The National Assembly shall consist of a Speaker and not less than one hundred and four members to be known as Members of Parliament; but the number of Members may be increased from time to time by the creation of further electoral districts, but in any event the total number of Members shall not exceed one hundred and thirty.

*Speaker.*—21. (1) The Speaker shall be a person, not being either the holder of any public office or a Minister or Parliamentary

## *Constitutional Developments*

Secretary, elected by the Members of Parliament.

(2) The election of the Speaker shall take place before the despatch of any other business at the first sitting of the Assembly after every dissolution of the Assembly.

(3) A person holding office as Speaker may, by writing under his hand addressed to the Governor-General resign the office of Speaker; and upon receipt of such resignation by the Governor-General the office of Speaker shall become vacant.

(4) A person holding office as Speaker shall, unless he earlier resigns his office, vacate his office on the dissolution of the Assembly.

*Deputy Speaker.*—22. (1) The Assembly shall—

- (a) at its first sitting in every session, and
- (b) at its first sitting after the occurrence of a vacancy in the office of Deputy Speaker,

or as soon thereafter as may be convenient, elect as Deputy Speaker of the Assembly one of its own Members, who shall not be a Minister or Parliamentary Secretary.

The Deputy Speaker may by writing under his hand addressed to the Speaker or, in the absence of the Speaker or if there shall be no Speaker to the Clerk of the Assembly, resign his office; and upon receipt of such resignation by the Speaker or by the Clerk of the Assembly, as the case may be, the office of Deputy Speaker shall become vacant.

*Qualifications for Membership.*—24. Subject to the provisions of section 25 of this Order, any person who—

- (a) is a citizen of Ghana; and
- (b) is of the age of twenty-five years or upwards; and
- (c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to

take an active part in the proceedings of the Assembly;

shall be qualified to be elected as a Member of Parliament, and no other person shall be qualified to be so elected or, having been so elected, shall sit or vote in the Assembly.

*Decision of questions as to Membership.*—27. All questions which may arise as to the right of any person to be or remain a Member of Parliament shall be referred to and determined by the Supreme Court of Ghana in accordance with the provisions of any law in force in Ghana.

### **Legislation and Procedure in the Assembly**

*Power to make Laws.*—31. (1) Subject to the provisions of this Order, it shall be lawful for Parliament, to make laws for the peace, order and good government of Ghana.

(2) No law shall make persons of any racial community liable to disabilities to which persons of other such communities are not made liable.

(3) Subject to such restrictions as may be imposed for the purposes of preserving public order, morality or health, no law shall deprive any person of his freedom of conscience or the right freely to profess, practise or propagate any religion.

32. (1) No Bill for the amendment, modification, repeal or re-enactment of the constitutional provisions of Ghana . . . . . shall be presented for the Royal Assent unless it has endorsed on it a certificate under the hand of the Speaker that the number of votes cast in favour thereof at the third reading in the Assembly amounted to not less than two-thirds of the whole number of Members of Parliament. For the purposes of this sub-section, the expression "constitutional provisions" means this Order.

*Quorum.*—39. No business except that of adjournment shall be transacted in the Assembly if objection is taken by any Member present that there are less than twenty-five Members present besides the Speaker or Member presiding.

*Voting.*—40. (1) Save as otherwise provided in this Order, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before the Assembly, the votes of the Members shall be equally divided the motion shall be lost.

(2) (a) The Speaker shall have neither an original nor a casting vote; and

(b) any other person, including the Deputy Speaker, shall when presiding in the Assembly, have an original vote but no casting vote.

*Money Bills.*—41. (2) Except with the recommendation or consent of the Governor-General signified thereto, the Assembly shall not proceed upon any Bill, motion or petition which, in the opinion of the Speaker or Member presiding, would dispose of or charge the Consolidated Fund or other public funds of Ghana, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

*Assent to Bills.*—42. (1) No Bill shall become a law until Her Majesty has given Her assent thereto.

(2) When a Bill has been passed by the Assembly it shall be presented to the Governor-General who may assent thereto in Her Majesty's name or refuse such assent.

*Privileges of the Assembly and Members.*—45. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the Assembly and its Members; but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the Members thereof.

*Sessions of the Assembly.*—46. (1) There shall be a session of the Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in one session

and the first sitting thereof in the next session.

*Dissolution of the Assembly.*—47. (3) The Governor-General shall dissolve the Assembly at the expiration of five years from the date of the first sitting of the Assembly after the last preceding general election, if it shall not have been sooner dissolved.

(4) If at any time after the dissolution of the Assembly, the Governor-General is satisfied that an emergency has arisen of such a nature that an early meeting of the Assembly is necessary, the Governor-General may by Proclamation summon the Assembly which has been dissolved. Notwithstanding any other provisions of this Order, such Assembly shall, for all purposes, be deemed to be the National Assembly for the time being and may meet and be kept in session until the meeting of the new Assembly.

*General Elections.*—48. There shall be a general election at such time within two months after every dissolution of the Assembly as the Governor-General shall by Proclamation published in the Gazette appoint.

## The Judicature

*Judges of the Supreme Court.*—54. (1) The Chief Justice of the Supreme Court of Ghana shall be appointed by the Governor-General, acting on the advice of the Prime Minister; Puisne Judges of the Supreme Court shall be appointed by the Governor-General, acting on the advice of the Judicial Service Commission.

(3) A Judge of the Supreme Court shall not be removable except by the Governor-General on an address of the Assembly carried by not less than two thirds of the Members thereof, praying for his removal from office on the ground of stated misbehaviour or of infirmity of body or mind.

(4) The Chief Justice or a Justice of Appeal shall retire when he attains the age of sixty-five years:

## Constitutional Developments

### Provided that—

- (i) the Governor-General may permit the Chief Justice or a Justice of Appeal who has reached the age of sixty-five years to continue in office for a further specified period, subject to continued mental and physical fitness;

(5) A Puisne Judge of the Supreme Court shall retire when he attains the age of sixty-two years:

### Provided that—

- (i) the Governor-General may permit a Judge of the Supreme Court who has reached the age of sixty-two years to continue in office for a further specified period, subject to continued mental and physical fitness;

(6) Any Judge of the Supreme Court may resign his office by writing under his hand addressed to the Governor-General.

(7) The salaries of Judges of the Supreme Court shall be determined by the Assembly and shall be charged on the Consolidated Fund and shall not be diminished during their terms of office.

### Finance

*The Consolidated Fund.*—58. The funds of Ghana not allocated by law to specific purposes shall form one Consolidated Fund into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues of Ghana not allocated to specific purposes.

59. (1) The Minister responsible for finance shall cause to be prepared annually estimates of revenue and expenditure for public services during the succeeding finan-

cial year which, when approved by the Cabinet, shall be laid before the Assembly.

*Audit of Accounts.*—62. (1) The accounts of all departments and offices of Government, including the offices of the Clerk to the Assembly, the Secretary to the Cabinet, the Public Service Commission and the Judicial Service Commission, and of the Supreme Court, shall be audited by the Auditor-General who, with his deputies, shall at all times be entitled to have access to all books, records, or returns relating to such accounts.

(2) The Auditor-General shall report annually to the Assembly on the exercise of his functions under this Order.

### Elections

69. (1) Voting for the election of Members of Parliament shall be by secret ballot on the basis of adult suffrage.

(2) Every citizen of Ghana, without distinction of religion, race or sex, who—

- (a) is not less than twenty-one years of age; and
- (b) is subject to no legal incapacity as defined by Act of Parliament on the grounds of non-residence, unsoundness of mind, crime, or corrupt or illegal practices or non-payment of rates or taxes; and
- (c) either owns immovable property within, or has, for a period of not less than six months out of the twelve months preceding the date of an application to be registered, resided within, the electoral district in respect of which application is made,

shall be entitled to be registered as an elector for the election of Members of Parliament.

# Answers to Enquiries on Parliamentary Practice and Procedure

## OATH-TAKING BY MEMBERS OF LEGISLATURES

**Question.**—Who is the competent authority to determine the validity of an oath taken by a Member? Can a Member take the oath outside the House?

**Answer.**—The only condition specified in this respect in the notification issued under the Constitution is that the oath should be taken before the person authorised by the President or Governor, as the case may be. It is for the person so authorised to administer the oath, to determine whether the oath was properly administered and whether the Member took the oath as provided in the Constitution. Although the oath is taken in the House, it is done for the sake of decorum and dignity attaching to such a ceremony. It is not obligatory that the oath should be taken at a meeting of the House, and in fact the oath-taking can be arranged anywhere by the Speaker. In the latter case, the Speaker would of course report the fact to the House. If any question is raised, the decision of the person before whom the oath was taken is final, subject only to any judicial determination in the matter if the question is taken to a court of law.

As regards the point whether the oath can be taken outside the House, it may be stated that as a Member makes the oath or affirmation so that he may sit and vote in the House, he ordinarily makes the oath in the House itself when it is in session, which lends dignity and solemnity to the occasion. If a Member on account of illness is unable to move from his seat and come before the Speaker, he may, with the permission of the latter, make the oath while sitting in the House. There has been no occasion in the Lok Sabha when a Member has been administered the oath outside Delhi.

## PUBLIC ACCOUNTS COMMITTEE

**Question.**—(a) Can the Public Accounts Committee question a policy of the Government?

(b) Can the Committee suggest alternate policies?

(c) What is the action taken if the head of a department fails to appear before the Committee when items relating to his department in the Appropriation Accounts are taken up for consideration?

**Answer.**—According to the U.K. practice the Public Accounts Committee is not concerned with questions of policy in the broader sense. In all matters which are more definitely defined by the settled policy of the Government, the Public Accounts Committee does not attempt any enquiry. What it scrutinises is the application of policy—its form and its results.

In view of what has been stated above, the question of the Public Accounts Committee suggesting alternate policies does not arise.

Normally a head of the department should appear before the Committee when items relating to his department in the Appropriation Accounts are taken up for consideration. In case a head of the department is unable to appear before the Committee owing to some unavoidable reasons he should intimate to the Secretariat in advance for the information of the Chairman the reasons for his absence and also the names of the Officers to be deputed by him to appear before the Committee on his behalf. If the Chairman desires the attendance of the head of the department in a particular matter, he may consider the question of postponement of examination of the matter to a later date.

## PRIVILEGES

**Question.**—Can a member or any other person involved in a complaint of breach of privilege, as a matter of right, demand the documents which have not been included in the Report of the Committee of Privileges, although they were before the Committee?

**Answer.**—In accordance with sub-rule (3) of rule 253\* of the Rules of Procedure of the Lok Sabha, it is within the discretion of the Committee of Privileges to treat any evidence tendered before it as secret or confidential. In that case it will not form part of the Report and shall not be laid on the Table of the House. Documents tendered or evidence produced before the Committee which is not laid on the Table is not open to inspection by a member or any other person except with the permission of the Speaker in accordance with rule 374 (2)†.

## ESTIMATES COMMITTEE

**Question.**—(a) Is any action taken by the Committee on Estimates of Lok Sabha for implementation by the Government of the recommendation made in its reports presented to the House? If so, what is the procedure adopted and steps taken in this regard?

(b) Is any discussion raised on the Reports of the Estimates Committee and the Public Accounts Committee after they have been presented to the House?

**Answer.**—(a) The practice evolved at the Centre is that Government submit periodical reports to Parliament showing the action taken by them on the various recommendations of the Estimates Committee. In cases where Government have reasons to differ from the recommendations of the Committee, they are required to lay their case before the Committee for further consideration in the first instance.

On reference back, such cases are generally referred to a sub-Committee of the Estimates Committee. The sub-Committee submit a report to the main Committee who, after carefully considering Government's views in the light of the comments made by the sub-Committee, record their findings on each case and apprise Government of the same.

This process of pursuing the action taken by the Government on the recommendations of the Committee is a continuous one.

(b) The Reports of the Estimates Committee and the Public Accounts Committee are not at present discussed on the floor of the House nor is there any provision in the Rules of Procedure of the Lok Sabha for moving a motion for consideration thereof. It is, however, open to members to draw the attention of the Government to the recommendations made in the Reports of the Committees either through Questions or during consideration of the Demands for Grants.

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\* Rule 253 (3).—It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

† Rule 374 (2).—No part of the evidence, oral or written, report or proceedings of the Committee which has not been laid on the Table shall be open to inspection by anyone except under the authority of the Speaker.

## Editorial Note

With this issue, we begin the third year of our Journal. It is a matter of satisfaction to us that during these two years, we have been able not only to effect gradually several improvements in the contents and get-up of our Journal, but also to give to our readers much useful information on Parliamentary matters, with the co-operation of the State Legislatures, for which we are grateful to them.

The States Reorganisation Scheme, which was put into effect last November, has reduced the number of the State Legislatures from twenty-seven to fourteen, and in view of the many far reaching effects of this measure on the Constitutional set-up in the country, we have published in this issue an article explaining the whole process of Reorganisation. We have also reproduced in this issue an article entitled *Chairmen's Panel* by Mr. Graham M. Higgins of the Department of Government and Administration, Manchester University, which we hope will be found interesting and informative by our readers. Our thanks are due to the author as well as to the Editor of *Parliamentary Affairs* for their kind permission to reproduce it in our Journal. The second part of Shri Chowdhuri's article on *Development of Parliamentary Procedure in India* which gives a bird's eye-view of the growth of Parliamentary institu-

tions and procedure in this country also appears in this issue. We thank the author for his learned article.

In this issue we reproduce extracts from the constitution of Ghana which recently became an independent member of the Commonwealth. Ghana, previously known as Gold Coast, is the first West African territory to attain independent status in the Commonwealth. We also include in this issue extracts from the speech of Shri V. K. Krishna Menon, Minister without portfolio, relating to the history of Ghana which he made in the Lok Sabha on 26th March, 1957. The Prime Minister also spoke on the occasion of the independence of Ghana at a largely-attended meeting organised by the African Students' Association (India) on the 6th March, 1957 at Delhi to celebrate the Ghana Independence Day. Extracts from his speech on the occasion have been reproduced here.

It is our constant endeavour to introduce new features in our Journal and to improve it so as to make it more informative and useful to our readers. Suggestions from our readers in this respect are, therefore, always welcome.

— Editor

## Book Reviews

Laski Institute Review, Vol. I, No. 1, December, 1956, Edited by Purushottam G. Mavalankar. (Published by the Harold Laski Institute of Political Science, Ahmedabad, Price Rs. 2).

This is the first and inaugural issue of the half-yearly journal published by the Harold Laski Institute of Political Science, Ahmedabad, an "educational and non-partisan" institution started in August 1954 by Shri P. G. Mavalankar, son of the late Shri G. V. Mavalankar, former Speaker of the Lok Sabha. The aim of the Institute is "to encourage and facilitate the scientific study of political questions and problems, by holding monthly seminars and discussions, by arranging talks and bringing out publications, one of which is the present Review."

Both the Institute and the "Review", bearing as they do the name of the late Professor Harold J. Laski, are dedicated to his memory, and the first number, therefore, rightly devotes the first few pages to articles on the great professor, his versatility and great qualities as a teacher, a few reminiscences of his life and an article written by the professor himself in 1943. A warm and grateful appreciation of the man and his original contribution to political thought are contained in the article *A Great Teacher* written by Shri V.K. Krishna Menon, one of his numerous pupils in London and presently a Minister in the Indian Union Cabinet. The article was written as a message on the occasion of the inauguration ceremony of the Institute in 1954. This is followed by an article by Professor Laski *In Praise of Booksellers* giving a realistic picture of publisher's trade in Britain during war-time and its role in improving people's minds towards building up a free and better society. A letter by Frida Laski, his wife, and a sketch by Diana Mathewson, his daughter, give respectively an insight

into his philosophy and ideas, his faith in democracy and freedom, his simplicity and devotion to his family and, last but not the least, his way of moulding the children's minds.

The next article on the *Development of Parliamentary Conventions in India* and the great role played by the late Speaker, Shri G. V. Mavalankar, in this respect is traced from a speech delivered by the Prime Minister, Shri Jawaharlal Nehru, sometime back on the occasion of the unveiling of the portrait of Shri Mavalankar in the Parliament House at New Delhi. This is followed by a few "stray thoughts" of the late Speaker on Parliamentary matters and procedure, as gleaned from his unpublished correspondence.

The other articles in the issue are equally interesting and informative. The one by Shri M. C. Setalvad, the Attorney-General of India, gives a learned exposition of the Indian Supreme Court and its power of judicial review, while Shri Kodanda Rao's article speaks of certain shortcomings in the Indian Constitution and suggests remedies for them. Shri Jagadishan's article on the political philosophy of the late V. S. Srinivasa Sastri and Shri Shankar's speech on Sardar Patel's place in history can also be read with both pleasure and profit.

The issue as a whole thus covers a wide range of themes dealing with the subject to which the Journal is devoted and eminently serves the purpose for which it has been started. The Journal will be particularly welcome and found useful by universities and colleges and other learned societies and organisations both in India and abroad.

**A Parliamentary Dictionary** by L. A. Abraham and S. C. Hawtrey (Published by Butterworth & Co. Ltd., London, 1956. pp. 224.)

This is a reference book, the purpose of which is to provide precise information on the several aspects of Parliamentary procedure and to define the various Parliamentary terms and idioms that are in use in the British Houses of Parliament. The authors, L. A. Abraham and S. C. Hawtrey, are respectively the Principal Clerk of Committees and the Senior Clerk in the Journal Office of the House of Commons, and have brought to bear on this work their intimate knowledge and long experience of Parliamentary affairs. Several other important officers of both the Houses of Parliament including Sir Edward Fellowes, Clerk of the House of Commons, have assisted in the preparation of this work.

The subjects discussed in the book range from the colloquial to the technical and are alphabetically arranged, so that the reader may get the information he requires on Parliamentary practice and machinery, in the form most convenient for easy reference. All the common Parliamentary expressions used familiarly by the layman as well as the idioms of procedural language used by the expert find a place in the book. Thus, expressions like Act of Parliament, adjournment, back-bencher, ballot, Bar of the House, blue book, closure, division, exempted business, journals, etc. have been defined and explained with clarity and precision, while articles of greater length have been written on the main branches of the subject such as breach of privilege, Select Committee, Standing Committee, Speaker, public and private bills, etc. The book will be found particularly useful by Members of Parliament and others interested in the subject as a handbook of reference.

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**Voting.—A Study of Opinion Formation in a Presidential Campaign** by B. R. Barelson, P. F. Lazarsfeld and W.N. Mcphee (Published by the University of Chicago Press, 1954, pp. 395, \$7.50).

This is the report of a study made by a team of social scientists in the constituency

of Elmira, a medium-sized urban community in the New York State, during the Presidential election of 1948. It forms part of a series of similar investigations carried on during different elections in the United States from 1940 to 1952, all of which were aimed at a better understanding of the processes of democratic elections and of the formation of public opinion during that time. The method adopted for the study was to analyse the complex relationships existing between the voter, the candidate and the many intermediary interests well before the elections and then to interview a large number of people four or five times successively and to analyse all the campaign literature after the polling was over, so as to gauge public opinion and the process of its formation.

The study is based on a single election when about a thousand citizens of the constituency of Elmira exercised their franchise in the 1948 elections to choose between President Truman and Governor Dewey. The information was obtained directly from selected voters in detailed interviews. The resultant report is therefore a study of the democratic process in action and deals with questions like the voters' reaction to the various political issues, their attention to mass media, their influence on one another's political preferences, the role of class and religious affiliations etc.

The book has been divided into two main themes—the "social" and the "political". The first two chapters give a description of the local community of Elmira and the political, economic and other circumstances obtaining in 1948 (the period of the election), so as to give background data on the political interest and trends in the sample of voters chosen for the interviews. The section devoted to the "social" theme contains a social and psychological analysis of the ways individuals and groups make a choice of the candidates. It deals with the social, economic and other community organisations and institutions, particularly labour unions, which influence or are involved in political campaigns and their effects on the voting of the people. In the section dealing with the "political" theme are to be found the role of the local political parties, the differentia-

tion in the political beliefs of the community, the voters' perception of the ideological stands taken by the various candidates on current issues and the effect of party campaigns and of mass media.

The authors admit that this study, having been confined to only one place and one point of time, should be considered as only tentative and contributory and that the validity of their findings should be further determined by other independent studies by different observers under various circumstances. Nevertheless, it is a highly valuable study of the behaviour of the electorate in a democratic society, conducted under scientific norms. As a report on the actual behaviour of a sample of democratic citizens in a major election and as a comparison of democratic theory with democratic practice, it is a commendable work worth emulation in India and other countries as well.

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**National Politics and 1957 Elections in India**, Edited by S. L. Poplai. (Published by Metropolitan Book Co. Ltd., Delhi, 1957, pp. 172, Rs. 4).

This book which is the result of a joint endeavour by the Indian Council of World Affairs and the Dewan Chand Indian Information Centre, Delhi, gives the history of the four main political parties of India—the Congress, the Praja Socialist Party, the Communist Party and the Jan Sangh—since the last general elections held in 1951-52, and their present programmes in the form of manifestoes issued by them on the eve of the second general elections. These manifestoes are further supplemented by an article each on the four parties by a leading exponent of the parties themselves.

The introductory chapter entitled "Parties between the Elections" makes a brief survey of the developments in the organisation and programmes of the parties between the years 1952 and 1957. Beginning with statistics regarding the seats won by the parties in the last elections both at the Centre and the States, it first describes the changes that have taken place in the policy and

organisation of the Congress Party. The achievements of the party which was responsible for the government of the country during the last five years are mentioned here, such as the formulation and execution of the Five Year Plan, the Reorganisation of States, the nationalisation of insurance, social and land reforms etc. The adoption of a socialist pattern of society as its ideal, the resolutions passed to that effect by the different Congress sessions and the measures taken by the organisation to consolidate its strength are also briefly touched upon.

The section dealing with the Praja Socialist Party gives an account of the events leading to the merger of the Socialists with the Kisan Mazdoor Praja Party (K.M.P.P.) and the subsequent differences among its leaders which resulted in the crisis and split of 1955. The changes that have occurred in the outlook and programme of the Communist Party as a result of the economic reforms effected during this period and the formulation of the Second Five Year Plan are then described. This is followed by a short description of the growth of the Jan Sangh and the efforts for its collaboration and merger with the Hindu Mahasabha, the Ram Rajya Parishad and the Gantantra Parishad. The chapter concludes with an account of the various electoral alliances that were tried between the different parties on the eve of the present elections.

The policy statements of the four main parties, which follow the introductory chapter, are written by an important member of the party and explain their present programmes and activities. The reproduction of the texts of the election manifestoes issued by them on the eve of the 1957 elections completes the picture.

As a comparative study of the Indian political parties, the work is a useful one, particularly because it has been done with a purely academic and objective interest. A systematic and detailed study of the Indian Party system has not so far been made, as the system of democratic Government based on parties is itself of recent origin in this country.

## APPENDIX I

*Statement showing the activities of the Houses of Parliament/State Legislatures in India during the period 1st July 1956 to the 31st December 1956.*

(The statement does not include the Kerala State which was under President's Rule)

Name of the House/ Legislature	Sessions during the period (1-7-56 to 31-12-56)	Legislation		Questions						Committees		Points of Interest.
		No. of Bills passed.		Starred		Unstarred		Short Notice		Names	No. of Members	
		Go-vern-ment	Priv-ate Mem-bers	No-tices recd.	Ad-mitted	No-tices recd.	Ad-mitted	No-tices recd.	Ad-mitted			
1	2	3	4	5	6	7	8	9	10	11	12	13
Lok Sabha	(i) Thirteenth Session (from 16-7-56 to 13-9-56) (45 sittings)	32	1	6,247	2,118	549	1,848	183	25	(i) Committee on Absence of Members.	15	
										(ii) Business Advisory Committee	15	
										(iii) Estimates Committee.	30	
										(iv) General Purposes Committee.	20	
										(v) Committee on Government Assurances.	15	
										(vi) House Committee.	12	
										(vii) Library Committee.	10	
										(viii) Committee on Petitions	15	
										(ix) Committee on Private Members' Bills and Resolutions.	15	
										(x) Committee of Privileges.	15	
										(xi) Public Accounts Committee.	15	
										(xii) Rules Committee.	15	
										(xiii) Committee on Salaries and Allowances of Members.	15	
										(xiv) Committee on Subordinate Legislation.	15	
Rajya Sabha	(i) Fourteenth Session (from 30-7-56 to 13-9-56) (35 sittings)	25	Nil	*1,695	*1,048					(i) Business Advisory Committee.	10	
										(ii) Committee on Petitions.	5	
										(iii) Committee on Privileges.	10	

\*Information in Cols. 5 and 6 includes Starred, Unstarred and Short Notice Questions.

Appendix

1	2	3	4	5	6	7	8	9	10	11	12	13
	(ii) Fifteenth Session. (from 10-11-56 to 22-12-56 (27 sittings))	39	Nil	1,070	644	..			..	(iv) Rules Committee.	15	
										(v) House Committee.	7	
										(vi) General Purposes Committee.	16	
Andhra Pradesh Legislative Assembly	Two Sessions (i) From 8-8-56 to 20-10-56 (24 sittings) (ii) From 3-12-56 to 5-12-56 (3 sittings)	25	Nil	1,062*	870*	..	..	10	10	(i) Business Advisory Committee.	6	
										(ii) House Committee.	16	
										(iii) Public Accounts Committee.	15	
										(iv) Committee of Privileges.	11	
										(v) Estimates Committee.	15	
										(vi) Committee on Subordinate Legislation.	9	
Assam Legislative Assembly.	Two Sessions (i) From 30-8-56 to 7-9-56. (6 sittings) (ii) From 19-12-56 to 21-12-56 (3 sittings)	15	..	1	1	14	12	Nil	Nil	(i) Public Accounts Committee.	9	
										(ii) Privileges Committee.	7	
										(iii) Committee on Petitions relating to Bills.	5	
										(iv) Estimates Committee	10	
Bihar Legislative Assembly.	Two Sessions (i) From 5-7-56 to 7-7-56 (3 sittings) (ii) From 3-9-56 to 10-10-56 (25 sittings)	11	1	2,248	1,421	515	493	559	343	(i) Business Advisory Committee.	10	
										(ii) Public Accounts Committee.	16	
										(iii) Committee on Estimates.	25	
										(iv) Committee on Privileges.	15	
										(v) Library Committee.	32**	
										(vi) House Committee.	14	
										(vii) Committee on Petitions.	5	
										(viii) Committee on Subordinate Legislation.	10	
										(ix) Committee on Government Assurances.	15	

\*These figures include both Starred and Unstarred Questions.

\*\*This is a Joint Committee of the two Houses of the Legislature; 20 members being from the Assembly and 12 from the Council; Speaker of the Assembly is the Chairman of the Committee.

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1	2	3	4	5	6	7	8	9	10	11	12	13	
Bihar Legislative Council.	Two Sessions (i) 5-7-56 to 7-7-56 (3 sittings) (ii) 10-9-56 to 10-10-56 (14 sittings)	See under Assembly.		122	114	650	620	2	2	(i) Library Committee. (ii) House Committee. (iii) Privileges Committee. (iv) Rules Making Committee.	32*	The following two official and two non-official resolutions were discussed and adopted :— <i>Official</i> (i) <i>Re</i> : ratification of the Constitution (6th Amendment) Bill 1956. (ii) <i>Re</i> : Ratification of the Constitution (7th Amendment) bill, 1956. <i>Non-Official</i> (i) <i>Re</i> : amendment of the legal Practitioner Act. (ii) <i>Re</i> : Purchase of Khadi cloth for Government use.	
											9		
													15
													21
Bombay Legislative Assembly.	Second Session. (Old Bombay State) From 3rd Oct., 56 to 26th Oct., 56. (20 sittings) First Session. (New Bombay State) From 19th Nov., to 3rd Dec. 56 (13 sittings)	..		197	232@	1	1	143	35	(a) Estimates Committee. (b) Public Accounts Committee.	15(21) †		
												15(21) †	
			38	358	263@	Nil	Nil.	70	58	(c) Privileges Committee. (d) Committee on Petitions.	10	5	
Bombay Legislative Council.	Second Session (Old Bombay State) From 3rd Oct. to 26th Oct., 56(13 sittings) First Session. (New Bombay State) From 19th Nov. to 3rd Dec., 1956. (8 sittings)	38		35	33	Nil.	Nil.	4	3	(a) Privileges Committee. (b) Committee on petitions.			
				25*	24*	Nil.	Nil	3	1				

\*This is a Joint Committee of the two Houses of the Legislature, 20 members being from the Assembly and 12 from the Council, Speaker of the Assembly is the Chairman of the Committee.

@This figure includes the Short Notice Questions admitted as Starred Questions.

†The figures in brackets indicate the increased number of the members of these committees after reorganisation; the total membership of the Assembly having increased from 316 to 470.

*Appendix*

1	2	3	4	5	6	7	8	9	10	11	12	13
Jammu and Kashmir Constituent Assembly (Legislative)	<i>One Session.</i> From 3-10-56 to 16-10-56. (8 sittings)	33	Nil.	846**	445	See Col. 5	83	See Col. 5	1	No fresh committees were constituted except the Select Committees on Bills.		
Madhya Pradesh Vidhan Sabha.	From 17th to 27th Dec., 1956. (9 sittings)	4		487	110	152	56	7	2	Information not furnished.		The following two resolutions — one Government and the other Private Member's were adopted:— <i>Government</i> — "That the membership of the Legislative Council to be constituted for Madhya Pradesh in accordance with the provisions of the S.R. Act 1956, be increased to 96 from 72 and State Government should move the Central Government for necessary action.
Madras Legislative Assembly	<i>Ninth Session</i> (i) From 9-8-56 to 18-8-56 (7 sittings) (ii) From 21-9-56 to 20-9-56 (3 Sittings)	31	2	531	354	30	28	93*	57*	(i) Committee on Public Accounts. 15 (ii) Committee on Estimates. 15 (iii) Committee on Subordinate Legislation. 10†		On the 17th December, 56 the Assembly passed a resolution placing on record its deep sense

\*These figures include 3 questions received and admitted as Private Notice Questions.

\*\*This figure includes Starred, Unstarred and Short Notice Questions.

†The strength of these committees has been brought down as a result of the States Reorganisation from 10, 7, 15, 16 and 16 to 6, 6, 12, 15 and 15 respectively.

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I	2	3	4	5	6	7	8	9	10	11	12	13
	(iii) From 23-10-56 to 25-10-56. (3 sittings)									(iv) Committee on Government, Assurances.	7†	of sorrow for the great loss of human lives as a result of the accident
	(iv) From 17-12-56 to 27-12-56. (9 sittings)									(v) Business Advisory Committee.	15†	
	[27 sittings in all]									(vi) Committee on Privileges.	16†	Tuticorin Express near Ariyalur on the 23rd October, 1956 and conveying its sympathies to the injured and to the members of bereaved families.
Madras Legislative Council.	(i) 9-8-56 to 13-8-56. (4 sittings)	31	2	151	141	4	4	7	7	(i) Business Advisory Committee.	7	
	(ii) 27-8-56 to 28-8-56. (2 sittings)									(ii) Committee on Govt. Assurances.	5	
	(iii) 24-9-56 to 29-9-56. (6 sittings)									(iii) House Committee	9	
	(iv) 23-10-56 to 26-10-56. (4 sittings)									(iv) Committee of Privileges.	10	
	(v) 17-12-56 to 28-12-56. (9 sittings)											
	[25 sittings in all]											
Mysore Legislative* Assembly.	Two Sessions. From 20-9-56 to 20-10-56. (15 sittings)	10		182	171				26 15	(i) Public Accounts Committee.	13	
	(ii) From 19-12-56 to 31-12-56. (10 sittings)	5		200	197				5 3	(ii) House Committee.	6	
										(iii) Privileges Committee.	7	
										(iv) Rules Committee.	15	
Mysore Legislative Council	Two Sessions. (i) From 20-9-56 to 22-10-56. (16 sittings)	4		41	38				9 9	(i) Public Accounts Committee.	3	
	(ii) From 19-12-56 to 31-12-56. (10 sittings)	3		84	78	21	21		..	(ii) House Committee	4	
										(iii) Privileges Committee.	5	
										(iv) Rules Committee	9	
*Orissa Legislative Assembly.	One Session. (i) 5-9-56 to 9-10-56. (22 sittings)	22		1311	868				..	(i) Committee on Estimates.	9	
										(ii) Committee on Public Accounts	5	

†The strength of these committees has been brought down as a result of the States Reorganisation from 10, 7, 15, 16 and 16 to 6, 12, 15 and 15 respectively.

\*These were the adjourned meetings of the Budget Session, 1956.

N.B.:—In cols. 5 and 6, only the total number of questions received and admitted have been indicated. Cols 5 to 10. Classified information was not received.

## Appendix

1	2	3	4	5	6	7	8	9	10	11	12	13
										(iii) Committee on Government Assurances.	5	
										(iv) Committee on Subordinate Legislation.	5	
										(v) Committee of Privileges.	5	
Punjab Vidhan Sabha.	Two Sessions. (i) From 20-8-56 to 5-10-56. (13 sittings)  (ii) For 6th November only. (1 sitting)	33*		555	471	68	47	5	5	(i) Public Accounts Committee.	12	
										(ii) Estimates Committee.	12	
										(iii) Committee on Government Assurances.	12	
										(iv) Committee on Petitions.	6	
										(v) Committee on Privileges.	13	
										(vi) House Committee.	6	
										(vii) Committee on Subordinate Legislation.	11	
										(viii) Business Advisory Committee.	6	
										(ix) Library Committee.	7	
										(x) Rules Committee.	8	
Punjab Legislative Council.	Three Sessions 14th Session. From 27-8-56 to 6-9-56 (6 sittings)  15th Session. From 5-10-56 to 6-10-56. (2 sittings)  1st Session For 6-11-56. (one sitting)	30	Nil.	88	81	12	12	19	16	(i) Committee on Petitions.	6	
										(ii) Committee on Council Business.	8	
										(iii) Committee on Government Assurances.	6	
										(iv) Rules Committee.	8	
Rajasthan Legislative Assembly.	Two sessions. (i) From 14-9-56 to 27-10-56. (14 sittings)  (ii) From 3-12-56 to 12-12-56. (9 sittings)	31	Nil.	847	564	27	18	Nil.	2	(i) Business Advisory Committee.	6	As a result of the formation of the reorganised State of Rajasthan under the S.R. Act, 1956, all the Members of the Rajasthan Legislative Assembly
										(ii) Committee of Privileges.	10	
										(iii) House Committee	5	
										(iv) Committee on Govt. Assurances.	5	
										(v) Petitions Committee.	5	
										(vi) Rules Committee.	10	
										(vii) Public Accounts Committee.	12	

NOTE.—For Committees from Nos. 2 to 9, the number of members before re-organisation was 9, 9, 5, 10, 5, 8, 6 and (Cols. 11 & 12) 6 respectively.

\* Three of these Bills were introduced in the Punjab Legislative Council.

N.B.—The numerical strength of the committees before re-organisation was 5, 7, 5 and 7 respectively. (Cols. 11 & 12)

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1	2	3	4	5	6	7	8	9	10	11	12	13
										(viii) Estimates Committee.	15 (including those of Aimer Legislative Assembly) made and subscribed an oath or affirmation prescribed in Article 188 of the Constitution.	
Uttar Pradesh Legislative Assembly	Two Sessions	24	Nil	3323	2733*	105	85	1507	181	(i) Privileges Committee. (ii) Business Advisory Committee. (iii) Petitions Committee. (iv) Committee on Government Assurances. (v) Committee on Delegated Legislation. (vi) Estimates Committee.	10 A notice of a no-confidence motion against the Council of Ministers was given by Shri Sharda Bux Singh, on the subject of removal of Presidents of Local bodies belonging to opposite political parties, and the supersession of those bodies by Government.  The motion was held in order, but it fell through for want of requisite support of the members of the House.	
	(i) From 16-7-56 to 31-10-56. (ii) From 17-12-56 to 20-12-56. (49 sittings in all)											
Uttar Pradesh Legislative Council.	3rd Session From 6th Aug. to 14th Aug., 56.	3**	1**	438	345	163		111	20	6 (a) Rules Revision Committee. (b) Committee of Privileges. (c) Business Advisory Committee. (d) Committee on Petitions. (e) House Committee.	10 10 10 10 10	
	4th Session. From 24th Sept. to 25th Oct., 56.											
	5th Session. † From 20th Dec. to 31st Dec., 1956.  (30 sittings in all)											

\*This includes 684 Short Notice Questions admitted as Starred Questions.

\*\* These Bills were introduced in the Council.

† The Session had not ended on Dec. 31st, 1956 but was continuing.

1	2	3	4	5	6	7	8	9	10	11	12	13
West Bengal Legislative Assembly.	One Session, From 3-7-56 to 6-9-56 (30 sittings)	11	Nil	172	115	81	55	43	9	(a) Committee on Petitions.	8	
										(b) Committee on Public Accounts.	9	
										(c) Committee of Privileges.	12	
West Bengal Legislative Council.	One Session, From 4-7-56 to 5-9-56. (11 sittings)	11	Nil	11		9	See foot-note.	4	4	(i) Committee on Petitions.	8	
										(ii) Committee on Privileges.	8	

N.B. : (Cols. 7 and 8).—All questions are orally answered on the floor of the House.

## APPENDIX II

*List of Bills passed by the Houses of Parliament and assented to by the President during the period 31st July, 1956 to 31st December, 1956*

Serial No.	Title of the Bill	Date of assent by the President	Serial No.	Title of the Bill	Date of assent by the President
1	The Hindu Minority and Guardianship, Bill, 1953	25-8-56	21	The Government Premises (Eviction) Amendment Bill, 1954	15-9-56
2	The Inter-State Water Disputes Bill, 1955	28-8-56	22	@The Lok Sahayak Sena Bill, 1956	15-9-56
3	The Multi-Unit Co-operative Societies (Amendment) Bill, 1955	28-8-56	23	The Indian Post Office (Amendment) Bill, 1956	15-9-56
4	The Indian Lac Cess (Amendment) Bill, 1955	28-8-56	24	The Supreme Court (Number of Judges) Bill, 1956	16-9-56
5	The Industrial Disputes (Amendment and Miscellaneous Provisions) Bill, 1955	28-8-56	25	The State Financial Corporations (Amendment) Bill, 1956	16-9-56
6	The States Reorganisation Bill, 1956	31-8-56	26	The Public Debt (Amendment) Bill, 1956	16-9-56
7	The Reserve Bank of India (Amendment) Bill, 1956	1-9-56	27	The Central Excises and Salt (Amendment) Bill, 1956	16-9-56
8	*The Code of Criminal Procedure (Amendment) Bill, 1953	1-9-56	28	The Indian Railways (Amendment) Bill, 1953	16-9-56
9	The Bihar and West Bengal (Transfer of Territories) Bill, 1956	1-9-56	29	The Representation of the People (Third Amendment) Bill, 1956	25-9-56
10	The Industrial Disputes (Amendment) Bill, 1956	4-9-56	30	**The Khadi and Village Industries Commission Bill, 1956	25-9-56
11	The Securities Contracts (Regulation) Bill, 1954	4-9-56	31	The Jammu and Kashmir (Extension of Laws) Bill, 1956	25-9-56
12	The Appropriation (No. 3) Bill, 1956	7-9-56	32	†The Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1956	25-9-56
13	The Appropriation (No. 4) Bill, 1956	7-9-56	33	The Constitution (Seventh Amendment) Bill, 1956	19-10-56
14	The Newspaper (Price and Page) Bill, 1956	7-9-56	34	The Indian Tariff (Amendment) Bill, 1956	30-11-56
15	The Travancore-Cochin Appropriation (No. 2) Bill, 1956	9-9-56	35	The Abducted Persons (Recovery and Restoration) Continuance Bill, 1956	30-11-56
16	The Indian Coconut Committee (Amendment) Bill, 1955	11-9-56	36	The Code of Civil Procedure (Amendment) Bill, 1955	2-12-56
17	The National Highways Bill, 1956	11-9-56	37	The States Reorganisation (Amendment) Bill, 1956	9-12-56
18	The River Boards Bill, 1955	12-9-56			
19	The Indian Cotton Cess (Amendment) Bill, 1955	14-9-56			
20	The Indian Institute of Technology (Kharagpur) Bill, 1956	15-9-56			

\*Private Member's Bill.

@The Bill was introduced in Lok Sabha as "The National Volunteer Force Bill, 1955". The Short Title of the Bill was changed when passed by Lok Sabha.

\*\*The Bill was introduced in Lok Sabha as "The All India Khadi and Village Industries Commission Bill 1955". The Short Title of the Bill was changed when passed by the Lok Sabha.

†The Bill was introduced in Lok Sabha as "The Constitution (Ninth Amendment) Bill, 1956". The Short Title of the Bill was changed when passed by Lok Sabha.

*Appendix*

Serial No.	Title of the Bill	Date of assent by the President	Serial No.	Title of the Bill	Date of assent by the President
38	*The Union Territories (Laws) Amendment Bill, 1956 . . . . .	9-12-56	57	The Road Transport Corporations (Amendment) Bill, 1956 . . . . .	28-12-56
39	The Territorial Tax on Railway Passengers Bill, 1956 . . . . .	12-12-56	58	The Representation of the People (Miscellaneous Provisions) Bill, 1956 . . . . .	28-12-56
40	**The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1956 . . . . .	15-12-56	59	The Standards of Weights and Measures Bill, 1956 . . . . .	28-12-56
41	The Industries (Development and Regulation) Amendment Bill, 1956 . . . . .	15-12-56	60	The Faridabad Development Corporation Bill, 1955 . . . . .	28-12-56
42	The Representation of the People (Fourth Amendment) Bill, 1956 . . . . .	15-12-56	61	The Administration of Evacuee Property (Amendment) Bill, 1956 . . . . .	28-12-56
43	†The Hindu Marriage (Amendment) Bill, 1956 . . . . .	20-12-56	62	The Territorial Army (Amendment) Bill, 1954 . . . . .	28-12-56
44	The Central Sales Tax Bill, 1956 . . . . .	21-12-56	63	The Young Persons (Harmful Publications) Bill, 1955 . . . . .	28-12-56
45	The Kerala State Legislature (Delegation of Powers) Bill, 1956 . . . . .	21-12-56	64	The Employees' Provident Funds (Amendment) Bill, 1956 . . . . .	28-12-56
46	The Finance (No. 2) Bill, 1956 . . . . .	21-12-56	65	The Banking Companies (Amendment) Bill, 1956 . . . . .	28-12-56
47	The Finance (No. 3) Bill, 1956 . . . . .	21-12-56	66	The Slum Areas (Improvement and Clearance) Bill, 1956 . . . . .	29-12-56
48	The Hindu Adoptions and Maintenance Bill, 1956 . . . . .	21-12-56	67	The Delhi Tenants (Temporary Protection) Bill, 1956 . . . . .	29-12-56
49	The Manipur (Village Authorities in Hill Areas) Bill, 1956 . . . . .	22-12-56	68	The Delhi (Control of Building Operations) Continuance Bill, 1956 . . . . .	29-12-56
50	The State Bank of Hyderabad Bill, 1956 . . . . .	22-12-56	69	The Delivery of Books (Public Libraries) Amendment Bill, 1956 . . . . .	29-12-56
51	The Central Excises and Salt (Second Amendment) Bill, 1956 . . . . .	22-12-56	70	The Motor Vehicles (Amendment) Bill, 1955 . . . . .	30-12-56
52	The Union Duties of Excise (Distribution) Amendment Bill, 1956 . . . . .	24-12-56	71	The Electricity (Supply) Amendment Bill, 1955 . . . . .	30-12-56
53	The Appropriation (Railways) No. 6 Bill, 1956 . . . . .	24-12-56	72	The Indian Medical Council Bill, 1956 . . . . .	30-12-56
54	The Appropriation (Railways) No. 7 Bill, 1956 . . . . .	24-12-56	73	The Territorial Councils Bill, 1956 . . . . .	30-12-56
55	The Appropriation (No. 5) Bill, 1956 . . . . .	24-12-56	74	The Suppression of Immoral Traffic in Women and Girls Bill, 1954 . . . . .	30-12-56
56	The Displaced Persons (Compensation and Rehabilitation) Amendment Bill, 1956 . . . . .	27-12-56	75	†The Women's and Children's Institutions (Licensing) Bill, 1954 . . . . .	30-12-56

\*The Bill was introduced in Lok Sabha as "The Part C States (Laws) Amendment Bill, 1955." The Short Title of the Bill was changed when passed by Lok Sabha.

\*\*Private Member's Bill. The Bill was introduced in Rajya Sabha as "The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Second Amendment Bill, 1954", and the title was changed when passed by Rajya Sabha.

†Private Member's Bill.

## APPENDIX III

List of Bills passed by the State Legislative Assemblies during the period 1st July, 1956 to the 31st December, 1956

### ADMINISTRATION

#### Andhra Pradesh

1. The Madras District Boards (Amendment) (Andhra Amendment) Bill, 1956.
2. The Madras Village Panchayats (Andhra Amendment) Bill, 1956.

#### Assam

1. The Assam Municipal Bill, 1956.

#### Bihar

1. The Bihar Panchayat Raj (Validating) Bill, 1956.

#### Bombay

1. The Bombay Public Trusts (Amendment) Bill, 1956.
2. The Bombay Village Panchayats (Second Amendment) Bill, 1956.
3. The Bombay Municipal Corporation (Second Amendment) Bill, 1956.
4. The Bombay Municipal Corporation (Extension of Term) (Amendment) Bill, 1956.
5. The Royal Family (Baroda) Trust Fund (Repealing) Bill, 1956.
6. The Municipal Corporation of the City of Ahmedabad (Postponement of Bye-elections) Bill, 1956.
7. The Bombay Local Authorities Administration (Amendment) Bill, 1956.
8. The Baronetcy Acts (Repealing) Bill, 1956.
9. The Bombay Local Authorities (Amendment) Bill, 1956.
10. The Bombay Village Panchayats (Second Amendment) Bill, 1956.
11. The Bombay Municipal (Further Extension of Limits and Schedule BBA) (Amendment) Bill, 1956.
12. The Royal Family (Baroda) Trust Fund (Repealing) Bill, 1956.

13. The Municipal Corporation of the City of Ahmedabad (Postponement of Bye-elections), Bill, 1956.
14. The Bombay Village Panchayats (Third Amendment) Bill, 1956.
15. The Bombay Municipal Corporation (Second Amendment) Bill, 1956.
16. The Bombay Local Authorities Administration (Amendment) Bill, 1956.
17. The Bombay Local Authorities (Amendment) Bill, 1956.
18. The Bombay Municipal (Further Extension of Limits and Schedule BBA) (Amendment) Bill, 1956.
19. The Sir Chinubhai Madhavlal Ranchhodlal Baronetcy (Repealing) Bill, 1956.

#### Jammu and Kashmir

1. A Bill to remove certain doubts and difficulties regarding Civil Servants of the State and to declare their status, rights and obligations.
2. A Bill to make certain provisions respecting Government Servants detained for certain periods of time.
3. A Bill to provide temporarily for the control of entry into Jammu and Kashmir State of persons from any place in India outside the State.
4. A Bill further to amend the Jammu and Kashmir Public Security Act, 2003 in certain respects.
5. A Bill further to amend the Jammu and Kashmir Municipal Act, 2008.

#### Madras

1. The Madras District Collectors' Powers (Delegation) Bill, 1956.
2. The Madras Official Language Bill, 1956.

#### Orissa

1. The Orissa Town Planning and Improvement Trust Bill, 1956.

## Appendix

2. The Orissa Grama Panchayats (Second Amendment) Bill, 1956.

### Punjab

1. The Punjab Gram Panchayat (Amendment) Bill, 1956.
2. The Punjab New Townships (Street Lighting Water Supply) Fees (Amendment) Bill, 1956.
3. The Punjab District Boards (Amendment) Bill, 1956.
4. The Punjab Municipal (Amendment) Bill, 1956.
5. The Punjab Special Powers (Press) Bill, 1956.

### Rajasthan

1. The Rajasthan Municipal Boards Validation Bill, 1956.
2. The Rajasthan Gazette (Rajpatra) Bill, 1956.
3. The City of Kotah Improvement (Amending and Validating) Bill, 1956.
4. The Rajasthan Official Language Bill, 1956.

### Uttar Pradesh

1. The Tehri-Garhwal Revenue Official (Special Powers) Bill, 1956.
2. The U.P. Electricity (Temporary Powers of Control) (Amendment and Miscellaneous Provisions) Bill, 1956.

### West Bengal

1. The West Bengal Bargadars Bill, 1956.
2. The West Bengal Development Corporation (Amendment) Bill, 1956.
3. The West Bengal Panchayat Bill, 1956.

## AGRICULTURE

### Jammu and Kashmir

1. A Bill to amend the Jammu and Kashmir Kahcharai Act, 2011.

### Madras

1. The Madras Plantations Agricultural Income-Tax (Amendment) Bill, 1956.
2. The Madras Agriculturists Relief (Amendment) Bill, 1956.

### Orissa

1. The Orissa Agricultural Produce Markets Bill, 1956.
2. The Orissa Agriculture (Amendment) Bill, 1956.
3. The Orissa Agricultural Income-tax (Amendment) Bill, 1956.

### Punjab

1. The Punjab Improved Seeds and Seedlings (Amendment) Bill, 1956.

### Rajasthan

1. The Rajasthan Molasses Control Bill, 1956.
2. The Rajasthan Relief of Agricultural Indebtedness Bill, 1956.
3. The Rajasthan Agricultural Loans Bill, 1956.

## CONSTITUTIONAL

### Andhra Pradesh

1. The Andhra Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1956.

### Bihar

1. Draft of Bihar and West Bengal (Transfer of Territories) Bill, 1956.
2. The Bihar Legislature Removal of Disqualifications (Amendment) Bill, 1956.

### Bombay

1. The Bombay Legislature Members (Removal of Disqualifications) (Amendment) Bill 1956.
2. The Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Bill, 1956.
3. The Bombay Legislature Members' Salaries and Allowances Bill, 1956.
4. The Bombay Legislature Members (Removal of Disqualifications) Bill, 1956.
5. The Bombay Ministers' Salaries and Allowances Bill, 1956.

### Jammu and Kashmir

1. A Bill to provide for the Salary and Allowances of the Deputy Speaker of the Jammu and Kashmir Legislative Assembly.

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### *Madhya Pradesh*

1. The Madhya Pradesh Salaries and Allowances of Ministers Bill, 1956.
2. The Madhya Pradesh Speaker and Deputy Speaker (Salaries and Allowances) Bill, 1956.
3. The Madhya Pradesh Legislative Assembly (Prevention of Disqualification) Bill, 1956.
4. The Madhya Pradesh Legislative Assembly Members (Salaries and Allowances) Bill, 1956.

### *Mysore*

1. The Mysore Legislature Salaries (Amendment) Bill, 1956.
2. The Mysore Legislature Salaries Bill, 1956.
3. The Mysore Ministers' Salaries and Allowances Bill, 1956.
4. The Mysore Legislature (Prevention of Disqualifications) Bill, 1956.

### *Orissa*

1. The Orissa Offices of Profit (Removal of Disqualifications) (Amendment) Bill, 1956.

### *Punjab*

1. The Punjab State Legislature (Prevention of Disqualification) (Amendment) Bill, 1956.
2. The Punjab Legislative Assembly (Allowances of Members) (Amendment) Bill, 1956.
3. The Punjab Legislative Council (Allowances of Members) (Amendment) Bill, 1956.
4. The Salaries and Allowances of Deputy Ministers, (Punjab) Bill, 1956.
5. The Punjab State Legislature (Prevention of Disqualification) (Second Amendment) Bill, 1956.
6. The Punjab Legislative Assembly (Allowances of Members) (Second Amendment) Bill, 1956.
7. The Punjab Legislative Council (Allowances of Members) (Second Amendment) Bill, 1956.

### *Rajasthan*

1. The Rajasthan Legislative Assembly Members (Removal of Disqualifications) (Amendment) Bill, 1956.

2. The Rajasthan Legislative Assembly (Officers and Members Emoluments) Bill, 1956.

3. The Rajasthan Legislative Assembly Members (Removal of Disqualifications) Bill, 1956.

4. The Rajasthan Ministers' Salaries Bill, 1956.

### *Uttar Pradesh*

1. The Uttar Pradesh State Legislature Members (Life Insurance) (Prevention of Disqualification) Bill, 1956.

2. The U.P. State Legislature Members (Prevention of Disqualification) (Supplementary) Bill, 1956.

### *West Bengal*

1. The West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) (Amendment) Bill, 1956.

## *ECONOMIC*

### *Andhra Pradesh*

1. The Andhra Silkworm Seed (Control) Bill, 1956.

2. The Nagarjunasagar Project (Acquisition of Land) Bill, 1956.

3. The Madras General Sales Tax (Andhra Amendment) Bill, 1956.

4. The Andhra Essential Articles Control and Requisitioning (Temporary Powers Amendment) Bill, 1956.

5. The Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Amendment) Bill, 1956.

6. The Andhra Land Revenue (Additional Wet Assessment) Bill, 1956.

7. The Andhra Land Revenue Assessments (Standardization) Bill, 1956.

8. The Madras General Sales Tax (Andhra Second Amendment) Bill, 1956.

9. The Madras State Aid to Industries (Andhra Amendment) Bill, 1956.

## Appendix

### Assam

1. The Assam (Sales of Petroleum and Petroleum Products, including motor spirit and Lubricants) Taxation (Amendment) Bill, 1956.
2. The Assam Khadi and Village Industries Board (Amendment) Bill, 1956.
3. The Assam Motor Vehicles Taxation (Amendment) Bill, 1956.
4. The Assam Sales Tax (Amendment) Bill, 1956.

### Bihar

1. The Bihar State Aid to Industries Bill, 1956.
2. The Bihar Co-operative Societies (Amendment) Bill, 1956.
3. The Bihar Motor Vehicles Taxation (Amendment) Bill, 1956.

### Bombay

1. The Bombay Entertainments Duty (Amendment) Bill, 1956.
2. The Bombay Entertainments Duty (Amendment) Bill, 1956.

### Jammu and Kashmir

1. A Bill to amend the Rules regarding recovery of fees for preparation of building materials in Jammu and Kashmir.
2. A Bill further to amend the Jammu and Kashmir Motor Spirit (Taxation of Sales) Bill, 2005.

### Madras

1. The Madras General Sales Tax (Third Amendment) Bill, 1955.
2. The Madras Silkworm Seed (Production, Supply and Distribution) Bill, 1956.
3. The Madras Co-operative Societies (Amendment) Bill, 1956.
4. The Madras General Sales Tax (Fourth Amendment) Bill, 1956.

### Mysore

1. The Mysore State Aid to Industries (Amendment) Bill, 1956.
2. The Kolar Gold Mining Undertakings (Acquisition) Bill, 1956.

### 3. The Mysore Khadi and Village Industries Bill, 1956.

### Orissa

1. The Bihar and Orissa State Aid to Industries (Orissa Amendment) Bill, 1956.
2. The Orissa Essential Articles Control and Requisitioning (Temporary Powers) (Amendment) Bill, 1956.

### Punjab

1. The Scheduled Areas Traders' (Facilities For Loans) Bill, 1956.
2. The Punjab Urban Immovable Property Tax (Amendment) Bill, 1956.

### Rajasthan

1. The Rajasthan Sales Tax (Amendment) Bill, 1956.
2. The Rajasthan Public Debt Bill, 1956.
3. The Rajasthan Co-operative Land Mortgage Bank Bill, 1956.
4. The Rajasthan Mining Settlement Bill, 1956.
5. The Cotton Ginning and Pressing Factories Bill, 1956.

### Uttar Pradesh

1. The Uttar Pradesh Cotton Ginning and Pressing Factories (Amending) Bill, 1956.
2. The Uttar Pradesh Sales Tax (Second Amendment) Bill, 1956.
3. The Uttar Pradesh Sales Tax (Third Amendment) Bill, 1956.
4. The Co-operative Societies (Uttar Pradesh Amendment) Bill, 1956.

### West Bengal

1. The West Bengal Taxes on Entry of Goods in Local Areas (Amendment) Bill, 1956.
2. The West Bengal Cement Control (Amendment) Bill, 1956.

## EDUCATIONAL

### Andhra Pradesh

1. The Andhra University (Amendment) Bill, 1956.

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2. The Andhra Educational Institutions (Requisitioning and Acquisition) Bill, 1956.

*Bombay*

1. The Gujarat University (Amendment) Bill, 1956.

*Jammu and Kashmir*

1. A Bill further to amend the Jammu & Kashmir University Act, 2005.

*Orissa*

1. The Orissa Secondary Education (Amendment) Bill, 1956.

*Rajasthan*

1. The University of Rajputana (Change of Name) Bill, 1956.

*Uttar Pradesh*

1. The Varanaseya Sanskrit Vishva Vidyalaya Bill, 1956.
2. The U.P. Hindi Sahitya Sammelan Bill, 1956.
3. The Agra University (Amendment) Bill, 1956.
4. The U.P. Ancient and Historical Monuments Abolition and Archaeological Sites and Remains Preservation Bill, 1956.
5. The Uttar Pradesh Anatomy Bill, 1956.

*West Bengal*

1. The Calcutta University (Amendment) Bill, 1956.

**FINANCIAL**

*Andhra Pradesh*

1. The Andhra Appropriation (No. 3) Bill, 1956.

*Assam*

1. The Assam Appropriation (No. III) Bill, 1956.
2. The Assam Appropriation (No. IV) Bill, 1956.
3. The Assam Appropriation (No. V) Bill, 1956.

4. The Assam Appropriation (No. VI) Bill, 1956.

5. The Assam Appropriation (No. VII) Bill, 1956.

6. The Assam Appropriation (No. VIII) Bill, 1956.

*Bihar*

1. The Bihar Appropriation (No. 3) Bill, 1956.

*Bombay*

1. The Bombay (Second Supplementary) Appropriation Bill, 1956.
2. The Bombay Appropriation (Second Excess Expenditure) Bill, 1956.
3. The Bombay Contingency Fund Bill, 1956.

*Jammu & Kashmir*

1. A Bill further to amend the Jammu & Kashmir Excise Act, 1956.

*Madras*

1. The Madras Appropriation (No. 3) Bill, 1956.
2. The Madras Appropriation (No. 4) Bill, 1956.
3. The Madras Appropriation (No. 5) Bill, 1956.
4. The Madras Tobacco (Taxation of Sales and Registration) (Amendment) Bill, 1956.
5. The Madras Appropriation (Vote on Account) Bill, 1956.
6. The Madras Appropriation (No. 6) Bill, 1956.

*Mysore*

1. The Mysore Stamp (Amendment) Bill, 1956.
2. The Mysore Appropriation (No. 3) Bill, 1956.
3. The Mysore Appropriation (No. 4) Bill, 1956.
4. The Mysore Appropriation (No. 5) Bill, 1956.
5. The Mysore Appropriation (No. 6) Bill, 1956.
6. The Mysore Appropriation Bill, 1956.

## Appendix

### Orissa

1. The Bihar and Orissa Motor Vehicles Taxation (Orissa Amendment) Bill, 1956.
2. The Madras Motor Vehicles Taxation (Orissa Amendment) Bill, 1956.
3. The Orissa Appropriation (No. 4) Bill, 1956.

### Punjab

1. The Ambala District Board Tax Validating Bill, 1956.
2. The Municipal Tax Validating Bill, 1956.
3. The Punjab Appropriation (No. 3) Bill, 1956.
4. The Punjab Appropriation (No. 4) Bill, 1956.
5. The Punjab Excise (Amendment) Bill, 1956.

### Rajasthan

1. The Rajasthan Appropriation (No. 3) Bill, 1956.
2. The Rajasthan Appropriation (No. 4) Bill, 1956.
3. The Rajasthan Excise (Amendment) Bill, 1956.
4. The Rajasthan Excise (Second Amendment) Bill, 1956.
5. The Rajasthan Contingency Fund Bill, 1956.

### Uttar Pradesh

1. The Uttar Pradesh Appropriation (First Supplementary 1956-57) Bill, 1956.

### West Bengal

1. The Bengal Finance (Sales Tax) (Amendment) Bill, 1956.

## HEALTH

### Andhra Pradesh

1. The Andhra Ayurvedic and Homoeopathic Medical Practitioner Registration Bill, 1956.

### Bihar

1. The Jhansi Milk Board of Health (Imposition of latrine tax) Validating Bill, 1956.

### Bombay

1. The Bombay Homoeopathic (Amendment) Bill, 1956.

### Jammu & Kashmir

1. A Bill to provide for the Registration and better training of Nurses, Midwives, Health Visitors in Jammu and Kashmir State.

### Madras

1. The Madras Registration of Practitioners of Integrated Medicine Bill, 1956.

### Orissa

1. The Orissa Homoeopathic Bill, 1956.

### Punjab

1. The Indian Lunacy (Punjab Amendment) Bill, 1956.
2. The Punjab Medical Registration (Amendment) Bill, 1956.

### Uttar Pradesh

1. The U.P. Indian Medicine (Second Amendment) Bill, 1956.

## LAND

### Andhra Pradesh

1. The Andhra Inams (Abolition and Conversion into Ryotwari) Bill, 1956.
2. The Andhra Slum Improvement (Acquisition of Land) Bill, 1956.
3. The Andhra Tenancy Bill, 1956.

### Assam

1. A Bill to provide for collection of rents from persons in occupation of Government Premises and for eviction from such Premises of persons continuing in them without authority.

### Bihar

1. The Land Acquisition (Bihar Second Amendment) Bill, 1956.

### Bombay

1. The Bombay Shetgi Writan Rights (Shetnagiri) Abolition Bill, 1956.

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2. The Bombay Land Revenue Code (Third Amendment) Bill, 1956.
3. The Bombay Shetgi Watan (Rights) (Ratnagiri) Abolition Bill, 1956.

### Jammu and Kashmir

1. A Bill to amend the Rules regarding the Construction of brick kilns and preparation of Surkhi, lime and plaster of Paris.
2. A Bill to amend consolidation and declare the Law relating to the appointment and maintenance of Chowkidari in Towns and Villages of Jammu and Kashmir State.
3. A Bill further to amend the Jammu and Kashmir Land Revenue Act, 1936.
4. The Jammu and Kashmir Utilization of Lands (Amendment) Bill, 1956.
5. The Jammu and Kashmir Big Landed Estates Abolition (Amendment) Bill, 2007.
6. The Jammu and Kashmir Common Lands (Regulation of Rights) Bill.
7. A Bill further to amend the Kashmir Valley Embankment Act, 1992.

### Madras

1. The Madras Cultivating Tenants Protection (Amendment) Bill, 1956.
2. The Madras Land Revenue (Surcharge) Amendment Bill, 1956.
3. The Madras Land Revenue (Additional Surcharge) (Amendment) Bill, 1956.
4. The Tanjore Tenants and Pannaiyal Protection (Amendment) Bill, 1956.
5. The Madras Estates Land (Reduction of Rent) (Amendment) Bill, 1956.
6. The Madras Estates (Abolition and Conversion into Ryotwari) Bill, 1956.
7. The Madras Estates (Supplementary) Bill, 1956.
8. The Madras Land Revenue (Surcharge and Additional Surcharge) (Amendment) Bill, 1956.
9. The Madras Cultivating Tenants (Payment of Fair Rent) Bill, 1956.
10. The Madras Requisitioning and Acquisition of Immovable Property Bill, 1956.
11. The Madras Inams (Assessment) Bill, 1956.
12. The Puddukottai (Settlement of Inams) (Second Amendment) Bill, 1956.

13. The Madras Land Revenue (Surcharge) (Second Amendment) Bill, 1956.
14. The Malabar Tenancy (Amendment) Bill, 1956.

### Orissa

1. The Orissa Estates Abolition (Second Amendment) Bill, 1956.
2. The Orissa Bhoodan Yagna (Amendment) Bill, 1956.
3. The Orissa Tenants Relief (Second Amendment) Bill, 1956.

### Punjab

1. The Punjab Bhoodan Yagna Bill, 1955.
2. The East Punjab Utilization of Lands (Amendment) Bill, 1956.
3. The Land Acquisition (Punjab Second Amendment) Bill, 1956.
4. The East Punjab Holdings (Consolidation and Prevention of Fragmentation) (Amendment) Bill, 1956.
5. The East Punjab Urban Rent Restriction (Amendment) Bill, 1956.
6. The Punjab Land Revenue (Surcharge) (Amendment) Bill, 1956.
7. The Punjab Village Common Lands (Regulation) (Amendment) Bill, 1956.

### Rajasthan

1. The Rajasthan Land Reforms & Resumption of Jagirs (Fourth Amendment) Bill, 1956.
2. The Rajasthan Land Revenue (Amendment) Bill, 1956.
3. The Rajasthan Land Reforms and Resumption of Jagirs (Fifth Amendment) Bill, 1956.
4. The Rajasthan Tenancy (Third Amendment) Bill, 1956.
5. The Rajasthan Jagirdars Debt Reduction Bill, 1956.

### Uttar Pradesh

1. The U.P. Urban Areas Zamindari Abolition and Land Reforms Bill, 1955.
2. The U.P. Land Revenue (Tehri Garhwal Amendment) Bill, 1956.

### West Bengal

1. The West Bengal Premises Tenancy (Amendment) Bill, 1956.

## Appendix

2. The West Bengal Land (Requisition and Acquisition) (Amendment) Bill, 1956.

### LEGAL

#### Andhra Pradesh

1. The Madras District Municipalities (Andhra Amendment) Bill, 1956.
2. The Andhra Tribunal for Disciplinary Proceedings (Summoning and Examination of Witnesses and Documents) Bill, 1956.

#### Assam

1. The Assam Cinemas (Regulation) (Amendment) Bill, 1956.

#### Bombay

1. The Bombay Town Planning Schemes (Bombay City Nos. II, III and IV) (Mahim Area) Validation Bill, 1956.
2. The Greater Bombay Laws and the Bombay High Court (Declaration of Limits) (Amendment) Bill, 1956.
3. The Bombay Town Planning Schemes (Bombay City Nos. II, III and IV) (Mahim Area) Validation Bill, 1956.
4. The Greater Bombay Laws and the Bombay High Court (Declaration of Limits) (Amendment) Bill, 1956.

#### Jammu and Kashmir

1. A Bill to amend the Code of Criminal Procedure, 1939.
2. A Bill further to amend the Code of Civil Procedure, 1937.
3. The Jammu & Kashmir Registration (Amendment) Bill, 1956.
4. A Bill to validate Registration and Authentication of certain documents, 1956.
5. The Registration of Contractors Bill, 1956.

#### Madras

1. The Presidency Small Cause Courts (Madras Amendment) Bill, 1956.
2. The Madras Cinemas (Regulation) Amendment Bill, 1956.
3. The Madras Civil Courts (Amendment) Bill, 1956.
4. The Code of Criminal Procedure (Madras Amendment) Bill, 1956.

#### Mysore

1. The Mysore Registrar-General of Births, Deaths and Marriages Bill, 1956.

#### Orissa

1. The Prisons (Orissa Amendment) Bill, 1956.
2. The Orissa Merged Territories Petition Writers' Continuance of Licences Bill, 1956.

#### Rajasthan

1. The Dungarpur Qanun Lekh (Repeal) Bill, 1956.
2. The Rajasthan Jagir Decisions & Proceedings (Validation) (Amendment) Bill, 1956.
3. The Rajasthan Civil Courts Laws (Extension) Bill, 1956.
4. The Rajasthan Premises (Control of Rent & Eviction) (Amendment) Bill, 1956.

#### Uttar Pradesh

1. The U.P. Repealing and Amending Bill, 1956.
2. The Criminal Law (Composition of offences) (U.P. Amendment) Bill, 1956.
3. The U.P. Repealing and Amending (Second Amendment) Bill, 1956.

#### West Bengal

1. The West Bengal Criminal Law (Amendment) Bill, 1956.

### LABOUR

#### Assam

1. The Industrial Disputes (Appellate Tribunal) (Assam Amendment) Bill, 1956.

#### Jammu and Kashmir

1. A Bill to repeal the Jammu & Kashmir Factories Act, 1899 and introduction of a New Act.
2. A Bill to regulate payment of wages to certain classes of persons employed in Industry.
3. A Bill to amend the Workmen's Compensation Act, 2000.
4. A Bill to amend the Trade Union Act, 2006.
5. A Bill further to amend the Jammu & Kashmir Industrial Disputes Act, 2006.

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*Orissa*

1. The Orissa Shops and Commercial Establishments Bill, 1956.
2. The Payment of Wages (Orissa Amendment) Bill, 1956.

*Uttar Pradesh*

1. The U.P. Labour Welfare Fund Bill, 1956.
2. The Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Bill, 1956.

**SOCIAL**

*Andhra Pradesh*

1. The Madras Devadasis (Prevention of Dedication) Andhra Amendment Bill, 1956.
2. The Andhra Special Marriages Validation Bill, 1956.
3. The Madras Hindu Religious and Charitable Endowments (Andhra Amendment) Bill, 1956.

*Assam*

1. The Assam Liquor Prohibition (Second Amendment) Bill, 1956.
2. The Assam Good Conduct Prisoners Probationary Release (Amendment) Bill, 1956.

*Bihar*

1. The Bihar Hindu Religious Trust (Second Amendment) Bill, 1956.
2. The Payment of Wages (Bihar Amendment) Bill, 1956.
3. The Bihar Supervision of Orphanages and Widows' Homes Bill, 1956.

*Jammu and Kashmir*

1. A Bill to amend and codify the Law relating to Intestate Succession among Hindus.

2. A Bill for the solemnization of marriages and for advice among persons professing the Christian religion.

*Orissa*

1. The Orissa Prohibition Bill, 1956.

*Punjab*

1. The Good Conduct Prisoners Probationary Release (Amendment) Bill, 1956.
2. The Prisons (Punjab Amendment) Bill, 1956.
3. The Punjab Abolition of Whipping Bill, 1956.
4. The Punjab Instruments (Control of Noises) Bill, 1956.

*Uttar Pradesh*

1. The U.P. Temple Entry (Declaration of Rights) Bill, 1956.
2. The U.P. Women's and Children's Institutions (Control) Bill, 1956.

**TRANSPORT**

*Jammu and Kashmir*

1. A Bill further to amend the Jammu and Kashmir Motor Vehicles Act, 1938.

*Mysore*

1. The Bangalore Road Transport Service Bill, 1956.

*Orissa*

1. The Orissa Warehouse Bill, 1956.

**APPENDIX IV**

*Statistical Analysis of Bills passed by Legislative Assemblies in India.\**

Name of the States	Admi- nistra- tion	Agri- culture	Cons- titu- tional	Eco- nomic	Edu- ca- tional	Fin- social	Health	Land	Legal	Labour	Social	Trans- port	Total
Andhra Pradesh .	2		1	9	2	1	1	3	2	..	3		24
Assam .	1		..	4		6	..	1	1	1	2		16
Bihar .	1		2	3	..	1	1	1	..		3		12
Bombay . .	19	..	5	2	1	3	1	3	4	..	..	..	38
Jammu and Kashmir	5	1	1	2	1	1	1	7	5	5	2	1	32
Madhya Pradesh .	..	..	4	..		..		..	..	..		..	4
Madras	2	2	..	4		6	1	14	4	..	..	..	33
Mysore	..	..	4	3	..	6	..	..	1	..	..	1	15
Orissa	2	3	1	2	1	3	1	3	2	2	1	1	22
Punjab	5	1	7	2		5	2	7	..		4		33
Rajasthan .	4	3	4	5	..	5		5	4	..			30
Uttar Pradesh	2	..	2	4	5	1	..	2	3	2	..	..	21
West Bengal	3	..	1	2	1	1	1	2	1	..	2	..	14
<b>Grand Total</b>												<b>294</b>	

\*This does not include the Kerala State which was under President's Rule.