

MAHESHWAR NATH KAUL



**91ST BIRTH ANNIVERSARY
COMMEMORATIVE VOLUME**

MAHESHWAR NATH KAUL

COMMEMORATIVE VOLUME

(91st Birth Anniversary)

LOK SABHA SECRETARIAT
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Foreword

Shri Maheshwar Nath Kaul, the first Secretary of Lok Sabha, was not only a committed and an able administrator, but also an erudite scholar and a renowned author whose pioneering works in the field of parliamentary practice and procedure remain unparalleled. His monumental treatise, *Practice and Procedure of Parliament*, especially testifies his academic genius and is best compared only with Erskine May's *Parliamentary Practice*.

Acknowledged as a dedicated and assiduous Secretary, Shri Kaul's administrative acumen was greatly put to test in the crucial period of training and the initial operation of the Constitution, which he executed with remarkable foresight and wisdom. He was instrumental in the translation of innovatory ideas into practice, like the creation of Business Advisory Committee, Committee on Government Assurances and in evolving an independent, impartial and efficient Secretariat which is so essential for the effective functioning of Parliament.

Later to become a distinguished parliamentarian himself, Shri Kaul was an ardent advocate of the freedom, dignity and authority of the House and passionately strove for the principles he held dear with his characteristic zeal and indomitable conviction. As a Member of Rajya Sabha, he contributed notably not only on constitutional and parliamentary affairs, but also on scientific, social and economic matters.

The present Commemorative Volume attempts to recapitulate and place on record, the various aspects of his multi-faceted personality and yeoman service rendered by him in building up the healthy democratic tradition. Recalling Shri Kaul's multi-dimensional contribution, we pay our respectful homage to his memory.

I hope this Volume will be of immense value to all the students and practitioners of democratic system who cherish and respect the parliamentary institutions.

NEW DELHI
December, 1992

SHIVRAJ V. PATIL
Speaker, Lok Sabha

Preface

Shri Maheshwar Nath Kaul distinguished himself not only as the First Secretary of Lok Sabha but also as an eminent legal luminary, an able administrator, a renowned author, a distinguished Parliamentarian and a great authority in the field of parliamentary practice and procedure. He rendered commendable service in making the institution of Parliament a powerful instrument mirroring the urges and aspirations of the people by devising various parliamentary procedures.

It is only appropriate that the Lok Sabha Secretariat is paying tribute to the memory of Shri Kaul who devoted more than three decades of his life to the Parliament. This Commemorative Volume on Shri Kaul is being brought out by the Secretariat with a view to recalling and placing on record the enduring contributions made by him to the country's highest representative institution. The Volume consists of six parts. Part One contains a profile of Shri Kaul giving a brief account of his early life and career, his contributions as Secretary in the drafting of the Constitution, evolution of parliamentary practices and procedures and building up of the Lok Sabha Secretariat, as an author and a parliamentarian. Part Two highlights his contribution to various parliamentary activities as Secretary, Lok Sabha. Some of his important speeches delivered as a member in the Rajya Sabha have been compiled in Part Three. Part Four contains articles authored by Shri Kaul himself. Part Five contains reminiscences of Shri Kaul by his contemporaries and close associates and present and former Members of Parliament, some of whom have had the opportunity of observing him from close quarters. Homage paid to Shri Kaul by the members of Inter-Parliamentary Union, Secretaries of State Legislatures and former officers of Lok Sabha Secretariat have been included in Part Six. The Volume also contains select photographs taken at important parliamentary functions and activities.

We express our profound gratitude to the Honourable Speaker, Lok Sabha, Shri Shivraj V. Patil, for his encouragement and constant guidance in bringing out this Volume and also for writing a Foreword to the Volume.

My esteemed distinguished predecessors, Shri S.L. Shakdher and Shri Avtar Singh Rikhy instantly welcomed the idea of celebrating the birth anniversary of Shri Kaul and bringing out this Souvenir. They have also taken the trouble of contributing for this Souvenir. In his article, Shri Shakdher has indeed given a lucid, educative and absorbing information about multi-faceted personality of Shri Kaul and his alround imprint on the growth and development of Indian parliamentary practice and procedure and his successful achievement in raising an efficient and strong Secretariat to the Lok Sabha. It has come so naturally from him, he having been a close associate and in fact a co-architect and co-builder. Shri Rikhy also worked with Shri Kaul for more than half a decade. His contribution too has added to the content of this Volume.

My sincere thanks to all our former and serving colleagues who found time to contribute for this Volume.

On the occasion of his 91st birth anniversary we pay our respectful tributes to the memory of Shri M.N. Kaul, the Father of Lok Sabha Secretariat, who has carved out a niche for himself in the history of Parliament Secretariat.

It is our sincere hope that the Volume would be found inspiring and useful by all those interested in parliamentary institutions and procedure.

NEW DELHI
December, 1992

C.K. JAIN ·
Secretary-General, Lok Sabha.

Our Contributors

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3. **Shri C.R. Pattabhi Raman, Ex-M.P.**
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5. **Shri S.L. Shakhder, Former Secretary-General, Lok Sabha.**
6. **Shri Avtar Singh Rikhy, Former Secretary-General, Lok Sabha.**
7. **Shri C.K. Jain, Secretary-General, Lok Sabha.**
8. **Shri N.N. Mehra, Former Additional Secretary, Lok Sabha Secretariat.**
9. **Shri B.K. Mukherjee, Former Joint Secretary, Lok Sabha Secretariat.**
10. **Shri J.R. Kapur, Former Deputy Secretary, Lok Sabha Secretariat.**
11. **Shri Kartar Singh Bhalla, Former Chief Financial Committee Officer, Lok Sabha Secretariat, presently Honorary Consul-General, Republic of Nauru.**
12. **Dr. D.N. Gadhok, Former Director, Lok Sabha Secretariat.**
13. **Shri M.P. Gupta, Former Director, Lok Sabha Secretariat.**
14. **Shri A.N. Kaul, Former Director, Lok Sabha Secretariat.**
15. **Shri M.C. Chawla, Former Deputy Secretary, Lok Sabha Secretariat.**
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17. **Shri S. Rangaswami, Former Joint Director, Lok Sabha Secretariat.**

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19. **Shri K.S. Menon, Former Officer, Lok Sabha Secretariat and presently Management Consultant.**
20. **Shri Zhangulie, Secretary, Nagaland Legislative Assembly.**
21. **Estimates Committee Branch, Lok Sabha Secretariat.**
22. **Shri Makhan Lal Shakhder, General Manager, Tea Time.**

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Shri M.N. Kaul

PART ONE

PROFILE

Maheshwar Nath Kaul—A Profile

An able administrator, a legal and constitutional expert, chief architect and builder of an institution, a great authority in the field of parliamentary practice and procedure, a distinguished Parliamentarian, an erudite scholar, a renowned author and, above all, a true friend, philosopher and unfailing guide to India's Parliament—Shri Maheshwar Nath Kaul was a man of seminal ideas. As Secretary of the Constituent Assembly (Legislative) and subsequently of the Provisional Parliament and Lok Sabha, he played a monumental role not only in framing the articles of the Constitution relating to Parliament and in establishing sound parliamentary practices, procedures, traditions and conventions but also in developing an independent, efficient and trustworthy Secretariat to serve the Lok Sabha.

Early Life and Career

Shri Kaul was born on 16 September, 1901 at Srinagar in Kashmir. His father Shri Manmohan Nath Kaul was Governor of Jammu & Kashmir State. An Economics Tripos from the Cambridge University, Shri Kaul also studied at London School of Economics. Later, Shri Kaul was called to the Bar from the Middle Temple. In 1926, he married Sukhraj Kak, daughter of Sir Sukhdev Prasad Kak, the then Prime Minister of Udaipur State.

Trained as an economist and armed with a Barrister's degree, he had two professions to choose from. His original intention was to take up an appointment as a Professor of Economics. In fact, in 1926, he was appointed to the Ratan Tata Chair of Economics in the Banaras Hindu University. But, at the instance of his father, he declined that offer and took up and started practice, not in the province in which he was settled, which was the erstwhile Punjab, but in another province, namely the erstwhile United Provinces. For a decade, from 1927 to 1937, he practised before the Allahabad High Court in the Chambers of Sir Tej Bahadur Sapru and Dr. K. N. Katju who were not only eminent lawyers but also politicians of repute associated with the independence of the motherland. During this period, he was also the Editor of the prestigious *Allahabad Law Journal*.

Then in 1937, at a time when he was being considered for the post of Standing Counsel, at the instance of a Muslim friend, he applied for a position in the Legislature, little knowing that he would be considered and offered the appointment. Within a fortnight, the offer came and he joined the Legislative Assembly Department as Deputy Secretary—under the Speaker (then called President) Sir Abdur Rahim. Later, Shri Kaul officiated as Secretary, Central Assembly, first in 1939 and later during 1943—47.

His Contribution as Secretary

(1) In Drafting the Constitution

With the coming into force of the Indian Independence Act, 1947 and the transfer of power to the Constituent Assembly of India, developments in the direction of building free representative parliamentary institutions began taking shape. Under the Act, the Constituent Assembly became a fully sovereign body and on the midnight of 14-15 August, 1947, it assumed full powers of the governance of the country. The Central Legislative Assembly and the Council of State ceased to exist and the functions of the Central Legislature were taken over by the Constituent Assembly. Thereafter, the legislative and Constitution making functions of the Constituent Assembly were separated and for the former purpose it started meeting separately as the Constituent Assembly (Legislative) with Shri G.V. Mavalankar as its Speaker. The Legislative Assembly Department became its Secretariat with Shri M.N. Kaul as the Secretary.

When the Constituent Assembly of India began to function on its legislative side, the Rules of the House were rudimentary and the body of precedents covered a limited field. Shri Kaul who had an inborn love and passion for parliamentary procedures soon realized this limitation. A year after independence, he accompanied Speaker Mavalankar to London where a Parliamentary delegation had gone in connection with the Commonwealth Parliamentary Conference. There, he took the opportunity to make an intensive study of the procedure of the House of Commons and as a result of that study he compiled three books entitled *Conversations on Parliamentary Practice and Procedure* and were printed for general use. Later in February, 1949, he submitted to the Speaker a Memorandum on Reform of Parliamentary Procedure in India.

The Memorandum suggested for (i) a statement of Government Policy at the opening of each session of Parliament; (ii) Allotment of time to Private Members

for debate on Adjournment Motion at the end of business; (iii) Financial Procedure, and (iv) Standing Committees on Bills.

Shri Kaul's memorandum was highly commended by the Speaker. Supporting the innovation on statement of Government Policy at the opening of each session of Parliament, Speaker, G.V. Mavalankar observed:

"I think it is very essential that at the beginning of each session the Government (i.e. Leader of the House in our case) should make a statement of our foreign and home policy, as also of the legislative programme that Government intend to place before the House during that session; and it should be the special case of the Government to see that no deviation, or the minimum possible deviation, is made from the programme set out in the statement. Members should have the liberty of discussing this statement by means of proper motions. Mr. Kaul suggests the allotment of three days. I fully agree to the proposal. I do not mind even the additional allotment of a day or two, as we are now a sovereign body and have to deal with not only our domestic affairs but our relations with the entire world."*

Regarding allotment of time to Private Members at the end of business the Speaker observed:

"This is a much needed innovation.....there are a number of matters, small in themselves, but materially affecting the people. The members have practically no chance of letting the steam out and the question-hour is, therefore, used as the occasion for big or small grievances or suggestions. If, therefore, we introduce the allotment of half-an-hour discussion on any subject, I believe the question-hour would be used to much better advantage for having information, so essential for understanding or considering the proposals or the policy of government. There is also another advantage, namely the Ministers will be in closer touch with the popular feelings on various questions through the House."**

* Note by the Honourable Shri G.V. Mavalankar, Speaker, *Constituent Assembly of India (Legislative) on the Reform of Parliamentary Procedure in India*, p. 2.

** *Ibid.*, p. 4.

Appreciating Shri Kaul's proposal regarding financial matters, the Speaker said:

“As regards financial matters, I think the proposal that grants should be voted on credit before the 31st of March, and the estimates should, thereafter, be examined by the Public Expenditure Committee is worth accepting.....We should adopt, by rule, the suggestion for having a financial memorandum attached to every Bill which involves expenditure. Such a practice will also be indirectly a financial control.....The other allied suggestion of having the provisions of the Bill, involving charge on the people or public revenues to be printed in thick type or italics, is also worth incorporating in the rules”.*

The Memorandum received the approval of Speaker, Mavalankar, Prime Minister, Shri Jawaharlal Nehru and Home Minister, Shri V. Patel and the Chairman of the Drafting Committee of the Constitution, Dr. B.R. Ambedkar and formed the basis of changes in the Constitution and Rules of Procedure during the coming crucial years. The policy, however, was to make changes gradually so that they were absorbed in the system. Later, some other significant provisions like Joint Session of the Houses, Privileges of Parliament, no taxation without the authority of law, Appropriation Bill, and Contingency Fund, recommended by Shri Kaul were also accepted by the Drafting Committee of the Constituent Assembly and incorporated in the draft Constitution.

Ever since Shri Kaul joined the Legislative Department, he relentlessly fought for the independence of the Legislature Secretariat and ultimately got it enshrined in the Constitution. When the drafting of the Constitution for Independent India was in progress, asserting the independent status of the Legislature, Shri Kaul said:

“.... the bifurcation of the functions of the Constituent Assembly was primarily intended to keep the constitution-making activities which started on the 9th December, 1946 in a separate compartment and that business having finished all the functions belonging to Parliament should be discharged by a single body. In this connection it would be necessary for the

* *Ibid.*, pp. 5, 7.

Speaker at some time before the drafting Committee on the Bill have concluded its labours to ask for the clauses relating to legislature to be shown to him, as was done when the adaptation of the Government of India Act, 1935, was under consideration. The insertion of permanent provisions in the Constitution relating to the Legislature is obviously of more importance and it seems to me proper that, the views of the Speaker should be made available to the drafting Committee. If the Speaker approves of this, I may mention the matter to the Minister of Law, Dr. Ambedkar, who presides over the drafting Committee and ask him to furnish to the Speaker, confidentially a copy of the draft Bill which is under discussion. The Speaker may also be apprised of any changes which the drafting Committee may propose to make in the Bill that has been placed before them for discussion".*

In April, 1949, the question of the independent status of the Secretariat of the Legislature again came up for discussion. In the All India Presiding Officers Conference held at New Delhi, the Speaker, Shri Mavalankar referred to the position that had arisen with reference to the scope and jurisdiction of the Economy Committee appointed to examine the staff position, etc. of various Ministries of the Government of India. At the Speaker's instance, Shri Kaul recorded a note which *inter alia* observed:

"The Speaker is the head of the Legislature and in order to maintain the independent position and dignity of the Legislature, the Speaker's Department is placed under his sole and independent control. It is now a well settled convention both in United Kingdom and in India that no Parliamentary questions are answered on the floor of the House in respect of the Speaker's Department, nor is the matter discussed in the House in the shape of motions for reductions of grants or by any other parliamentary procedure....The principle being clear that all matters relating to the Speaker's Department should not be discussed on the floor of the House,....no reference to it should be contained in any report, as the same may be placed before the House, and a discussion thereon may follow....the Speaker would be glad to consider suggestions if any, that the Committee may have to make, but the observations of the Committee should be

* Notings of Shri Kaul, 22 January, 1948.

forwarded to the Speaker confidentially and should not form part of the report" *

The position was fully accepted by the Committee.

Shri Kaul once again asserted the independent status of the Legislature when in late 1951, the question of issuing notification for prorogation of Parliament came up. In his note he observed:

".....The question as to how the Orders of the Head of the State should be obtained in the matter of summoning and prorogation of Parliament was decided as far back as 8th July, 1929, as a result of a letter from the late Vithalbai Jhaverbhai Patel, the then President of the Central Assembly, to Lord Irwin, the then Governor-General.

The status of the Parliament Secretariat was also determined in 1929 when the late Legislative Assembly Department was constituted into a self-contained Department under the control of the President of the Assembly. The position has not been changed nor can any change be brought about without the concurrence of this Secretariat under the direction of the Hon'ble Speaker.....The Secretary to Parliament also being Secretary to the Government of India has rightly been exercising the powers in regard to the issue of notification in connection with the summoning and prorogation of Parliament conferred upon him in 1929 and repeated in 1937".**

Under his Secretaryship the independence of Secretariat from the Executive control was not only embodied in the Constitution but translated into practice.

(ii) Evolution of Parliamentary Practices and Procedures

On 26 January, 1950 the Constitution of India was adopted and the Constituent Assembly (Legislative) emerged as the Provisional Parliament. The name of the Legislature Secretariat which was till then Legislative Assembly Department was changed to Parliament Secretariat. In 1952, the First General Elections were held and the First Parliament was constituted.

* Sixty years of servicing the Central Legislature, Lok Sabha Secretariat, p. 15.

** Notings of Shri Kaul, 9 November, 1951.

It was the fortune of the Lok Sabha Secretariat that it had, at that time, at the helm of affairs Shri M.N. Kaul who had spent years in the service of Central Legislative Assembly and later Provisional Parliament as its Secretary.

As distinguished Secretary of First Lok Sabha, he visualised the requirements of the Members of Legislature. Certain Parliamentary devices like the institution of the Business Advisory Committee, Calling Attention Notices, Short-Duration Discussions and the Committee on Government Assurances which are unique to India were introduced during his time in order to facilitate the ventilation of the urges and aspirations of the people in Parliament through their representatives.

It was under his stewardship that parliamentary procedures and practices which guide the functioning of Parliament and its Committees were consolidated and modified in the shape of Rules of Procedures and Conduct of Business, Directions by the Speaker and Hand Book for Members which, *inter alia*, incorporate various parliamentary customs and conventions.

Shri Kaul was also instrumental in establishing the Committee System. It was he, who suggested that in view of the fact that House had very little time to scrutinize the estimates of expenditure of the Government, a new Committee may be established to examine thoroughly the estimates after they were presented to the House.

He devoted great care and labour in the formative years of the financial Committees to develop the technique of examination of non-official and official witnesses and played a constructive role in helping to overcome the initial prejudice of Government Departments and institutions to furnish the detailed information to the Committee. In fact, the reluctance was converted into one of full cooperation in the common endeavour to improve efficiency and effect economy in Government organisation.

From the very beginning, he delineated the procedures of the Committee correctly which have stood the test of time. It was through his efforts that the Estimates Committee had its scope of work defined in wider terms by amplifying the definition of the term 'Policy' so as to draw a distinction between policy as laid down by Parliament and as settled by Government in the discharge of its executive functions.

In addition to the constitution of three Financial Committees, he helped in the establishment of the Privileges Committee, Committee on Subordinate Legislation and Select Committee on Bills. It was through his efforts that a Committee on Petitions was created to give the citizens a chance to ventilate their grievances on a public matter.

In 1952, Shri Kaul also had the honour to be the Returning Officer to the First Presidential election of the sovereign republic. He discharged this great responsibility with dedication and devotion.

As a step towards carrying the House of the People nearer to the people, Shri Kaul thought in 1954 of the idea of using the name 'Lok Sabha' so that the very name enabled the people to identify themselves with the House as if it was their own, and it is this name which has been in vogue since then with the approval of the House.

(iii) Building up of Lok Sabha Secretariat

To give prompt and efficient service to the members, he reorganised and expanded the Lok Sabha Secretariat. The creation of Research and Reference Branch won praise not only from all the Members of Parliament but also from the President. Dr. Rajendra Prasad, the then President of India, appreciating the work carried out by the Research and Reference Branch, observed:

“...I welcome the introduction of the Research and Reference Section which is intended to supply to Members whatever information they require in relation to a subject under discussion in the House. I am glad to know that Members are supplied with bibliographies on Bills and monographs on important subjects. I have no doubt that information will be of immense benefit to the Members”.*

During his time, manuals, books and a vast amount of literature on parliamentary practice and procedure and on various aspects of parliamentary administration was published. Under his direction, departmental decisions, precedent registers, information bulletins and brochures on various subjects were compiled which helped in the dissemination of knowledge in this largely untrodden

* *Silver Jubilee, Commemoration Volume, Lok Sabha Secretariat, 1954*

field. New periodicals like Digest of Laws, Fortnightly News Digest, Atomic News Digest (later discontinued), were brought out in addition to the Monthly Index of articles and the Abstracting Services. Realising the need for disseminating information currently on matters affecting parliamentary practice and procedure, the *Journal of Parliamentary Information (JPI)* was launched in 1955. Calling the Journal a medium through which information can be collected, classified and spread to all who are interested in the subject he wrote in the editorial of its first issue:

“The idea of starting a journal which would fulfil the need of disseminating information currently on matters affecting Parliamentary practice and procedure has always been there. This is a forum through which interest in the scientific approach to the problems of parliamentary practice and procedure can be stimulated. This is a medium through which information can be collected, classified and spread to all who are interested in the subject.....One of the aims of the journal is to present authoritative information on parliamentary procedures and practices that are being continuously evolved in the various legislatures in India and also in other countries.”

With his farsighted administrative acumen, he developed the Lok Sabha Secretariat into an efficient, unique and reliable organisation in the service of Parliament. It is for this that he is often regarded and known as the ‘Father of the Lok Sabha Secretariat’.

A great visionary, Shri Kaul could perceive in 1965 the utility of concurrent broadcasting/telecasting of parliamentary proceedings for the benefit of the people. Regarding Parliament as basically a people’s institution, he said:

“.....There is no doubt that the public expects Parliament to keep it informed of its activities and Parliament must devise ways and means of making its proceedings better known to the people. Therefore, effective co-ordination between Parliament and the various media of publicity, that is, the press, radio and television, must be achieved.”*

* Address to the International Symposium held under the auspices of the International Centre for Parliamentary Documentation on “*Present Day problems of Parliament*” at Geneva in November, 1965.

As an Administrator

Shri Kaul, was a great discerner of officers' mettle and calibre. He looked for dedication, objectivity and a capacity to apply oneself enthusiastically and whole-heartedly to the task. A votary of excellence, he spared neither himself nor anyone else in laying down and observing the highest standards of conduct in the service of the people's forum and the people's elected representatives.

Shri Kaul firmly believed that the working and efficiency of the Legislature Secretariat depended on the staff. Emphasising the need for manning the Legislature Secretariat with competent, trained and efficient staff, he said:

"I regard this as of the highest importance because on this depends the working of the institutions and their progress and efficiency and consequent growth of democracy.....At present, the tendency in some places is to consider Parliamentary staff as being relatively unimportant or to place difficulties in their way. We have to see that this situation is remedied. The first and foremost requisite is that the Parliamentary staff should be independent of political influences and that they should not, in their day-to-day work, be deterred by personal, political or sectional influences. There should be a sound code of discipline and conduct. The singleness of purpose should be to serve the Members of all shades of opinions and thought with the same devotion.

The second requisite is that persons of calibre and sound education should be appointed to the Parliamentary posts. Selection should invariably be made by public examination, and course of training should be given. During the initial stages of a man's career a careful watch should be kept over him, so that, if he is not likely to prove a suitable Parliamentary officer, he is removed at an early stage. This will ensure that none but able men are on the rolls of Parliamentary staff."*

Behind Shri Kaul's stern exterior and awe-inspiring personality was a human being *par excellence*. He not only encouraged honest, hard working and dedicated officers and staff but all along strove to help them reach a state of

* Address at the Secretaries' Conference of Legislative Bodies in India, October, 1953.

perfection and excellence by organising intensive in-service training programmes and subjecting them to hard tests and examinations before they could be considered for higher posts.

The welfare and good of the staff was always foremost in his mind. Speaking at the Silver Jubilee Celebrations of the Lok Sabha Secretariat, he said:

“...so long I happen to be here, I am determined to see that wherever there is merit, it is clearly recognised and rewarded, as that is the only way by which a Department can fully prosper”.

His Association with Secretaries Conference

Shri Kaul's vision was not limited to the Parliament at the Centre. He conceived of Parliament and the various Legislatures in the country as constituting one 'Grand Parliament of India'. He zealously worked to build up a common fund-of experience on which all the Legislatures in the country could draw upon. Addressing the Secretaries' Conference at Gwalior on 23 October, 1953, Shri Kaul said:

“We as Secretaries of the various Legislatures have to fulfil a task which is both exacting and important.....If the institutions which we serve do not exactly fulfil their obligations or we do not see them functioning more perfectly, it should be our constant endeavour, in so far as it lies within our power; to suggest improvements.....All the Legislatures in this country could be said to constitute one Grand Parliament of the country....The mere fact that it is split up in the various States is only for administrative and organisational convenience. We have to see that each part of this Grand Parliament functions effectively. We have to see that there is uniformity of procedure, organisation and administration of these various parts”.

By his own example of fervent devotion, he instilled in his counterparts in the States a sense of belonging to the great parliamentary institution and by his constant guidance helped the State Legislatures to grow in the image of Parliament.

In order to build efficient and closely knit Secretariats of Legislatures and Parliament he devised a system whereby newly recruited Secretaries of State Legislature came for a time to study the procedure in the Parliament Secretariat visually and practically. He was encouraged in this by the Chief Ministers particularly Shri C. Rajagopalachari and Speakers. An air of efficiency and devoted service in the cause of all Parliamentary institutions was thus created and sustained.

He took a leading part in the annual Conference of Presiding Officers and was the inspiration behind the institution of Secretaries Conference.

His Association with other Parliaments

Widely travelled all over the world, Shri Kaul was a familiar figure not only in India but in Inter-Parliamentary circles also. He was a member of the Indian Parliamentary delegation to China in 1956, to the East European Countries in 1959, to the erstwhile U.S.S.R. and Mongolia in 1962, and to the United States of America in 1963. He accompanied Parliamentary Delegations to the Conferences of the Inter-Parliamentary Union Conferences held at Stockholm (1949), Dublin (1950), Tokyo (1960) and Brussels (1961) and the Commonwealth Parliamentary Delegations to London (1948), Canada (1952) and Nigeria (1962) and gave good advice on complicated matters. It was during his time in 1957 that a Conference of the Commonwealth Parliamentary Association, the first in a Commonwealth Asian country, was first held in India and the Conference was a great success.

Appreciating the contribution of Shri Kaul to the Inter-Parliamentary Bureau, the then Secretary-General Inter-Parliamentary Union, Mr. M. Andre De Blonay, in his message in the Silver Jubilee Commemoration Volume, Lok Sabha Secretariat wrote:

“.....The Inter-Parliamentary Bureau is particularly well placed to appreciate the splendid work accomplished under the devoted leadership of Shri M.N. Kaul, since during recent years that body has acted as a link between the Legislative Assemblies of India and Union. Through its intermediary, the Union has enjoyed the regular co-operation of leading Indian Parliamentarians in its work, which is inspired by faith in the progress of democratic institutions and the desire to promote, on a universal basis cause of peace and international co-operation.”

He was Secretary of the Indian Parliamentary Group (affiliated to the Inter-Parliamentary Union and the Commonwealth Parliamentary Association) and from 1950—56 was a member of the Executive Committee of the Association of Secretaries-General of Parliaments. On behalf of this body, he undertook an inquiry into, and submitted a very valuable report on the extent of independence of Legislature Secretariats from the Executive, in the various world Parliaments.

He utilised his visits to other countries to gain an insight into the procedures of various Parliaments. On his return, he embodied these procedures in memoranda and notes for consideration of the Speakers.

His Retirement

Shri Kaul retired on 1 September, 1964 after occupying the position of Secretary, Lok Sabha, for 17 years. Eloquent tributes were paid to him in Lok Sabha by the Speaker, the Prime Minister and all sections of the House on his retirement.

Announcing the retirement of Shri Kaul in the Lok Sabha, when it assembled for the Autumn Session, the then Speaker Sardar Hukam Singh *inter alia* observed:

“His tenure of office was marked by many transitions and changes, constitutional and procedural. In all these matters, he tendered sound advice to the Speaker and helped in moulding the Constitutional provisions relating to Parliament and the Rules of Procedure on modern lines. He helped and guided the Committees of this House, particularly during the initial stages.

.....After independence he was responsible for reorganizing and expanding the Secretariat of this House to give prompt and efficient service to the Members. He helped the Speakers and the Secretaries of the State Legislatures in their problems and his services were readily available to them at all times in Conferences and personal discussions.

His has been a distinguished record of devoted service and unflinching loyalty. His vast experience and deep knowledge were of immense help to

me since I took over as Speaker. His mature advice, always so readily available, was always sound and could be depended upon.”*

Endorsing wholeheartedly the tribute paid by the Speaker, the then Prime Minister, Shri Lal Bahadur Shastri said:

“Shri Kaul was a familiar and friendly figure for all of us; he was the first Secretary of Lok Sabha after our Independence. He helped in building up high traditions and healthy conventions in Parliamentary work....He was a devoted officer and made a valuable contribution throughout his service....Indeed, I and the Government feel thankful to him for the service he has rendered and we wish him well.”**

In appreciation of his long and distinguished record of service to the Parliament, he was made an Honorary Officer of the House for life. This was a unique honour shown to him.

After his retirement from the Secretaryship of the House, Shri Kaul was appointed Public Trustee, Ministry of Finance by the Government of India under section 153A of the Companies Act, on 1 September, 1964. This office he continued to hold till March, 1966. He discharged the pioneering functions of this first high office with distinction.

In 1965, he addressed a seminar on “Present day problems of Parliament” held under the auspices of the International Centre for Parliamentary Documentation at Geneva.

Shri Kaul became the first Director of the Institute of Constitutional and Parliamentary Studies in 1965 of which he was a co-founder. Though he continued to serve the Institute as a member of the Executive Council, he resigned from the office of Director on 30 March, 1966, on his nomination as member of Rajya Sabha. Later from 1972 to 1980, he held the office of Director General of the Institute.

* *L.S. Deb.* 7 September, 1964, cc. 107--108.

** *Ibid.*, c., 109.

As a Member of Parliament

On 4 April, 1966 Shri Kaul took his oath as member of Rajya Sabha. His nomination to Rajya Sabha, apart from being a tribute to his qualities of head and heart, was a well-deserved recognition of the great contribution he made to the building up of sound parliamentary traditions in India.

Renominated to Rajya Sabha in 1970, he retired from its membership in April, 1972. As a dedicated Parliamentarian, he always took keen interest in the business of the House. During his term in Rajya Sabha, he made many outstanding contributions in debates not only on constitutional and parliamentary matters but also on scientific, social and economic matters and proved to be one of the indefatigable members with a vast treasure of knowledge and experience.

He believed that the welfare of the poor people could be achieved through the extension of public ownership and said:

“I suggest that the true solution is not in breaking up big enterprises but we should curb the anti-social practices and restrictive trade practices. We should not carve out such small units which will be unproductive and will raise the cost of production.....Merely breaking up big enterprises will not be sufficient. We can achieve the welfare of the poor man if we produce what he needs and then the things can be properly distributed. If the Government builds up surpluses by high taxation and by profits of public enterprises, then those surpluses can be utilised in providing to the masses the things.....The true solution lies in the extension of public ownership and that can come about slowly. If it is proceeded with at a rapid rate, it will destroy the very ideals which we all applaud.”*

He was of the view that restrictions incorporated in the Fundamental Rights do not restrict the sovereignty of Parliament. For him, these restrictions were self-imposed which could be removed in the public interest. Emphasising this he said:

“.....These so-called restrictions on the Sovereignty of Parliament are self-imposed restrictions; because some restrictions have been incorporated

* R.S. Deb., Vol. LXIX, 23 July, 1969, cc. 651.

in the Fundamental Rights it does not mean that Parliament's Sovereignty has been restricted. In the exercise of its Sovereignty Parliament has imposed on itself these restrictions.....These self-imposed restrictions can be removed from time to time and that is the acid test of the Sovereignty of Parliament which has the right for all time to amend any part of the Constitution.....These restrictions are self-imposed and if public interest requires that these restrictions should be removed these restrictions can be changed from time to time.”*

As a Writer

Shri Kaul was not only a voracious reader but a powerful and authoritative writer too. From the very beginning, he had a passion for writing. During the years 1926—37, he was the Editor of the prestigious *Allahabad Law Journal*. During the years 1955—64, he was the founder Editor of *Journal of Parliamentary Information*. His long years of experience and close association with great personalities enabled him to portray with a unique historical perspective the developments in the parliamentary field. Although he wrote a number of books, articles and pamphlets, it is the monumental treatise on *Practice and Procedure of Parliament* (which was co-authored by Shri S.L. Shakhder) for which Shri Kaul's name is and will always be remembered with reverence and respect. The first edition of the book was published in 1968. The book, well-researched and authoritatively written on the Parliamentary Practice and Procedure, has come to occupy the same position in Indian Parliament which Erskine May's *Parliamentary Practice* holds in the House of Commons in the United Kingdom. Shri Kaul's interest in Parliamentary Procedures never waned. He wrote another book *Parliamentary Institutions and Procedures* which was published in 1979. Other publications to his credit are—(1) *Parliamentary Procedure since Independence*; (2) *Parliamentary Procedure and Practice*; (3) *Impressions of China*; (4) *Report on Tokyo I.P.G. 1960 and Impressions of the visit to Japan*; (5) *Impressions of the visit to U.A.R. and East European countries and Russia*; (6) *Growth of Position and Powers of the Speaker*; (7) *Conversations on Parliamentary Practice and Procedure (in 3 Volumes)*. These books are an eloquent testimony of his sweep of knowledge of procedures in various Parliaments, his passion for establishing sound parliamentary procedures, traditions and

* *R.S. Deb.*, Vol. LXXVII, 10 August, 1971, cc. 269.

conventions and his total commitment and ceaseless endeavour in the cause of representative institutions in the country.

Tributes and Homages

On the fateful day of 20 November, 1984, Shri M.N. Kaul left for his heavenly abode at the age of 83, leaving behind nothing but lofty ideals and ideas which his successors will always cherish. Paying glowing tributes to his devoted and selfless service to the Parliament, the then Rajya Sabha Chairman, Shri R. Venkataraman, had observed:

“In the passing away of Shri M.N. Kaul, the country has lost an expert on Constitutional and Parliamentary matters. His considered views were available to both the Houses of Parliament to the Lok Sabha as its Secretary from 1952 to 1964 and to this House as nominated member from 1966 to 1972.

Shri Kaul will always be remembered for establishing healthy Parliamentary practices and procedures in the initial and formative stages of our Parliament during his tenure as Secretary of the Lok Sabha. His book “*Practice and Procedure of Parliament*”, which he authored along with Shri Shakdher, is a *magnum opus* and a substantial contribution to the study and development of Indian Parliamentary procedure. It is a guide-book to all legislators and scholars on the practices and procedures of Parliament.”*

In a message the late Shri Rajiv Gandhi, the then Prime Minister of India, called him a noted authority on the Constitution and Parliamentary procedure.

On 21 November, 1984, members of Parliament and the officers and staff of the Lok Sabha Secretariat paid their respectful homage to late Shri M.N. Kaul outside the Parliament House where his body was kept for a while. Wreaths were laid on the body of Shri Kaul on behalf of Dr. Bal Ram Jakhar, the then Speaker, Lok Sabha and by Secretaries-General, Lok Sabha and Rajya Sabha. Almost all officers and staff of Lok Sabha Secretariat and many officers of Rajya Sabha Secretariat went past the body laying flowers.

* R.S. Deb., 17 January, 1985, cc. 69-70.

Earlier, a meeting of the officers and staff of the Lok Sabha Secretariat condoled the sad demise of Shri Kaul. A condolence Resolution was adopted at the meeting recalling the services rendered by Shri Kaul in the Parliamentary field. The Resolution said:

“In his demise the country has lost a distinguished parliamentarian, an erudite scholar, a renowned author and expert on parliamentary procedure. He laid brick by brick the foundations of an efficient and independent Lok Sabha Secretariat; the seeds sown by him have blossomed in later years and stand testimony to his wisdom and far sightedness. In a sense more than one Shri Kaul was the father of Lok Sabha Secretariat.”

While paying tributes to the late Shri Kaul, Shri S.L. Shakdher, former Secretary-General, Lok Sabha said:

“In our humble way we have paid heart-felt tribute to the great soul, whose passion was always to make Parliament very strong and its Secretariat an instrument of carrying out objectively the tasks entrusted to them in the service of Parliament. He has left behind true ideals for his successors to follow and I am sure his work and words will guide all those who follow him and us in the future.”*

* *Journal of Parliamentary Information*, December, 1984, pp. 664-65.

PART TWO

**CONTRIBUTION AS SECRETARY TOWARDS
EVOLUTION OF PARLIAMENTARY
PROCEDURE**

A

Select Notings from the Files

1. Drafting the Constitution

(i) *Functioning of Constituent Assembly*

There have been informal discussions on the question as to how long the office of the President of the Constituent Assembly shall continue. One view is that the functions of the Constituent Assembly on its constitution-making side will be finished as soon as the New Constitution has been passed into law and that thereafter there would be no need for the office of the President. Another view is that the distinction between the legislative side and the constitution-making side of the Constituent Assembly should be kept alive till the Constituent Assembly is replaced by the legislature under the New Constitution. In the provisions of the constitution, as they stand in the draft, it is the intention to enforce the constitution as soon as it is framed, except the portions relating to the legislature which will come into force after the electoral rules have been framed and the new legislature has been elected. In the meantime, the Constituent Assembly will function as the Central Legislature and will have the power to approve the electoral rules and amend the constitution from time to time as may be considered necessary in the light of any defects that may come to light. It is obvious that those who hold this view envisage only two functions for the Constituent Assembly on its constitution-making side, namely: (i) passing of the electoral rules; (ii) amendment of the constitution from time to time, in accordance with more elastic procedure as is applicable in the case of ordinary legislation. It is apparent that in order to discharge these two functions, the Constituent Assembly will have to meet for some time to pass the electoral rules and then off and on to change the constitution, if necessary. This does not obviously seem worthwhile, as the bifurcation of the functions of the Constituent Assembly was primarily intended to keep the constitution-making activities which started on the 9th December, 1946 in a separate compartment and that business having finished all the functions belonging to Parliament should be discharged by a single body. In this connection it would be necessary for the

Speaker at sometime before the drafting committee on the Bill have concluded its labours to ask for the clauses relating to legislature to be shown to him, as was done when the adaptation of the Government of India Act, 1935, was under consideration. The insertion of permanent provisions in the constitution relating to the legislature is obviously of more importance and it seems to me proper that the views of the Speaker should be made available to the drafting committee. If the Speaker approves of this, I may mention the matter to the Minister of Law, Dr. Ambedkar, who presides over the drafting committee and ask him to furnish to the Speaker, confidentially, a copy of the draft Bill which is under discussion. The Speaker may also be apprised of any changes which the drafting committee may propose to make in the Bill that has been placed before them for discussion.

H.S.*

(M.N. Kaul)
22 January, 1948.

* * * *

(ii) *Record of a Conversation with Dr. B.R. Ambedkar on 27 January, 1948.*

In the course of a conversation with Dr. Ambedkar, I discussed with him the implications of the recent amendments in the Rules of the Constituent Assembly on the constitution-making side.

I invited his attention to the following rule of procedure for making changes in the Independence Act and in the Government of India Act. He was of opinion that there was a clear distinction between the legislative powers and constituent powers. In federal constitutions ordinary legislation is clearly distinguished from legislation to amend the constitution itself. The distinction has been retained in the constitution which is now in force, that is to say, ordinary laws will be made by the Constituent Assembly under the Chairmanship of the Speaker and any changes in the existing constitution, so long as it is in force, will be by the Constituent Assembly under the Chairmanship of the President. I drew his attention to the fact that a large body of rules, regulations and orders

* Hon'ble Speaker.

had been made under the Indian Independence Act and it may well happen that when ordinary legislation is being drafted, it may be necessary to amend some order, rule or regulation issued under the Independence Act. It was clearly not contemplated that ordinary legislation which necessarily involved amendment of certain rules and orders under the Indian Independence Act should be proceeded with in the Constituent Assembly. He felt that a difficulty of that kind may arise and some means will have to be devised to solve it, for instance, it could be said that where ordinary legislation introduced in the legislature involved incidental amendment of any order, rule or regulation, that legislation would still be within the purview of the legislature as such.

I understood from him that the Drafting Committee, over which he is presiding, will finish its work by the 15th of February and the constitution will be made available to the members and published in the Press. Members will be invited to send in their amendments within a period of, say, 15 days. These amendments will be considered by the Drafting Committee, and if so advised, the Drafting Committee will recommend certain amendments for adoption by the House. Amendments with regard to which the Committee do not make any recommendation could possibly be withdrawn. This procedure will lead to expedition and it is expected that the constitution will be passed at an early date.

I also understood from him that it has been decided by the Committee that it is not necessary to provide for electoral laws and the carving out of constituencies in the constitution itself and that it is proposed to introduce legislation in the present legislature dealing with these two matters. As soon as this legislation is passed the work connected with the preparation of the electoral rolls can go on and it is expected that elections may be held some time in 1949.

In the meantime, the constitution, excepting the portion relating to the legislature, may be introduced by a date specified in the constitution. It is, therefore, obvious that there will be an interim period which will last till the election of the new legislature in which the Constituent Assembly will continue to function. The question obviously arises whether after the Act has been passed it would still be necessary that Constituent Assembly, which is a single body, should function separately under two different presiding officers for the purpose of ordinary legislation and making any changes in the constitution. He mentioned that some detailed matters may be incorporated in the report to the President,

but he was not quite clear as to what will be the nature of the report, as the matter had at this stage not been fully discussed in all its implications.

(M.N. Kaul)
28th January, 1948.

* * * *

2. Parliamentary Procedure

(i) *Parliament Session*

Article 85 of the Constitution provides that the Houses of Parliament shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

This article embodies what may be termed a major privilege of Parliament. In ancient times in England when Parliamentary power had not been fully established, Parliament was not summoned for long periods except when it became necessary to get parliamentary sanction for the levy of taxes. In England Parliament meets for nine months in the year. As a rule, Parliament in U.K. opens with the King's speech and continues for a year after which it is prorogued. There is therefore no rule in the English practice that Parliament shall be summoned to meet twice at least in a year. In fact, such a procedure would be considered inconvenient.

During British rule when the Government of India was not responsible to the legislature, it was the normal practice to prorogue the Assembly as soon as the business that was placed before it for a few months had been completed. The intention of the framers of our Constitution was obviously to make it obligatory on the Government to have Parliament sitting at least twice every year and such sittings should not be separated by long intervals.

The words used in the article are that the Houses of Parliament shall be *summoned* to meet twice at least in every year. The question for consideration is what is the significance of the word "summoned". To consider the matter concretely. The last session of Parliament commenced on the 15 November, 1950

and adjourned on the 22nd December 1950 and re-assembled on the 5th February, 1951. The question for consideration is whether the period from the 5th February, 1951 to the date of prorogation during the current year will be considered as sufficient compliance with article 85 in the sense that Parliament had met once from the 5th February, 1951 to the date of prorogation. Technically, it may be argued that, since the word "summoned" occurs in the article, Parliament must be actually summoned afresh during 1951 and also prorogued during the year in order to satisfy the condition of its having met once in the year. This would be an over-technical view in regard to a matter which is fundamentally one of privilege of Parliament. It is true that Parliament was summoned in November 1950, but it is clear that there have been in effect two sittings—one from the 15th November to the 22nd December, 1950 and another which began on the 5th February, 1951 and will sit until the date fixed for prorogation.

As this is a matter relating to the privilege of Parliament, it is desirable that the position is explained by the Speaker in the House and a true and liberal construction placed on article 85. Parliament cannot keep out of the count its work from the 5th February to the date of its prorogation in May in the interpretation of the requirements of article 85. It may be mentioned that, in fact, Parliament has during the current budget sitting, met for a longer period than any time since the inception of representative Government in India in the year 1921.

Any other construction would lead to the result that it would be an illegality for Parliament to have one continuous session covering the greater part of the year, which would clearly not be the intention of the article.

This is a matter of parliamentary privilege and Hon'ble Members should understand how the position stands. It is desirable that H.S. should make a statement in the House at an early date explaining the whole position and taking the approval of the House to the view stated above.

H.S.

(M.N. Kaul)
24 April, 1951

* * * *

(ii) *Constitution Amendment Bill*

Now that the Constitution Amendment Bill will be introduced tomorrow, certain procedural matters arising out of the provision of Article 368 of the Constitution require consideration. For the time being, till the new Parliament comes into existence Article 368 has been adopted as follows:-

“An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in Parliament, and when the Bill is passed by a majority of the total membership of Parliament and by a majority of not less than two-thirds of the members of Parliament present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill.

The proviso is not material for the discussion of matters that arise in the case of the present Bill.

It is clear that the Constitution shall stand amended in accordance with the terms of the Bill on the following conditions being satisfied:-

- (i) That the Bill is passed by a majority of the total membership of Parliament, and
- (ii) by a majority of not less than two-thirds of the members of Parliament present and voting.

Before the Bill is presented to the President for his assent it must be certified by the Speaker as having been passed by Parliament, and for the purpose of this certificate both the above conditions must be fulfilled.

Two questions of construction of Article 368 arise for consideration.

- (i) What is the meaning to be attached to the words “total membership of Parliament”.

Parliament at present consists of 325 members. Assuming that 10 seats are vacant on the day that the voting takes place, the question for consideration is whether the total membership of Parliament within the meaning of Article 368 would be 325 or 315.

It is obvious that the plain words of the Constitution must be construed as such, read in conjunction with other relevant articles of the Constitution.

In Article 81 it is stated that the House of the People shall consist of not more than 500 members.....This provision has not yet come into force, as the present Parliament has been constituted on the same basis, subject to necessary modifications, as the old Constituent Assembly of India. The question for construction is whether the total membership of the House means the number, of which the House is composed or the actual membership for the time being, that is on the date of voting.

There is one important aspect of the matter which has to be borne in mind. If the words are clear and there is no room for ambiguity in construction, then effect must be given to the words in the light of the "internal dictionary" of the meaning of the words disclosed by the various articles of the Constitution, as the articles have to be read as a whole so as to make construction uniform in all parts as far as practicable. Where, however, it is arguable and more than one construction of words can be legitimately placed, it is permissible to take aspects of the matter also into account, which may throw light and illustrate the construction of the article in question. Now the general consideration that I have in mind is this. I will illustrate the position by reference to the procedure in the House of Commons.

The King on the advice of the Cabinet settles the question of dissolution. On dissolution the writs are issued by the executive authority under the Crown. Once the House of Commons has been constituted as a result of the General Election casual vacancies, that arise from time to time, are filled by writs issued under the authority of the Speaker. That is obviously to ensure that the Executive Government of the day do not for political motives delay the filling up of seats in Parliament.

In the Indian Constitution the power to issue writs in respect of casual vacancies is not vested in the Speaker but is vested in authorities constituted under the Constitution, and not independent in the same sense in which the Speaker is. If, therefore, as a matter of fact, and in the background of actual practices and conventions that prevail at present, the power to issue writs for filling casual vacancies is vested in an authority other than the Speaker, the possibility of political motives may come into play and in some contingency in the future, where for one reason or another there may, at a particular time, be a number of

vacancies, the authorities under the Constitution may be persuaded to delay the issue of writs or the actual holding of elections in the days thereafter. This aspect of the matter becomes vital, where, for instance, the voting on the Amendment of the Constitution, is expected to be carried or lost by a narrow majority. When political excitements are high, as are bound to happen in years to come, the actual canvassing will be brisk and calculations will be worked out neatly; and in that event political pressure may be used to delay filling of casual vacancies.

In this view of the matter and assuming that the words are not clear beyond doubt, it is possible to take the view that the total membership of the House means the number of members of which the House consists.

(ii) Another question that arises for consideration is whether a point can be taken in the Courts in regard to the construction by the Speaker of the words "majority of the total membership of Parliament". In this connection, attention is invited to Article 122(1) which states that the validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure. It is true that under Article 122 the jurisdiction of the Courts is *prima facie* barred, but the final construction of this very article has to be given by the Courts themselves. That is to say that the Supreme Court will, in the ultimate analysis, determine whether an alleged irregularity of procedure comes within the ambit of Article 122. It may be argued before the Supreme Court that compliance with the provisions of Article 368 is a matter of fundamental consequence, which it is mandatory for the Legislature to fulfil as interpreted by the Courts. In other words, the irregularities of procedure contemplated in Article 122 are irregularities that may arise out of the Rules of Procedure framed by Parliament under Article 118 and may also include incidental matters of procedure dealt with in the Constitution itself, but not a matter of procedure explicitly provided in the Constitution which relates to such a fundamental matter as the amendment of the Constitution itself. In such a case, it may be arguable that strict compliance with Article 368 as interpreted by the Courts is enjoined and, if not followed, would render the particular amendment or amendments *ultra vires*.

In regard to one of the matters referred to above, I may give reference to the voting strength of the Government in England today. I know that the British Constitution is quite different from ours so far as matters relating to interpretation of the Constitution and fundamental rights are concerned. My point in referring to this matter is that the Government of the day in England today

hangs on a very narrow majority. Suppose a similar situation arises in India at a future date and it may happen as a matter of fact that five or more seats may be vacant, writs are not issued and the elections are delayed, because the Government feel that they may not win those seats and in the meantime they may carry through an important amendment of the Constitution by a bare majority of the total membership of the House plus, of course, the necessary two-thirds of members present and voting.

The other point of construction of article 368 relates to the construction of the word "passed" in the following words in the article, namely that "the Bill is passed by a majority etc....". If we construed these words in the light of our Rules of Procedure it is apparent that the word "passed" refers to what we call the third reading stage, when a motion is made that the Bill (or as amended) be passed.

There is, however, one important aspect of the matter, of which one cannot lose sight. Amendments of the Constitution arouse great controversies which vibrate through the length and breadth of the country. They are issues of a fundamental character.

If the Government bring forward a Bill amending only one Article of the Constitution, no difficulty arises but if the Constitution Amendment Bill seeks to amend, say 5 or 6 provisions of the Constitution, complications are bound to arise when the motion that the Bill be passed is to be voted upon. There may be members in the House, who may be perfectly prepared to accept four out of six amendments, but may be hotly opposed to the passage of two. Such members have no option but to vote against the whole Bill and throw it out, because that is the only way in which they can give vent to their desire to reject the two amendments to which only they are opposed.

Such a contingency can only be avoided by the Government after sensing the opinion of the House, withdrawing the Bill and bringing in a number of separate Bills on which voting can take place separately.

The position is this. The clauses can be passed by a simple majority as in the case of other Bills but the special provisions of Article 368 come into play not for the intermediate stages but only for the final stage, when the motion that the Bill be passed is voted upon. The construction of Article 368 can, in the light of what I have said above, be agitated before the Supreme Court. That possibility

can never be ruled out under a written constitution. I am, however, on a careful consideration of the matter, satisfied that the word "passed" in Article 368 is a term of art in relation to the Rules of Procedure and must be construed in relation to these Rules. It must have been the intention of the Constituent Assembly of India when they used the word "passed" that it had reference to the Rules of Procedure of Parliament as always understood in India and in the House of Commons from which the Indian procedure has been mainly borrowed.

If, however, the matter can be taken to the Court, they are perfectly entitled to describe the word "passed" as a term of art in relation to the Rules of Procedure, or they may give it an ordinary dictionary meaning in the sense that every motion that is passed in respect of the Bill from the time of its introduction down to its actual passage must be voted upon in strict compliance with the provisions of Article 368. I for one am not prepared to dogmatize as to the line that the Courts may take, particularly since I have read the decisions of some of the Courts which have held that Article 19(1)(a) of the Constitution is so comprehensive as not to render a person culpable even if he advocates murder and other crime of violence.

One fundamental difficulty that arises in the construction of the word "passed" is this. I will explain what I have in mind by using the analogy of what is known as the doctrine of "taking" in the case of Money Bills in the Parliament of U.K. If the word "passed" is construed to apply to the final motion that is made in the House, the Government of the day who command a majority in the House can resort to what I have called the doctrine of "taking", and, they may by this tactics defeat the object of Article 368 in this way. On the second reading stage when the clauses are taken up, they may have all the clauses passed by simple majorities. They may have voting power in accordance with the provisions of Article 368 in respect of say, four clauses of the Bill, but not the remaining two. The position of those opposed to the remaining two clauses becomes very difficult. They are in effect driven, if they so choose, to throw out the whole Bill at the last stage of passing, because they are opposed to two clauses in the Bill. This political dilemma may not always be easy to resolve and those who are opposed to the remaining two clauses may tone down their opposition, because they would not like the remaining four to be thrown out. It, therefore, seems to me that by the process of "taking" the Government may so contrive matters as to defeat the real purpose of Article 368 in respect of certain provisions in the Constitution Amendment Bill.

Of course, one way of getting rid of these difficulties is that the Rules of Procedure should provide that amendment of each article of the Constitution will be dealt with by a separate Bill. If that is adopted, the particular difficulty to which I have referred to above will disappear. I consider that such a rule of procedure is necessary in order to give effect to the intentions of the Constitution-makers as embodied in Article 368.

Subject to the important consideration I have pointed out above, I feel that the word "passed" used in the Constitution has reference to the final motion that is placed before the House. Any other construction would, apart from anything else, make the whole procedure so rigid and complicated as to amount almost to blocking the process of legislation in respect of this matter. I cannot conceive that the Constituent Assembly could have any such idea in its mind.

H.S.

(M.N. Kaul)
11 May, 1951

* * *

(iii) *Classification of Money Bills*

The Estate Duty Bill was introduced in the House of the people on 11.8.52. It was referred to the Select Committee of the House on 10.11.1952. The Bill as reported by the Select Committee was taken up for further consideration on the 13th May 1953. The House has now completed the consideration of the clauses of the Bill and after the Third Reading is over the Bill as passed will have to be transmitted to the Council of States.

Clause 34 of the Bill as originally introduced and reported by the Select Committee provided that the rates of estate duty would be laid down in a separate Act of Parliament. While the Bill was under consideration, the Estate Duty Rates Bill laying down the rates of estate duty was introduced on 24.8.53. Later, Government changed its mind and thought that both the Bills might be amalgamated. It brought an amendment to clause 34 incorporating the provisions of the Estate Duty Rates Bill into the Estate Duty Bill itself. The Ministry of Law in their note forwarding the proof copy of the Estate Duty Rates Bill stated that it was a Money Bill. The question now arises whether the Estate Duty Bill as it now stands, i.e. the Estate Duty Bill as reported by the Select

Committee together with the Estate Duty Rates Bill and as further amended by the House is a Money Bill.

Article 110(1) of the Constitution which defines a Money Bill provides as follows:-

“A Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely—

- (a) the imposition, abolition, remission, alteration or regulation of any tax;**
- (b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India.**
- (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;**
- (d) appropriation of moneys out of the Consolidated Fund of India;**
- (e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;**
- (f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or**
- (g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).**

This article of the Constitution is based on the Parliament Act, 1911 with the exception that clause (g) of the Article 110(1) of our Constitution omits the words ‘subordinate matters’ which are otherwise found in the British Act. The obvious conclusion is that whereas in our Constitution any matter connected with or related to any of the matters specified in clause (a) to (f) of the Article can also come within the definition of the Money Bill. In the British law the incidental matters must only pertain to the main sections of the Bill. The definition of a Money Bill in our Constitution is therefore, a little broader than in the U.K.

Since the definition of a Money Bill in our Constitution has been based on the definition in the United Kingdom, it is necessary to look for any guidance to the precedents in the United Kingdom. From a study of the available literature which is very meagre it is found that the Speaker has never given any reasons for declaring a Bill a Money Bill. Indeed it is not necessary for him to do so just as it is not incumbent on the Speaker here also to give reasons. No attempt has also been made by others to deduce any principles on which the Speaker of the House of Commons has based his decision in declaring a Bill as a Money Bill. It is therefore difficult to rely on any indirect conclusions which may be drawn from Bills declared as Money Bills. Nevertheless if one goes through the list of Bills which have been declared as Money Bills since 1911, one comes across some instances in which the Bill has been certified as Money Bill, though it contained provisions which it might be argued by those who take a narrow view of the definition of the Money Bill that they did not come strictly within the ambit of the definition. In the U.K. they have solved this difficulty of doubtful cases by a convention that Money Bills of purely such provisions as fall within the definition of Parliament Act of 1911 should be introduced separately and by bringing separate Bill which are of a mixed character. Thus during the recent years the Speaker of the House of Commons had had little difficulty in certifying Bills as Money Bills.

Since no clear guidance is available from the procedure in the U.K., we have to rely on our own judgement and on the interpretation of the words used, in our Constitution. Before analysing the provisions of the Estate Duty Bill, it is necessary to determine the amplitudes of the words and phrases used in Article 110. One thing is clear that a Bill to be a Money Bill must contain all clauses which fall under one or the other provisions of Article 110. If there is any clause which is held extraneous to the Bill within the definition of a Money Bill, the Bill ceases to be a Money Bill.

Now let us analyse the implications of the leading terms in the article. The leading terms are 'imposition' 'dealing with imposition', 'regulation' and 'incidental'. They are, if they be so called, terms of art and have to be construed not only in their ordinary sense, but with reference to the special meanings attached to them in the context in which they are used.

We have for our guidance the case of Munro which was raised in Australia in 1926. The Federal Court of the Commonwealth of Australia in their judgement on this case dealt with at some length on the implications of the words used in

the Australian Constitution with regard to a Money Bill. The Constitution of Australia lays down as follows:—

“Section 53.....Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.....

“Section 55.....Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.” “Laws imposing taxation.....shall deal with one subject of taxation only.”

It is obvious that the provisions regarding Money Bill in the Constitution of Australia are quite different from those in India or the Parliament Act of 1911, in that they are more restricted and the courts have powers to declare the provisions in such Acts which in their opinion do not fall within the definition of the article to have any effect. Nevertheless it is of some guidance to read the judgement in the Munro case in so far as the exact content of the terms which are used in this connection. A copy of the relevant extract from the judgement is placed below. It will be seen that a distinction has been made between the term ‘imposition’ and “dealing with imposition”. Whereas “imposition” may mean rate, field and area of tax, the term “dealing with imposition” is comprehensive meaning to include matters directly connected with collection of tax such as machinery and procedure of collection, provisions for representation, appeals etc. The term ‘regulation’ is still wider in its import. It envisages a complete scheme to give effect to the imposition, alteration, remission or abolition of a tax. To regulate means, in the ordinary dictionary meaning, to prescribe and in relation to a tax it means therefore to prescribe all matters connected with that tax. It may be stated here that whole conception of a Money Bill has its origin in the Bill of Rights which declares “all levying of money for or to the use of the Crown by pretense of prerogative without the grant of Parliament for a longer time or any other manner than the same is and shall be granted is it legal.” It means that the authority is vested in Parliament to “grant” i.e. to impose tax, to prescribe ‘period’ for which the tax should be enforced and the ‘manner’, i.e. the machinery such as assessment, appeal etc. The Act of collection of tax is vested in the executive after the grant has been made by Parliament, i.e. after it has laid down a complete scheme for the imposition and collection of taxes.

In addition to these comprehensive terms we have got further a provision that other matters which may be 'incidental' to the imposition and regulation of tax may also be deemed to come within the definition of a Money Bill. Thus the article taken as a whole is comprehensive enough to include not merely the rates, area, field of tax, but also complete machinery for assessment appeals, revisions etc. It is in this light that the British annual Finance Acts which not only contain the rates of taxation, but also contain complete scheme for their collection have been deemed as Money Bills. Similarly our Finance Bills which in addition to rates contain provisions regarding machinery for collection etc. have been certified as Money Bills.

We may now proceed to analyse the Estate Duty Bill and see whether it is covered by Article 110(1) of the Constitution as explained in the foregoing paragraphs. The Estate Duty Bill is a Bill for levy and collection of estate duty. It is divided into nine parts, and two schedules. Part I is preliminary and definition part II is imposition of Estate Duty. It lays down the extent of charge on property, property to be taxed, persons who are liable etc. Part III deals with the exceptions from the charge of duty and part IV with the aggregation of property and rates of duty. Part V deals with the value chargeable i.e. how valuation of property would be made and who is the authority to value and how cost of valuation etc. will be regulated. Part VI deals with deductions that are permissible and Part VII with the collection of duty i.e. machinery for assessment, penalty for defaults, appeals against assessment etc. Part VIII deals with the charge of estate duty on property and facilities for raising it and Part IX with miscellaneous provisions which are incidental to the estate duty as a whole. The first schedule contains areas in which the duty is leviable on agriculture land and the second schedule contains the rates of the Estate Duty. It will thus be seen that each one of these parts falls in one or the other components of the definition provided in the Constitution.

It may be stated in this connection that the Indian Income-tax Amendment Bill has already been certified as a Money Bill during the last session. The opinion of the Ministry of law in connection with that Bill is placed below. It will be seen therefrom that a wider meaning has been given to the words 'imposition' or 'regulation' of Income-tax and provisions relating to the appointment of authorities and defining their powers etc. were regarded as incidental matters. Since the Indian Income-tax Amendment Bill was certified as Money Bill after careful consideration, it follows that the principles on which such a decision was based should be applied in determining the character of similar bills in future.

Apart from the terms of the Constitution supported by legal interpretations and precedents, it is to be remembered that the scheme of the Constitution is that in any financial matters, the voice of the House of the People should be supreme. It is for this very reason that the Constitution has provided that the Speaker of the House of the People shall determine whether a Bill is a Money Bill and his decision is final. He is not bound to give reasons nor is he to follow precedents strictly. The matter is not justifiable either. 'The Speaker, as Jennings put it, has to take a decision on political grounds and keeping in view of the principle that the House of the People consists of direct representatives of the People and Government is responsible to the House. Government, for that reason a progressive Government, should have a reasonable degree of freedom to go ahead with its plans and schemes and should not be thwarted in its idea by delays in getting through their financial measures which the existence of the second chamber necessarily involves. The Speaker's decision is not judicial, but he is to take into account all the factors involved in the matter and to see that consistent with the spirit of the Constitution he gives a decision which is generally acceptable and reasonable. It is also to be noted that in India the Speaker has to give his decision himself, whereas in the House of Commons he is practically to consult if it is practicable to do two members of the House of Commons before giving his certificate.

There appears to be some misapprehension that if Speaker certifies the Bill as a Money Bill, the jurisdiction of the Council to consider and amend such a Bill is denied. This is not so. The internal Rules of Procedure of the Council provide in effect that when a Money Bill shall be treated in that House in the same way as any other Bill, i.e. it will go through the consideration stage, amendments and Third Reading and whatever amendments the Council has to make, they will have to be considered by the House of the People. The only limiting factor in the case of such bills is that the Council will have to complete all these stages within a period of fourteen days from the date of receipt of the Bill and also the amendments made by them are sent to the House as recommendations which may or may not be accepted by them. The Council has thus sufficient time to do what it likes with such Bills and any apprehension that the amendments suggested by them are only recommendation to the House of the People which is at full liberty to accept or not to accept them is misconceived for the government being in majority in both the Houses will surely see to it that the amendment which they have accepted in the Council of States are agreed to in the House of the People. The Council of States need therefore not be sensitive to a Money Bill.

It may be stated also that in accordance with our existing practice, we have asked the Ministry of Law to let us know their opinion whether the Bill is a Money Bill for consideration of H.S., but so far no reply has been received.

H.S. may see.

(M.N. Kaul)
13 September, 1953

(iv) Reference of Bills to Committees of the House

Before any decision is taken to model the committee procedure in the Central Legislature on the lines of that prevalent in the House of Commons, it is essential to have a clear grasp of the principles on which the system in the House of Commons is based. The fundamental concept on which the Standing Committee system in the House of Commons is based is that the Standing Committee is a microcosm of the House. The rules have been framed with that and in view.

A number of Standing Committees are formed at the commencement of the session. Each Standing Committee has a permanent nucleus. The personnel is, therefore, composed partly of members nominated for the duration of the session and partly of specialist members added for particular bills, but in both cases the representation strictly follows the party proportions in the House.

There is a Committee of Selection which is chosen from amongst the most experienced members of the House and it is this Committee which nominates members of Standing Committees. As a rule, each of the Standing Committees consists of not less than 30 and not more than 50 members.

The Chairman's panel which consists of not less than ten members is nominated by the Speaker at the commencement of every session. From this panel to whom the Chairman of Ways and Means and the Deputy Chairman are added as ex-officio members, the Speaker appoints the Chairman of each Standing Committee and may change the Chairman so appointed from time to time.

The procedure in Standing Committees has by convention become assimilated as far as possible to that of a committee of the whole House on a Bill.

Bills are distributed amongst Standing Committees by the Speaker. He may also transfer Bills from one Standing Committee to another. In all the Standing Committees but one, which is designated each session by the Committee of

Selection, Government Bills have precedence over those of private members. Amendments to a Bill in Standing Committee may be given notice of in advance at the Table of the House or in Committee and are printed in a separate amendment paper and circulated. Any member, whether of the committee or not, may give notice of an amendment, but, of course, only a member of the Committee may move it.

A clause creating a charge upon the people, or public revenue, known as 'money clause' cannot be considered by a Standing Committee until a resolution of a Committee of the whole House sanctioning the charge (known as a 'money resolution') has been agreed to by the House. Clauses or provisions in Bills creating such charges are printed in italics.

It is apparent from the above broad analysis of the Standing Committee procedure in the House of Commons that they truly represent the character and powers of the House. The Chairman is a non-official member of the House; the personnel of the Committee is large and a permanent nucleus is nominated at the commencement of the session. The members to the Committees are nominated by a carefully chosen Committee of Selection. It is the duty of the Committee of Selection to maintain in each Standing Committee roughly the same balance of party strength as exists in the House. They have to provide for the due representation of different parts of the country, of rural and industrial areas, etc., and have also without unduly disturbing this balance to find place for specially qualified members. All Standing Committees of course meet within the precincts of the Houses of Parliament.

There are obvious advantages in this system over that of *ad hoc* Select Committees appointed for particular Bills, as is the current practice in the Central Legislature. Where *ad hoc* committees are appointed there is a natural temptation to pack the committees, as far as possible, with members who are generally in favour of the Bill and subject to the strength of the opposition parties the Minister and the Government Whip play a considerable part in it. This may not always ensure a fair and independent representation of members in the Committee. A small committee, if appointed, cannot obviously be as effective as a large one because one has always to take into account the absentee members. In a large committee even if a number of members are absent it would always be necessary to carry the support of the bulk of the members.

In India, as a rule, a Minister presides over the Standing Committees. This is not so in the House of Commons because the Standing Committee being a replica

of the House, it must be presided over by someone who corresponds to the Speaker of the House. The nomination is also made to a large extent at the commencement of the session irrespective of any particular Bill. This ensures the retention of an element in the House, regardless of the fact as to their views on particular measures. The appointment of a permanent nucleus in advance has also this advantage that the composition is considered carefully and without any bias. The formation of *ad hoc* Select Committees in India suffers from a special disadvantage. Names are considered at the moment and experience has shown that constant changes are being made right up to the time when the Whip hands in the name at the table. Cases have occurred where changes have been suggested after the motion has been proposed from the Chair. This haphazard procedure which depends upon considerations at the moment is obviously not conducive to the formation of a good committee.

On the whole, it seems preferable to adopt the salient points of the House of Common procedure, namely:

- (i) In each session not more than a certain number, say, five, Standing Committees, may be appointed for the consideration of Bills;
- (ii) A Committee of Selection, consisting of say, 11 members, may be constituted at the commencement of every session: three to be the quorum of the Committee;
- (iii) It will be the function of the Committee of Selection to nominate the permanent nucleus of each Standing Committee at the commencement of the session. It will also be the duty of the Committee of Selection to nominate specialist members for particular Bills whenever they are referred to a Select Committee;
- (iv) The strength of the Standing Committees should be large, say, not less than 25, the Speaker to nominate a Chairman's Panel of not less than 10 members of whom the Deputy Chairman may be an *ex-officio* member. The Chairman of a Standing Committee will be appointed by the Speaker from this body. It will also be for the panel of Chairmen to settle points of procedure effecting the powers of Chairmen which are not covered by Standing Orders and report its resolution to the House from time to time.

- (v) The procedure in Standing Committees should, as far as possible, be the same as the procedure in regard to Bills when they are considered in the House. It will also be necessary to frame rules regarding quorum, powers of the Chairman, divisions, amendments, right of members who are not members of the Committee to be present during deliberations of the Standing Committee, times when the Standing Committee can meet and other incidental matters:

The Standing Committee procedure is now freely adopted in the House of Commons. At the present time in India the report of the Select Committee gives little or no guidance to the Speaker as to the discussions in the Committee. It is not known what amendments were tabled and discussed and what amendments were rejected or withdrawn. The voting of the Committee is also not available and is not known what amendments were fully considered in the committee and not adopted and what was the strength of feeling behind those amendments. Incidentally it may be mentioned that in the House of Commons particular note is made as to the time occupied by each amendment as this gives some indication of the attention that the committee devoted to particular amendments and the discussion raised on them. As the proceedings of the Committee are properly regulated as in the House, it is possible to take down a coherent record of the proceedings so that the House when the Bill comes up before it at a later stage has before it a full discussion and views of the members of the Committee on the various amendments. In India at the present time there is no such formal system with the result that House gets little guidance and various matters are raised all over again.

In the House of Commons the Speaker has the power to select amendments and in doing so he is guided by what happened in the Committee. It is the normal practice that the Chairman of a Committee before coming to the Committee studies all the amendments which are marshalled in advance and circulated to members and he is advised by an official the House of Commons and the draftsman, and, if necessary, he consults a representative of the Government on the merits of the case so far as they concern the admissibility of the amendments. He has also the power of selecting amendments. This formal procedure an regulation to amendments results in the selection of substantial amendments which form the subject of discussion in committee.

(M.N. Kaul)

20 December, 1948.

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3. Rules of Procedure and Conduct of Business

(i) *Procedure to be Adopted in Effecting the Amendments to the Rules of Procedure**

We have at present a Committee on Rules to advise on the amendments and additions that may be necessary to the Rules of Procedure and Conduct of Business. This Committee has been functioning on an informal basis after H.S. made an announcement in the House. Now that the Committee has proved to be a useful instrument for the purpose, it is necessary to give it a statutory basis. There is also no provision in our Rules of Procedure and Conduct of Business for the procedure to be adopted in effecting the amendments to the Rules of Procedure. The position as it obtains at present may be crystalised and given a formal recognition.

(M.N. Kaul)
1951

(ii) *Personal, Pecuniary or Direct Interest of a Member*[†]

I have given further thought to the whole matter and in case the Committee think that a rule in the matter should be provided in our Rules of Procedure, I place below a draft of such rule for consideration. Personally I think that if a rule as per draft placed below is made, it will be a salutary provision inasmuch as the whole position is quite clear from the point of view of the member and there is ample provision safeguarding the interest of any member against whom any objection might be taken. In the draft rule, it is provided that the final authority to take a decision in the matter will be the Speaker who shall be guided in his decision by such documentary evidence as may be placed before him. In the acceptance of this principle, nobody need have any fears that his case may not be decided on merit. The aspect which influenced me in recommending the

* The above suggestion received the approval of H.S. and later the rules were incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha.

† The above noting was made by Shri Kaul when a memorandum on the definition of personal, pecuniary or direct interest of a member duly approved by the Hon'ble Speaker was being circulated to the members of the Rules Committee. Later, the rule was incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha.

adoption of the rule is that various Bills may come before the House in which members may have intimate interest of one kind or another. For example, if a Bill on the Air-Transport is promoted, members intimately or personally connected with Air-Transport Companies should not be in Committees considering such matters. Similarly other measures may come before the House and it is necessary that only such members who are not personally interested, but will discharge their functions as a member of Parliament in a detached manner should be allowed to consider the matter.

(M.N. Kaul)
1951

(iii) *Cut Motions relating to the Speaker's Department**

Questions relating to the Speaker's or President's Department are not discussed on the floor of the House on a cut motion. These cut motions need not be circulated and the Hon'ble Member informed of the Parliamentary convention.

The second cut motion relating to General Discussion is also exclusively within the province of the President or Speaker. Such matters are discussed with the Speaker through the Government Whip if more time is desired. A cut motion is not in order. Need not be circulated.

(M.N. Kaul)
1947

* On 29 January, 1947, Shri B. Pocker Sahib Bahadur and Prof. Shibban Lal Saksena gave notices of the cut motions in respect of 'Constituent Assembly of India (Legislative)' to (i) discuss the necessity of amalgamating the staff for the purpose of the Constitution making and the staff for Legislative function; and (ii) to discuss the inadequacy of the time allotted to a discussion of the Railway Budget and the General Budget. On this, the Secretary, Shri M.N. Kaul recorded the above note with which the Speaker, Shri G.V. Mavalankar, concurred. Ever since it has been the practice not to discuss matters falling under Speaker's Department on the floor of the House.

(iv) Introduction of Vote on Account System *

One circumstance which vitally differentiates the House of Commons financial procedure from ours is the fact that it is not obligatory in the House of Commons procedure that grants should be voted before the 31st of March. That fundamental difference gives more time to the House of Commons to consider the estimates and the financial proposals of the Government than is available in India. In the House of Commons, sums are provisionally voted before 31st March for the expenses of the Government for four or five months. That being done, the House proceeds leisurely in its examination of the estimates and financial proposals. The last date by which the estimates of the Government must be disposed of in the House of Commons is the 5th August so that the House gets whole period from February till the beginning of August to discuss Government estimates and financial proposals in sessions that are convened during that period.

(M.N. Kaul)

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(v) Procedure to be followed in case of Vote on Account**

This year it has been decided to introduce the procedure of 'Vote on Account' so far as the General Budget is concerned. The idea is that sometimes in March the House will be asked to vote provisionally about the twelfth of the budgeted expenditure under the various grants and for this and for a similar amount in respect of charged expenditure the necessary Appropriation Act will be passed. The detailed discussion on the Demands will then be taken up conveniently and voting of the Demands together with the passing of the Appropriation Act completed before the session terminates.

* There was no provision for Vote on Account either in the Government of India Act, 1919 or in the Government of India Act, 1935. As a result, after the presentation of the budget and the introduction of the Finance Bill on the last day of February, both had to be passed by the Houses before the end of the financial year i.e. on the 31st March. This limited the time available to the House for a proper and satisfactory consideration of the Budget. When the draft Constitution was first introduced in the Constituent Assembly by the Drafting Committee, it did not contain the Fundamentals of financial procedure. The Speaker, Shri Mavalankar, then asked Secretary Provisional Parliament, Shri M.N. Kaul, to examine British financial procedure and make suggestions in regard to their applicability to India. In connection with the new system of Vote on Account Shri Kaul highlighting the fundamental difference between the two systems recorded the above note. Later the system of Vote on Account was included in the Constitution.

** The new system of Vote on Account was introduced for the first time during the Budget session, 1951. Explaining the procedure to be followed in the case of Vote on Account Shri Kaul wrote the above note to the Prime Minister, Shri Jawaharlal Nehru. Ever since the system of Vote on Account is being followed every year.

Formerly, in the absence of the 'Vote on Account' the Budget and the Finance Bill had to be passed before the 31st March, so that they could be operative from the 1st April. This system left very little time for adjusting the programme and was inelastic. Considerable difficulty was experienced if any urgent legislative measure had to be taken up when the Budget discussions were in progress. Under the revised system, not only the programme will be more elastic, but there will be sufficient time for members to study the budget papers, etc.

Under the new system, the total number of days for consideration and passing of the Budget will be increased by only two days for the voting of the Demands.

'Vote on Account' will be a formal business, only and there will be no prolonged discussion in the House. Therefore, on the day on which the 'Vote on Account' will be taken up in the House, other legislative business will also be put down.

So far as the Railway Budget is concerned it will be discussed and passed before the 31st March, 1951. Therefore, the procedure of 'Vote on Account' in connection with the Railway Budget is not being introduced.

(M.N. Kaul)
27 January, 1951.

(vi) *Governor's Address**

"Points Nos. 1 and 2

The answer to this question is that the Assembly of Members of both Houses of State Legislature to hear the Governor's Address is not a meeting of the Assembly and is not covered by the meaning of that word. As has been interpreted in the past a meeting of the Assembly takes place when after announcement by the Marshal, Mr. Speaker takes the Chair. In any case when

* On 10th February, 1958, when the Governor of Punjab, Shri C.P.N. Singh came to address Members of both the Houses of Punjab Legislature, unruly scenes were created by certain Members of the Legislature who subsequently staged a walk out. Later, on 14 March, 1958, a Member S. Bhupindar Singh Mann moved a substantive motion in the Vidhan Sabha that a Committee of the Members of the House be appointed to examine in all its procedural aspects the conduct of certain members of the Legislature at the time of Governor's Address. Later at the meeting of the *ad-hoc* Committee held on 8 May, 1958 a sub-Committee consisting of Deputy Speaker and two other members, was formed with a view to meet the Speaker, Lok Sabha, to discuss the matters arising out of the incidents taking place at the time of the Governor's Address and to obtain his guidance on the following points in particular:

Members of both Houses are assembled together it is not in any sense a meeting of the Assembly.

Governor's Address in the State is based on the precedent of the House of Commons. He is the Constitutional Head of the State and in that capacity he delivers the Address for which special statutory provision has been made in the Constitution itself. (See Art. 176). Governor's Address is not his personal address and in fact Governor has no personal political powers under the Constitution. It is a statement of Government policy of which, as the Constitutional Head, he is the mouthpiece. Our Constitution is modelled into these matters on the British precedent. The Governor is the Constitutional Head of the State. He is above politics. Executive decisions are taken in his name, and he acts on the advice of his Council of Ministers. It is clear that where the Head of the State acts in exercise of a Constitutional provision and requires the attendance of Members of both the Houses to hear his address, solemnity and dignity are of the utmost importance. The Governor not only represents the Executive authority, he is in a sense a symbol of the Constitutional provisions. It is worthy of note that following the House of Commons precedent and in so far as it has been practicable under our circumstances, the occasion is treated as a solemn one when Governor comes in State. He is received by the Presiding Officers, conducted in a formal procession and in the case of our Parliament announcement is made by fanfare and proceedings begin after national anthem is played. Governor's Address to the State Legislature and the President's Address to the Parliament is the most solemn and formal act under the Constitution. It is, therefore, clear that the Constitution makers could not have had any other thought in their mind except that this solemn occasion should be marked by dignity and decorum. The Constitution, of which the Governor in the State is the symbol, is a document adopted and enacted by the Constituent Assembly by

- (1) whether the assemblage of Members of both the Houses of the State Legislature to listen to the Governor's address is a regular meeting and whether it is necessary under the law and convention of Parliament to preserve order therein and how;
- (2) if any misbehaviour occurs at such an assemblage, is any Parliamentary law or convention infringed;
- (3) is it open to either House on a day subsequent to that on which the Governor addresses the Members of the two Houses assembled together to take cognizance of the incidents which take place on the day of the address, and punish the person who, in its opinion, has infringed the Parliamentary law or convention or done something to lower the dignity of the House;
- (4) how is it to be established that an infringement has taken place or dignity touched when the incident has not taken place at a meeting of the House itself, and who is competent to decide what punishment should be awarded.

Examining the points desired to be discussed by Shri M.N. Kaul, Secretary, Lok Sabha recorded the above observations with which the Speaker Shri M. Ananthasayanam Ayyangar agreed.

which the people of India gave to themselves this Constitution. As the preamble to the Constitution states the document is symbolic of the unity of the nation. It is, therefore, important from the point of view of respect that every Member should show to the Constitution that the utmost dignity and decorum is maintained.

It is also important to take note of the oath or affirmation made by a Member of the State Legislature in which he states that "I will bear true faith and allegiance to the Constitution of India as by law established and I will faithfully discharge the duties upon which I am about to enter". Any action on the part of a Member which mars the occasion of the Governor's Address or creates disturbance is clearly not only unbecoming of him as a Member of the House but is an act which is not in compliance with the oath that he has taken. Any member under the oath displays not true faith but absolute lack of faith to the Constitution if he spoils the dignity of the joint session when the Governor comes to address that body.

The House of Commons in the United Kingdom to which the power, privileges and immunities of Parliament and the Assemblies have for the time being been equated, has always exercised powers in regard to the conduct of Members. The extent and amplitude of the words 'conduct of a Member' has not been defined exhaustively and it is within the powers of the House of Commons in each case to determine where a Member of Parliament has acted in an unbecoming manner or has acted in a manner unworthy of a Member. The House of Commons expects each Member to maintain a standard of behaviour consistent with the traditions and practice of the House. Under the term 'conduct of a Member' action can be taken against him even though the facts of a particular case do not come within any of the recognised heads of breach of privilege or contempt of House. In this particular case it is open to the House to take action in regard to the conduct of a Member at the Governor's Address on the ground that he has not shown proper respect to the Constitution and that his action has been below the dignity of a Member and contrary to the oath that he has taken.

Point No. 3:

In view of what I have stated above the answer to question number (3) is in the affirmative.

Point No. 4:

In view of the position stated above where the question of the conduct of a Member arises, the procedure is for the House to appoint a Committee and it is

open to the Committee to take evidence and report upon the facts of the case. It is for the Committee to recommend what action should be taken in the circumstances. Where a question of the conduct of a Member arises it is not necessary that the incident should take place in the House itself. Whether a Member acts inside the House or outside the House it is incumbent upon him to act in a manner as a Member should and he is all times expected to maintain that behaviour. It is for the House to determine in each case whether action should be taken or not having regard to the gravity of the offence. In this particular case the gravity of the offence is enhanced because of the solemnity of the occasion and the important fact that in India the session opens with the Governor's Address and for the other reasons that I have stated above.

(M.N. Kaul)
6 June, 1958.

(vii) Introduction of Bills before Commencement of Debate on President's Address*

In framing our Rules of Procedure we have to proceed largely on the basis of provisions contained in the Statute. The purpose of procedure is to work out in detail the method and manner in which the provisions of the Constitution in sofaras they relate to Parliament should be regulated when the matters are discussed in the House. That is the broad principle on which we have proceeded.

The basic law for us is the provision in the Constitution and where such provision resembles similar provisions in the House of Commons, we certainly to study the procedure of that House as we have always done. Our effort has, however, been that we should take the principle of the House of Commons procedure in sofaras it is applicable to our conditions and expand our procedure to meet the new needs.

The Constitution has clearly provided in Article 87 that provision shall be made by the Rules regulating the procedure of Parliament for the allotment of time

* In the Provisional Parliament, two members Prof. K.T. Shah and Sardar Hukam Singh *vide* their letter dated 31 January, 1950 suggested that as per the practice in the House of Commons some Bill be read for the first time in the House before any Motion is made regarding the President's Address. They further added that if Govt. did not desire to put forward any official Bill either of them might be permitted to introduce a private Member's Bill. At this the Secretary, Shri M.N. Kaul, recorded the above note with which the Hon'ble Speaker concurred.

for discussion of the matters referred to in the President's Address and for the precedence of such business over other business of the House. The relevant rules on the subject (Rules * 11 to 16) have been framed on the basis of this statutory provision. This matter was discussed with the Hon'ble Minister of Law and it was thought that the Rules should not be very rigid and should provide for some elasticity so that ordinary motions for leave to introduce Bills and other motions of a formal character may be transacted after the commencement of the meeting. The Rules have clearly provided that the Debate on the President's Address may be postponed in favour of a Government Bill after certain procedure has been adopted.

It was considered that the practice in the House of Commons that a Bill should be formally introduced before the Debate on the King's Address commenced was historical in its origin and represented one of the features in the struggle of the Commons against the King for establishing the supremacy of Parliament. There did not appear to be any particular need to introduce a provision of this character as that would amount to an imitation without any substantial reason or point of principle. In other words, although there is provision in the rules that a motion for leave to introduce a Bill may be made, it is not obligatory to do so. The intention of this provision was that while the Debate on the Address is going on, any Government Bills that are ready may be introduced so that the Members have time to study the Bills and the further motions in connection with those Bills may not be delayed.

If Government do not put down any Bill for introduction tomorrow, a private member cannot obviously be permitted to introduce a Bill of his own, because private members' Bills are regulated by a self-contained set of rules and those rules have to be followed, otherwise the priorities and the entire arrangement of business for that day is upset. Government can, if they so desire, agree to have a private member's motion to introduce a Bill put down on the list of business, but that would not be the usual practice and is rarely done in exceptional cases where Government themselves propose to adopt a particular private member's Bill and allot Government time for the further stages of that Bill.

(M.N. Kaul)
1950

* Rules 16 to 21 (7th Edition)

(viii) Scope of Amendments to Bills amending Parent Act and Expiring Laws Continuance Bills.*

In support of the view that such amendments are admissible, it is argued that by extending the life of the Parent Act, the whole Act, as it were, is thrown open for discussion and the House is entitled to reconsider any of the provisions of the original Act. It is stated that short of repeating the sections of the original Act, the Bill, in effect, seeks to get each section of the Act repassed by the House. Theoretically this view is correct and if it is taken to its logical conclusion, it will be that amendments to all the sections of the original Act can be given notice of, moved and considered when the amending Bill is under consideration in the House. If this were accepted, it will in practice mean that the old discussion and also the same amendments which were considered at the time of the original Act could be raised over again on the Amending Bill and there will be terrible hold up of business not to speak of repetition.

Another view is that amendments beyond the scope of the clauses included in the Bill are not admissible. The school that holds this view is supported by the following:

“Expiring Laws Continuance Bills—The operative clause of an Expiring Laws Continuance Bill prescribes that the Acts mentioned in the schedule (or schedules) shall be continued until a specified date, and the amendments which may be moved to such a Bill are subject to the following limitations:

‘An amendment is outside the scope of the Bill which seeks to amend the provisions of the Act or Acts proposed to be continued or to make such Acts or include in the Bill a statute which has already ceased to have effect.’

In England the expiring laws are continued by means of a single Bill, i.e. a single Bill with a schedule mentioning the Acts proposed to be continued until a

* On 5 March, 1951, during the consideration of the Delhi and Ajmer-Merwara Rent Control (Amendment) Bill, 1951 which sought to extend the life of the Delhi and Ajmer-Merwara Rent Control Act, 1947 beyond 24 March, 1951, question arose whether amendments to sections of the original Act, which were not sought to be amended by the present Bill would be in order. The Secretary, Shri M.N. Kaul, recorded the above note with which the Speaker, Shri G.V. Mavalankar, agreed.

specified date is brought before the House. Here in India, however, single Bills extending the life by specified dates in each case are brought before Parliament. That is only a question of form, but the principle is clear that amendments to the sections not covered by the amending Bill are outside the scope of the Bill.

I think as between the two views we should adhere to the present practice which is supported by the practice obtaining in the House of Commons also that any amendment which seeks to amend the sections of the original Acts not covered by the Bill are outside the scope of the Bill. In this we shall not only observe the purity of the procedure, but will save the time of the House which will otherwise be taken up in unnecessary discussion and consideration of amendments which ultimately may not be accepted by Government. There is, however, one aspect of the matter which appeals to me. That is when the original Act is sought to be extended further, it is open to the House to criticise the working of the Act and to suggest directions in which it should be improved. The amending Bill is the only opportunity on which the members can ventilate their grievances. The scope of general discussion on such a Bill should, therefore, be a little wider inasmuch as the members should be permitted to speak on such provisions of the Bill which in their opinion require modification. If Government is prepared to accept the suggestions of the members, they can bring forward another Bill giving effect to the suggestions of the members. If however, Government is not prepared to accept the suggestion of the members, it is, of course, open to the members to throw the amending Bill on the ground that the original Act is not satisfactory.

(M.N. Kaul)
1951

* * * *

(ix) *Assigning Numbers to Bills for the Purpose of Differentiating them in their various Stages**

When the two Houses are set up Bills would be going to and from and the question of numbering of Bills becomes extremely important. In the House of Commons its numbering is complex and inconvenient. I think we have to devise a simple system of numbering. The number of a Bill should not alter. It should

* With the creation of Council of States (Rajya Sabha) a question arose as to how the numbering of Bills at various stages should be done. The Secretary, Shri M.N. Kaul recorded the above note in regard to the numbering of Bills in Lok Sabha for the purpose of differentiating them in their various stages.

remain a fixed number. If the Bill goes to and fro and undergoes changes. It is obviously necessary to differentiate a Bill in its various stages and this can be simply achieved by, say, calling the Bill 48 and where it is necessary at any stage to give it a distinctive number or numbers. Those distinctive numbers may be 48-A, 48-B, 48-C, etc. This will result in an easy identification of the Bill. The practice in the House of Commons of changing the numbering of the Bill in its various stages is not convenient and should not be adopted.

(M.N. Kaul)
18 March, 1952

* * * *

(x) *Speaker's Power to Place Amendments to the Vote of the House**

Please refer to Rule 327† regarding selection of amendments. The Chairman, Shri Thakur Das Bhargava, felt difficulty in selecting amendments for being put to the vote of the House as he argued that the power under Rule 327 was confined to the stage when amendments were proposed from the Chair. This question may be examined and if necessary amendments may be suggested to Rule 327.

My provisional inclination is that the selection of amendments to be proposed from the Chair is quite separate from the order in which the amendments should be put to the vote of the House. It is the inherent right of the Chair to place the amendments in such order as it considers appropriate in the circumstances of each particular case. The whole question may be examined with reference to authorities and precedents.

(M.N. Kaul)
23 August, 1955

* * * *

* In 1955, question arose in respect of the Speaker's power to place amendments to the vote of the House when the Chairman, Shri Thakur Das Bhargava, felt difficulty in selecting amendments for being put to the vote of the House as he was of the view that the power under Rule 327 was confined to the stage when amendments were proposed from the Chair. On this Secretary, Shri M.N. Kaul recorded the above note.

† Rule 327(1) the Speaker may refuse to put an amendment which in his opinion is frivolous.

(2) In respect of any motion, the Speaker shall have power to select the amendments to be proposed, and may if he thinks fit call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it.

(xi) Form of Speaker's Certificate of a Money Bill for Transmission to Rajya Sabha*

"Art. 110(4) of the Constitution provides that the certificate of the Speaker should be endorsed on the Bill before it is transmitted to the Council of States. So this has got to be done.

2. On the first page of the Bill, the Secretary should sign the following endorsement:

This Bill has been passed by the House of the People today.

3. The Speaker's certificate at the end should be modified as shown in pencil".

Certificate

"I hereby certify that this Bill is a Money Bill within the meaning of Article 110 of the Constitution of India.

Dated the.....

Speaker".

Endorsement

"This Bill has been passed by Lok Sabha on the.....195.

Dated the.....

Secretary".

(M.N. Kaul)
1952

* * * * *

* On 28 May, 1952, the Indian Tariff (Second Amendment) Bill, 1952 was to be transmitted to Rajya Sabha after it had been passed by Lok Sabha. This being the first Money Bill to be transmitted to the Rajya Sabha constituted after the First General Elections, Office put up (i) a draft O.M. forwarding a copy of the Bill as passed to Rajya Sabha, and (ii) a draft certificate on the Bill for authentication by the Speaker. The Secretary, Shri M.N. Kaul, recorded the above noting. The certificate and the endorsement then decided upon are being given on the Bills ever since.

(xii) Form of Authentication for the Bill to Amend the Constitution of India*

This Bill has been passed by Parliament in accordance with the provisions of Article 368 of the Constitution of India.

(M.N. Kaul)
15 May, 1951

* * * *

(xiii) Mode of Addressing Communications for the Information of Speaker**

I have examined this case, as desired by H.S. I think the form used by the Election Commission in addressing the Speaker in this matter is in order. They have addressed the letter as follows:—

‘To

The Speaker,
House of the People,
New Delhi.

Sir,

.....

.....

Yours faithfully.’

* The first Bill to amend the Constitution of India [Constitution (First-Amendment) Bill, 1951] was introduced in the Provisional Parliament on 12 May, 1951 and passed on 2 June, 1951. A question arose as to what should be the format for Speaker's authentication in the assent copies of the Bill before sending them to the President. The Secretary Shri M.N. Kaul suggested the above form which received the approval of the Hon'ble Speaker. It remained in practice till the creation of upper House of Parliament (Rajya Sabha). After that the word 'Parliament' was substituted by the 'Houses of Parliament'.

** Section 106 of the Representation of the People Act, 1951, requires that copies of orders of Election Tribunals on election petitions, filed against members of the Lok Sabha shall be forwarded to the Speaker of the House by the Election Commission. In pursuance of this, after the General Elections in 1952, the Officer on Special Duty, on behalf of Election Commission addressed letters to the Speaker forwarding therewith copies of relevant orders of Election Tribunals. In regard to such communications the Speaker observed that the proper form of addressing a communication is to address it to the Secretary, Parliament, and not to the Speaker. The question was examined by the Secretary, Shri M.N. Kaul, who recorded the above note with which the Speaker agreed. A letter in accordance with the above note was then addressed to the Election Commission and thereafter the Commission started addressing such letters to the Secretary.

The demi official form which begins as 'Dear Mr. Speaker....., Yours faithfully/sincerely' has not been used in this case. That form would have been irregular.

Section 106 of the Representation of the People Act, 1951 requires the Election Commissioner to write such letters to the Speaker. In the present case the letter has been addressed by an officer of the office of the Commission to the Speaker which, to my mind, is not quite in order. If the letter had been from the Chief Election Commissioner to the Speaker in the form in which it is addressed, no exception could be taken to it. But in the present case only one part of the form has been observed and the requirement of the Section cited above has not been complied with. Therefore, it is necessary to take up the matter with the Election Commission. We cannot insist that the letter should be written to the Secretary of the House as the Statute requires the letter to be addressed to the Speaker, but if a letter is addressed by an officer of the Election Commission, then the proper thing is that the letter is addressed to the Secretary of the House and not to the Speaker.

We have already circulated to the Ministries etc. that while addressing to this Secretariat, the Communications should be addressed to the Secretary and not to the Speaker, either by designation or by name, but that does not apply to letters written in pursuance of any obligation imposed by the Statutes or by law, where it is clearly stated that the communications should be sent to the *Speaker*. This practice is followed in 'Privilege cases' in which the Magistrate or Judge addresses a communication to the Speaker."

(M.N. Kaul)
6 November, 1952

* * * *

(xiv) Statement of a Member who has Resigned his Office of Minister*

Shri T.T. Krishnamachari has asked for permission to make a statement under Rule 371[†] of the Rules of Procedure, on a matter of public importance, with the consent of the Speaker.

* On the 30 July, 1956, Shri T.T. Krishnamachari (Minister of Commerce and Industry) requested the Speaker to permit him to make a statement the following day *i.e.* on the 31 July, 1956 on a matter of public importance with reference to certain observations contained in the statement made by Shri C.D. Deshmukh under Rule 199 on the 25 July, 1956 against the manner in which decisions of Government are taken. In this connection the above note was recorded by Secretary, Shri M.N. Kaul with which the Speaker, Shri M. Ananthasayanam Ayyangar agreed. Thereafter, Shri T.T. Krishnamachari by a subsequent letter withdrew his request for permitting him to make the statement. The above procedure is still prevalent.

† Now Rule 372.

As the rule states, the statement can only be made with the consent of the Speaker. Normally, the Speaker gives his consent to a statement to be made by a Minister, unless there are some circumstances which indicate that another method should be adopted for the purpose.

Shri T.T. Krishnamachari has already stated in his letter that he wishes to make a statement with reference to certain observations made by Shri C.D. Deshmukh on the 25th July, 1956, in explanation of the resignation of office of Minister.

The statement made by Shri C.D. Deshmukh is covered by Rule 199. This rule clearly states that after the Minister who has recently resigned, has made his statement, another Minister may make a statement pertinent thereto. This statement under sub-rule (4)* of Rule 199 was made by the Prime Minister; and so far as the proceedings under Rule 199 are concerned, they are now closed.

Rule 199 does not permit a debate, and sub-rule (4) clearly says that I am not considering the question whether a debate on a Minister's resignation can take place in the House, for that question is not involved in the request of Shri T.T. Krishnamachari. His request is confined to making a further statement in amplification, as it were, of the Prime Minister's statement arising out of the statement made by Shri C.D. Deshmukh.

I think it is not possible for the Speaker to permit him to make a statement in this way, as other members may also wish to make further statements, and there would be no end to the matter. In short, a sort of a debate may continue by a series of statements being made from time to time. This is the reason why Rule 199 clearly provides for one statement, and the matter is closed.

Shri C.D. Deshmukh referred to two important matters in his statement, namely that certain matters were not brought before the Cabinet and that an enquiry should have been held into the Bombay disturbances. These matters were referred to by Members in the debate on the States Reorganisation Bill; and, in fact, Shri C.D. Deshmukh this morning replied to some of the points raised in the debate. That is a perfectly permissible course of action.

I think it would be in accordance with the rules and will avoid any difficulties or future complications if Shri T.T. Krishnamachari is advised, that instead of making a statement under Rule 372, which should, I think, be read with Rule 199, he may make a speech on the States Reorganisation Bill, and if he so chooses, confine his speech to the statement that he proposes to make.

* Now sub-rule (3) of Rule 199

I may add that although no limitations on the right of a Minister to make a statement are indicated in Rule 372, the specific object of providing Speaker's consent is to reserve the power in the Speaker so that he may permit statements in appropriate cases, and where there are any procedural or other difficulties involved, he may suggest an alternative course to the Minister; and I think that the Minister may be advised to adopt the alternative course that I have suggested.

(M.N. Kaul)

1956

* * * *

(xv) *Absence of Minister from the sittings of the House**

Speaker is aware that Hon'ble Shri C.C. Biswas, Minister of State, has to perform his duties outside the headquarters, mostly in the East and West Bengals. He is therefore not in a position to attend the session of Parliament from day to day. Moreover, he is not required in connection with any business of Parliament and therefore, he can well afford to remain away from headquarters. When he completed his 60 days of absence, the Minister of State for Parliamentary Affairs wrote to him to attend the current session of Parliament. Hon'ble Shri C.C. Biswas has written to say that he is anxious to attend the session, but that owing to his wife's illness he may not be in a position to do so in the near future. As a precautionary measure, he has applied for leave of absence.

It is hardly necessary for a Minister to be granted leave. The provisions of the Constitution are not mandatory, *i.e.*, the member who remains absent for 60 days or more does not lose his seat automatically. Rather it depends upon the Leader of the House to examine each case and where he is satisfied that the absence is contumacious in that case alone Government may declare the seat of a member vacant. In the present case, however, the question does not arise. It appears to me very odd that Parliament should be asked to grant leave of absence to a Minister. We may wait for some time as Hon'ble Shri Biswas has

* On the 12th March, 1951, the case of Shri C.C. Biswas, Minister of State, who completed more than 60 days of continuous absence from meetings of Parliament without obtaining the necessary permission of the House was referred to the Department of Parliamentary Affairs for necessary action in accordance with Article 101(4) of the Constitution. Subsequently the Minister applied for the necessary permission of the House to remain absent from meetings of Parliament during the Third Session (Second Part) 1951. On this request, the Secretary to Parliament Shri M.N. Kaul, while recommending that permission of the House to the leave of absence of Shri C.C. Biswas was not called for, recorded the above noting. The Speaker, Shri G.V. Mavalankar agreed with the above recommendation and the Minister was informed accordingly.

himself said that he might be able to attend the session one of these days. In that event it might not be necessary to grant him leave of absence.

(M.N. Kaul)
1957

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(xvi) Making of Obituary Reference in respect of Members of former Central Legislative Assembly*

It has been our practice in the past to make obituary reference in the House on the passing away of members of the old Central Assembly, which came to an end on 14 August 1947. The death of an old member is brought to the notice of the Speaker by a member of the House, Government authorities or this Secretariat who keep an eye on the newspapers. On such death coming to notice, it has been the practice to make a reference in the House.

2. It was noticed in the 'Hindu' sometime ago that Sir Hugh Cocke died in England. He was a member of the old Central Assembly. The last reference that was made to the passing away of a member of the European Group in the old Central Assembly was that of Mr. J. Ramsay Scott, and the reference was made on 10 February 1943. Since Independence, *i.e.* 15 August 1947, no one has brought to the notice of the Speaker the passing away, if any, of a member of the European Group or a European official member of the old Central Assembly. Consequently, the question of making of a reference in the House never arose in the past. The case of Sir Hugh Cocke is the first case that has come to our notice.

3. *Prima facie* there appears to be no ground for making distinction between European and Indian members of the old Central Assembly, as references, in the past had been made on the ground that the persons who had passed away were members of the old Central Assembly which was in a sense the predecessor of the Legislature after Independence. There is also this further consideration that India is still a member of the Commonwealth.

* It was noticed in the "Hindu" dated 30 May, 1958 that Sir Hugh Cocke, a member of the old Central Assembly during the years 1924 to 1932 had died in England. When the file was submitted to the Speaker whether any reference to Sir Hugh Cocke should be made in the House, he directed that the Leader of the House, might be consulted. On this, Secretary, Shri M.N. Kaul recorded the above note for the consideration of the Prime Minister. The Prime Minister, concurring with the views of Shri Kaul, replied that it was not necessary to make any reference when no member brought it to the notice of the Speaker. Accordingly, no reference was made in the House to the death of Sir Hugh Cocke.

4. In the House of Commons the usual practice is for a member to bring to the notice of the Speaker privately any cases of death of old members. In the present case no member of the House has so far brought the question of a reference in the House to Sir Hugh Cocke to the notice of the Speaker. Consequently, it is not obligatory on the part of the Speaker to make a reference.

5. The matter was placed before the Speaker and he had suggested that the Leader of the House might be consulted as to whether a reference should be made to the passing away of Sir Hugh Cocke as being a member of the old Central Assembly.

(M.N. Kaul)
1958

* * * *

4. Parliamentary Privileges

(i) *Codification of Parliamentary Privileges**

The question of the codification of the law of Privilege is being considered in the States. The last Speakers Conference also appointed a Committee of three Speakers to go into this question.

There is, however, one aspect of the matter which needs careful consideration. Until the Privileges are defined by statute, the Constitution provides that the privileges of Parliament (or the State Legislature), of its Members and of its Committees shall be those of the House of Commons of the United Kingdom. No attempt has at any time been made in the United Kingdom to codify the entire law of Privilege. The Privileges of Parliament in the United Kingdom consist in fact of rights acquired by custom or conferred by statute belonging to the House collectively or to its Members as individuals and having for their object the freedom, the security or the dignity of the House of Commons. These privileges are declared and expounded by each House of Parliament and breaches of privilege are adjudged and censured by each. Although either House may expound the law of Parliament and vindicate its own privileges, it is agreed that no new privileges can be created. In 1704, the Lords communicated a resolution to the Commons at a conference "that neither House of Parliament has power, by any vote or declaration, to create to themselves new privileges not warranted

* Note by Shri Kaul which was circulated to the Presiding Officers at the Conference of Presiding Officers held in 1950 to discuss the Report of the Committee of Speakers on the question of codification of parliamentary privileges..

by the known laws and customs of Parliament” which was assented to by the Commons. In spite of that limitation, questions arise from time to time in regard to the application of the law of privilege to a new set of circumstances. For instance, the question arose in Ramasay’s case whether any privilege arose in the case of a Member of Parliament who was detained under an executive order lawfully passed under emergency regulations in war time.

Broadly speaking, so far as we in India are concerned, the position is that the privileges of Parliament rest on convention, as it were, and the limits of those conventions are ascertainable by the practice and the law that is in force in England and which has now, from the legal point of view, become fixed.

The main privileges of Parliament are now well-known and have been often recited. The most important privilege, however, is the power of Parliament to punish any person who commits a contempt of Parliament or a breach of any of its privileges. It is this judicial power that gives reality to the privileges of Parliament and emphasises its sovereign character so far as the protection of its right and the maintenance of its dignity are concerned.

The question of the right of Parliament to commit an offender for contempt has been the subject of controversy in England between the House of Commons and the Courts. The position has now boiled down to this. As in the case of superior Courts of Law, it has now also been accepted in the case of Parliament that the grounds of commitment need not appear on a return to *habeas corpus*. The Courts have accepted as conclusive a statement in the warrant, that a contempt has been committed, without asking what that contempt may have been. If, however, the alleged contempt is expressed in the warrant, it is possible that a Court of Law might consider the commitment on its merits. It is in this way that the sovereignty of Parliament and the jurisdiction of the Courts have been reconciled. The Courts have therefore held in England that the Speaker’s warrant which simply states that a contempt has been committed is a valid one and the Courts will not enquire further.

Our Constitution has one important peculiarity in that it contains a declaration of fundamental rights and the Courts have been empowered to say that a particular law or a part of a law is void or invalid because it is in conflict with a particular fundamental law and therefore beyond the powers of Parliament. Take the recent case regarding the Preventive Detention Act which went up to the Supreme Court. Section 14 of the Act provided that the grounds of detention need not be disclosed to the Court, and this provision was held to be invalid.

This case illustrates the great risk involved in codifying the law of privilege. As has been said above, the essence of the law of privilege is in the power of Parliament to commit for contempt and the foundation of this power rests on the judicial decisions in England which have laid down that the Speaker's warrant need not state the grounds of commitment. It is this single point which is so vital. Once the grounds are stated, even in England it is possible for the Courts to look into the merits and the exclusive jurisdiction of Parliament in regard to protection of its rights and privileges and the maintenance of its dignity vanishes.

At the present time, and until Parliament has codified its privileges, the privileges of Parliament are defined in the Constitution itself as being the same as those of the House of Commons in the United Kingdom. It follows from this that at the present time the privileges of Parliament are part and parcel of the Constitution and therefore of what is known as the "fundamental law". The Courts will therefore be compelled to reconcile the existing law of privilege, which carries with it the power of the Speaker to issue a warrant without stating the grounds on the face of it, with the fundamental rights. It will be extremely difficult for the Supreme Court to say that what is so explicitly provided in a part of the Constitution in regard to the existing privileges of Parliament is in any way restricted by the fundamental rights. The Courts will have to read the provisions as a whole and come to the conclusion that the special power was conferred upon Parliament for the due discharge of its functions, protection of its Members and the maintenance of its dignity.

Once, however, privileges are codified by an Act of Parliament in India, the position changes entirely. The privileges are no longer those that prevail by convention and statute law in England, but will be gathered from the Act itself. This Act which will be passed by Parliament will no longer be a part of the Constitution or the fundamental law and the rules of interpretation will therefore be of a different character. The statute will be examined in the same way as any other statute passed by Parliament, and the Court may well come to the conclusion that, in view of the provisions in the fundamental rights, it is not open to any legislature in India to prescribe that the Speaker may issue a valid warrant without disclosing the grounds of commitment on the face of the warrant. Once the privileges are codified and the Courts hold that contempt warrants should state the grounds on which they proceed, all matters would

come before the Courts and Parliament would lose its exclusive right to determine matters relating to its privilege.

Those who have studied this matter have been influenced by the fact that it would be simple to have the privileges codified so that one knows precisely what they are and what are the remedies that are available. That is, in a sense, true, but as I have shown above, in this particular matter, precision will be gained at the sacrifice of the substance of power. It would be of no advantage to define the privileges precisely when, in the very act of definition and statutory formulation, the foundation on which they rest vanishes. If on the other hand, the privileges were allowed to rest on convention, which is the present position, the advantage is that those privileges are not susceptible of curtailment and the right of Parliament to commit for contempt remains intact. There is no question of enlarging the sphere of privileges. In England, apart from the question of application of existing privileges to new facts (which is an important matter), the privileges have remained the same for the last 250 years.

It has been laid down that the privilege of Parliament is granted in regard to the service of the Commonwealth and is not to be used to the danger of the Commonwealth. It is granted to Members in order that they may be able to perform their duties in Parliament without let or hindrance. For example, the privilege of free speech protects a Member speaking in his place in Parliament because such freedom is necessary to the performance of his functions and duties as Member, but does not protect him from civil or criminal consequences of speeches made outside the House although such speeches may be dealing with political matters. It has also been clearly ruled by the Committee of Privileges in Ramsay's case that the House should be careful not to relax any established privilege but it should be equally careful not to extend privilege beyond what is essential for its purpose and beyond what has in principle, if not by precise precedent, been recognised in the past.

(M.N. Kaul)

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(ii) *Powers of the Committee of Privileges*

I discussed with H.S. the point raised in his note of 8th March. The powers of the Committee of Privileges in India are, under the Constitution, equated to those of the similar Committee in the House of Commons in the U.K. If there is a breach, action can therefore always be taken under the law of privilege in respect of any person who does not comply with the directions of the Committee.

In the case of an offence which amounts to contempt of Parliament or any of its Committees, the authority to determine the matter and punish the offender is Parliament itself.

If the matter is regulated by law, which makes it an offence to disobey any instruction of the Committee under the rules, the jurisdiction of the Courts will come into play and it will be for the Courts to determine the offence that has been committed and the punishment that should be imposed. In matters relating to breaches of parliamentary privilege, it is perhaps best to follow the House of Commons procedure and watch its working in the first few cases that may arise.

(M.N. Kaul)
9 March, 1950

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5. Financial Grant relating to Parliament

I have already written to H.S. from time to time about the position of the financial grant of Parliament. In order to refresh his memory, I place below the necessary extracts of the relevant portions. It is my intention in this note to describe the implications arising out of the proposals which are at present under consideration by the Ministry of Finance and the Ministry of Law.

When we sent our Budget estimates to the Ministry of Finance early in October 1950, we included provisions for the whole of the next year in respect of the present Parliament Secretariat, the House of the People and the Council of States therein. The Ministry of Finance replied to us that so far as provisions relating to Council of States was concerned, they had already made provision in the estimates of the Ministry of Law. As this was obviously irregular, H.S. directed us to draw the attention of the Ministry of Finance to this matter and to ask them to include the provision relating to the Council of States in our Secretariat's budget. This note was sent to them on 19.12.50. Later on H.S. himself wrote a comprehensive note on the 24th December 1950 in which this point was dealt with exhaustively and it was sent to the Ministry of Finance.

A reply was received to our reference dated 19.12.50 quoted above saying that the provision for the Council of States was not made under the Grant of the Ministry of Law. This note was signed by the Finance Secretary. I immediately wrote back to him asking him to confirm that the provision is being included in the Grant of this Secretariat. No reply has been received to this reference so far.

As a side reference in connection with our budget file, one of the Deputy Secretaries in the Ministry of Finance noted on 30.12.50 that the budget of Parliament and this Secretariat was being provided for in three grants namely, Provisional Parliament, House of People and the Council of States. This note together with H.S.'s order dated 24.12.50 was immediately sent by us to the Budget Division of the Ministry of Finance and they were asked to take action in accordance with the direction of H.S. contained in his orders, namely, that the whole budget should be provided under one Grant relating to Parliament. No reply has been received to it so far. A reminder was sent recently. To that also no answer has been received. The position therefore is that neither the Finance Secretary nor the Budget Division in spite of reminders have given any reply and we do not know what they are doing in the matter and what action has been taken on H.S.'s orders. At no time has any of these proposals which are under the consideration of the Ministry of Finance, been referred to this Secretariat for comments nor has any consultation taken place with us either formally or informally about this matter.

In the letter of H.M. Law to H.S., it is stated that the Ministry of Law have advised the Ministry of Finance that the Budget Grant of Parliament should be split up into three Grants namely, (i) Provisional Parliament, to provide for money until summons are issued to the new members of the new Parliament, (ii) House of People and (iii) Council of States for the remainder of the year. No reasons have been assigned as to why this proposal has been made nor have the implications been described. It is, however, obvious from the whole trend of the arguments advanced in the letter that the basic conceptions behind these proposals are two: (i) that Parliament Secretariat comes to an end after the Provisional Parliament ceases to function and (ii) that there should be two water-tight Secretariats for the new Parliament without any interlinking by common posts. The idea seems to be that once these financial arrangements have been accepted by Speaker or the Ministry of Finance the other consequences would follow. H.S. has already clearly expressed his view on both these issues. Since it is our contention, and rightly so, that Parliament Secretariat continues to function irrespective of the fact whether the present Parliament or any Parliament comes to an end, it is meaningless to divide the present Grant in this way. On the question of future set up of Parliament Secretariat, the final decision has to await the concurrence of the Chairman and until he comes, nothing should be done to prejudice the future course of action. It is also necessary that until the Chairman is appointed; the Speaker is the only authority who can speak for him and take provisionally decisions in his place,

as, between the Executive Government and the Speaker, it is both constitutionally right and sound from the commonsense point of view that the Speaker should exercise all the powers of the Chairman in his absence and the executive Government should abide by his views. It would not be out of place to say here, that the Present Parliament combines in itself the functions of both the Houses under the Constitution and therefore the head of Parliament combines in himself all powers of the heads of both the Houses of Parliament for the time being. We have therefore, clearly to resist any proposals which aim at killing our fundamental position in this matter. It is not only a question of not providing funds for any of the Houses of Parliament under a Grant of the Executive Department of the Government, but also one of control over the Grant or Grants of Parliament, which if not properly defined, may be used as an argument against the future set up of Parliament Secretariat.

It may perhaps be argued that expenditure of both the Houses has to be shown separately for accounting purposes but the solution proposed is not the only solution to achieve this purpose. The object can equally be fulfilled if the proposal of an omnibus Grant (Parliament) showing the expenditure of both the Houses of Parliament is accepted. The expenses of each House can be shown *as separate items under the same Grant*. This can always be done and is being done now in Madras and Bombay. I place below the Demands for Grants relating to the legislature of those two States. It will be seen that there is in each case only one grant to cover the expenses of both the Houses and their Secretariats and there is no difficulty in accounting the expenses of each House in this manner. If this position can obtain in two important States, it is not known what difficulty there is in so far as the Centre is concerned.

It is interesting to note that the Provisional Parliament has not come into being this year, but has been in existence since the 26th January, 1950. When our budget was prepared last year and the heading given to it was 'Parliament' nobody raised any legal or constitutional issues then. If it is irregular now, it was irregular then. But since nobody was interested in the matter, it was not raised. It is curious that it has now become constitutionally necessary to divide up the whole Grant and redesignate Parliament as Provisional Parliament. Another point to remember in this connection is that although the Parliament may be provisional in the sense that the time limit for its continuance has not been fixed, it is nevertheless a Parliament in the sense that it discharges all the functions under the Constitution. We never say 'Provisional Parliament' in any of our Acts, proceedings or anywhere. If it is necessary to designate the present

Parliament as 'Provisional Parliament' then it is obvious that this should be done everywhere. If for all purposes the present Parliament has the full powers of Parliament under the constitution, it is not quite clear how far the purpose of Grant alone it should have a different nomenclature.

There is one another point which deserves mention. On the 26th January, 1950, when the Constitution came into force, the Federal Court became Supreme Court, the Federal Public Service Commission the Union Public Service Commission, and the Auditor General the Comptroller and Auditor General. In the financial year 1949-50, the budget of the Federal Court, the Federal Public Service Commission and the Auditor General had been framed for the full year under the Grants of those offices and when the Constitution came into force in the middle of that year, the Federal Court, the Public Service Commission and the Auditor General ceased to exist as such and new authorities in the shape of Supreme Court, Union Public Service Commission and the Comptroller and Auditor General came into being; but these bodies, however, continued to operate on the previous Budget Grants after the 26th January, 1950 for the remainder of the financial year and no constitutional propriety was called in question in this connection. Neither the Ministry of Finance nor the Ministry of Law bothered to resolve the constitutional irregularities in their case. Almost a similar position may be deemed to arise in the case our Secretariat when during the middle of the next year after the elections are held, the Parliament may undergo a change in its composition although it will still retain the same name 'Parliament'. The position is in any case slightly favourable in our case because Parliament as such remains Parliament and it is not improper to provide for a budget grant for Parliament under the present grant during the next year whatever its composition may be. There is thus no justification for saying that after the present Parliament comes to end Parliament Secretariat has no legal basis to exist and therefore cannot operate on the Budget Grant voted by Parliament.

Even assuming, inspite of what has been stated in the foregoing paragraphs, it becomes necessary to have three separate Grants, the question is as to who should exercise control over these Grants. Once it is conceded that the control over all the Grants relating to Parliament whatever be their particulars is vested in the Parliament Secretariat, under the authority of the Speaker, we shall not much bother about the technicalities if those satisfy the Ministry of Finance and the Ministry of Law who may be very particular to observe legal forms. We are concerned with the substance of the matter.

(M.N. Kaul)

3 February, 1951

H.S.

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6. Parliamentary Committees

(i) *Definition of a Parliamentary Committee**

Parliamentary Committee is a Committee which is elected by the House or nominated by the Speaker and works under the direction of the Speaker and presents its report to Parliament or the Speaker and the Secretariat for which is provided by the Parliament Secretariat.

(M.N. Kaul)

3 May, 1951

(ii) *Working of the Parliamentary Committees*

H.S. is aware that we have at present a number of Standing Parliamentary Committees such as the Rules Committee, Estimates Committee, Public Accounts Committee, Privileges Committee, House Committee, Library Committee, Committee on Petitions, Business Advisory Committee, Committee on Delegated Legislation, Committee on Government Assurances and the Committee on Private Members' Bills (the last three are provided in the rules and may be constituted soon).

A Parliamentary Committee, according to our rules, is a committee which is elected by the House or nominated by the Speaker and works under the direction of the Speaker and presents its report to the House, or to the Speaker and the Secretariat for which is provided by the Parliament Secretariat. Further, under our scheme of rules the Chairmen of such committees are appointed by the Speaker and the Speaker has power to give them directions on matters of procedure and organisation of their work. The Speaker has also other powers in connection with the working of these committees. For example, if any doubt arises on any point of procedure or otherwise the Chairman of a committee may refer the point to the Speaker whose decision shall be final. Further, if any question arises as to whether a particular evidence or document is relevant for the working of the committee, the matter has to be referred to the Speaker for his decision. The documents and proceedings of these committees cannot be divulged to anyone except with the permission of the Speaker. There are various

* The definition of a Parliamentary Committee given by Shri M.N. Kaul was later incorporated in the Rules of Procedure.

other rules which provide in one way or another the ultimate control by the Speaker over these committees.

Under our system the committees are subordinate organs of the House. They work within the delegated powers provided by the Rules of Procedure or motions Constituting such committees. The Speaker as the head of the House has the ultimate responsibility to see that the committees function properly and within the spirit of the rules, accepted precedents and current parliamentary practice or usage. He has also to see that the authority of the committees is by and large obeyed and that their word carries weight with the House and outside with the public. In the modern system of parliamentary working committees play an important role in shaping the policies and in pointing out defects in administration. These committees are in the nature of expert bodies and they attend to a lot of work of a detailed character which is relegated by the House to them. Thus, heavy responsibilities devolve primarily on the committees to function properly and ultimately on the Speaker to see that the purposes for which the various committees are intended are fully served.

It is obvious that the Speaker can only watch the successful functioning of the committees in two ways:

(1) Through his Secretary who is entirely responsible to the Speaker and who, under the Speaker's orders, provides necessary staff for the efficient functioning of the committees. The Secretary is thus a link between the Speaker and the Committees so far as the secretariat work is concerned. The Speaker is kept informed of the working of the various committees and any points of importance are brought to his notice.

(2) The other link is the various Chairmen whom the Speaker appoints and through whom he guides the working of the committees.

So far as the Secretariat is concerned there is at present full comprehension of its functions and responsibilities towards the various committees and the Speaker. But so far as the Chairmen are concerned the position is at present fluid. There is no means whereby the Speaker makes known to them his views on the procedural and organisational aspects from time to time. There is also at present no system whereby the procedure followed by the various Chairmen is designed to be uniform. It has also been observed that the Chairmen who are appointed from time to time sometimes follow their own line of procedure, although the Secretariat is there to guide them. It is necessary that there is

co-ordination at higher level too and that the policy laid down by the Speaker is uniformly adopted.

A further difficulty that arises in this connection is that sometimes a Chairman of a committee is not aware of the accepted secretariat procedure and he feels that his discretion is being interfered with or that there is any interference with his authority or work. Sometimes documents are not handed over to the Secretariat with the result that the record is incomplete and it becomes difficult to prove or disprove a thing at a later date in the absence of a relevant document or paper. Another instance is that sometimes a Chairman directly enters into correspondence with witnesses or officials of Government without consulting the Secretariat or enquiring about the previous papers. This sometimes leads to an awkward position resulting in an embarrassment to the committee and ultimately to the Speaker.

I have given some examples at random. But one can imagine quite a number of them in the day to day working of the various committees.

In order to put the present situation on a more satisfactory basis I suggest that H.S. may consider the desirability of convening conferences of Chairmen of committees periodically, say once in three months. At these conferences H.S. may, among other things which he may like to discuss with them, state the broad principles of procedure which each Chairman must follow and also explain to them the procedure to be adopted by them, the importance of the secretariat, the ultimate responsibility of the Speaker and above all the dignity with which the committee should conduct itself and secure for it a position of eminence and respect. I am sure that these periodical conferences will help in securing co-ordination and also enable the Speaker to know their difficulties and doubts which arise in their mind. It will also establish the Speaker's pre-eminent position over these committees and the various Chairmen. I may mention in this connection that the two or three addresses which H.S. gave to the Estimates and the Public Accounts Committees in the beginning are still remembered by the Chairmen and some of the members of these committees and I can see very well how these informal contacts between H.S. and the Chairmen of various committees will be useful in the long run in establishing a stronger parliamentary system and the position of the Speaker, the Secretariat, the Committees and the various Chairmen.

(M.N. Kaul)
22 August, 1953

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(iii) Constitution and Term of Subordinate Legislation Committee*

I think the Committee should have a large Membership because from my experience I have found that in a Committee of 25 it is difficult to get together 10 members. If we reduce the Committee to five it may be that only one or two Members may attend and their decisions may not command acceptance by the House.

(i) As regards the term of the Office of the Committee I have no particular views. But I think we may not provide in the rules that the term of office should be coterminus with the term of Parliament. Since the Committee is to be nominated by the Speaker he can renominate year after year the same members, if he so likes, during the currency of one Parliament. Sometimes it is necessary to change a Member as it is only after experience that one can know who takes interest in the work and who does not take interest.

(ii) The quorum will be decided after the number of Members of the Committee has been finally decided.

(M.N. Kaul)
1951

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* Earlier a proposal was placed before the H.S. that the Committee should consist of 15 members. But Hon'ble Speaker, Shri Mavalankar opposed the idea of having much larger number of members on the Committee. He was of the view that the smaller Committee could do much better work. On this Shri Kaul expressed his opinion in the form of the above noting. However, in their sitting on 17 December, 1953 the Rules Committee considered that the Committee should be representative of all the political parties and groups in the House. It was, therefore, considered necessary to increase the membership from 10 to 15.

B

Views on Procedural Matters

(i) *Powers of Presiding Officers*

*Whether it is not open to the Speaker to furnish on his own authority without consulting the State Government, the information to an outsider as to whether a particular paper was placed on the Table or not?**

Shri Kaul: With regard to matters of this character, I think, our conclusion is clear. When an enquiry is made of the Speaker or the Secretary there is no question of consulting the Department concerned because the information that is required can be gleaned from parliamentary records, which are published documents and if the Speaker or the Secretary decides that the information can be given, it can be given. But it is not as though information should be given in all cases. It should be left to the Secretary or the Speaker to determine in which cases the information could be given. We should not bind ourselves to answer all enquiries from the public. But if we feel that the information is asked for *bona fide* purposes or the information required is of such a character that it must be furnished to the applicant because he has no other means of obtaining that information, it may be given. This is particularly so when proceedings of Parliament are published very late and there is no means of ascertaining the information required. The obligation and responsibility is cast on the Secretary and the staff. In this matter there is a personal responsibility cast on the Secretary. That is why I say we should be very cautious in such matters. For instance, if the Secretary relies on the staff of his office, some clerk might hastily look up the records and put up a note saying that the particular paper was not laid on the Table of the House. The other officers of the Secretariat might sign the note as usual and the reply would go in the name of the Secretary after he had signed this that the paper was not placed on the Table of the House whereas it might have actually been laid on the Table of the House. The Secretary thus

* At the Conference of Secretaries of Legislative Bodies in India, Madras, 16 September, 1966.



Presenting a caligraph copy of the Constitution of India to Mr. Dag Hammarskjold,
Secretary-General, United Nations, 4 February, 1956.



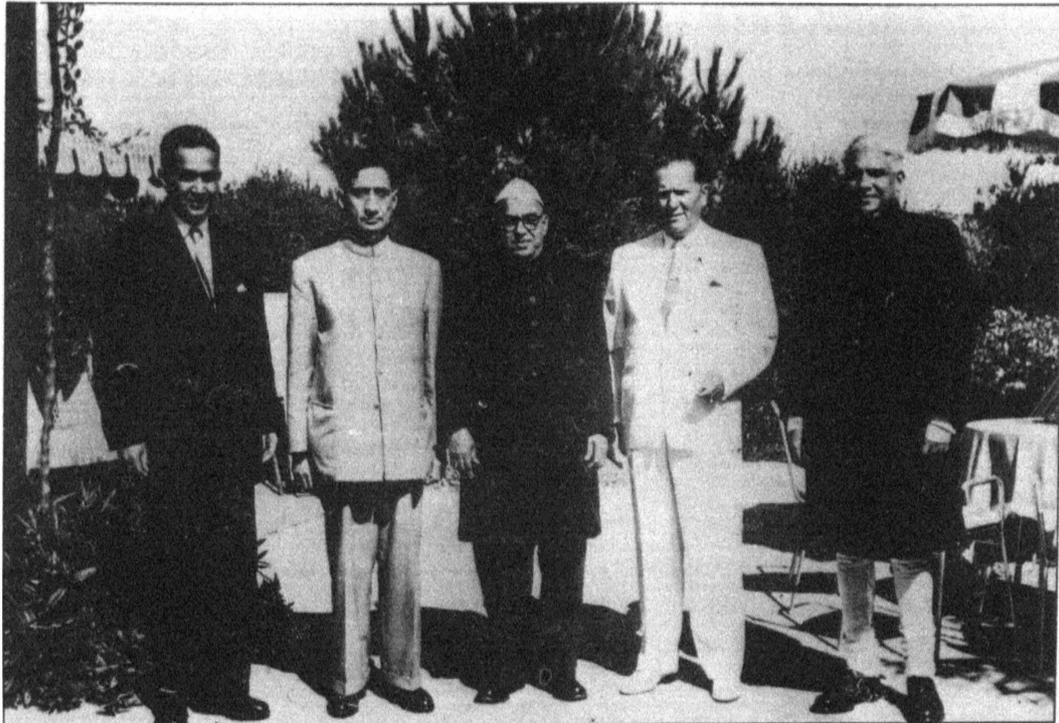
In conversation with Mr. M. Andre De Blonay, Secretary-General, IPU,
November, 1956.



With Emperor Haile Selassie of Ethiopia, 8 November, 1956.



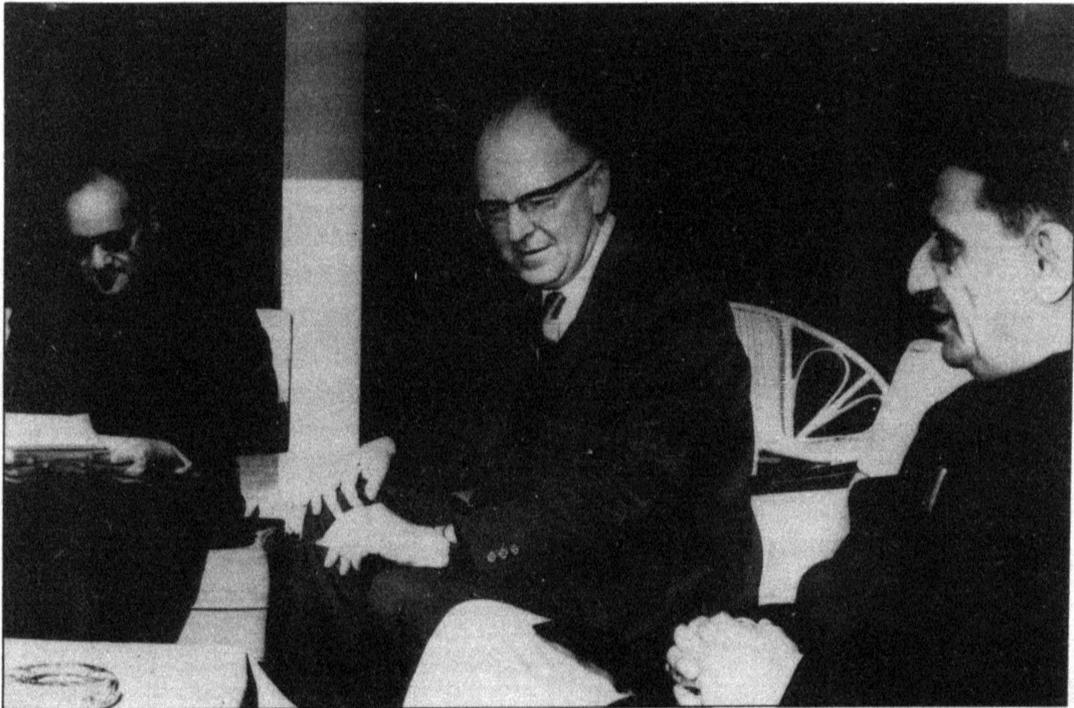
With His Excellency Dr. Kwame Nkrumah, Prime Minister of Ghana,
29 December, 1958.



With His Excellency Marshal Tito, President of Yugoslavia, July, 1959.



With Mr. Tage Erlander, Prime Minister of Sweden, 19 December, 1959.



With Mr. Morris Jones, 17 January, 1967.

makes himself personally responsible for in such matters, there is no defence and he cannot say that he was supplied with wrong information by the office. His reply is as good as a certificate issued by courts. Therefore, when we furnish information in regard to parliamentary records, we should be absolutely certain and there should be no room for doubt whether the information supplied was correct or not. Therefore, as a matter of precaution, an informal consultation with the Government department where there is doubt, may be helpful.

(ii) *Leader of Opposition*

*What position and rank should be assigned to the leader of the Opposition on the occasion of State functions and ceremonies?**

Shri Kaul : With implied concurrence, the scope of the question has been widened. I should like to state certain principles and try to set the whole thing in the proper background. Now, this question arose in the Lok Sabha as well. It first arose in connection with the place that should be accorded to the Speaker himself in the warrant of precedence. The Speaker, Shri Mavalankar, held very strong and definite opinion on it. In fact, he based it on the observations of the Prime Minister himself who on congratulating him on his further election to the office stated "he welcomes Mr. Speaker as the first citizen of the country". And in some countries—I am not referring to Britain—the Speaker is given a very high position, higher than that of the Prime Minister. There was correspondence, friendly correspondence on the subject and in the course of that correspondence, the question arose—under what authority the warrant of precedence is issued. The question was examined. The position that emerged was this. As you know, from 15 August, 1947 till 26 January, 1950, we were a dominion; that is to say, the Crown acted on the advice of the Indian Cabinet and on no other advice and the word 'Crown' was there in our Constitution. It was the Republican Constitution in which the word 'Crown' was omitted. So, the warrant of precedence that we issued while we were a dominion was issued under the royal prerogative. The royal prerogative was operative in India till the Republican Constitution came into force and therefore there was legal and constitutional sanction behind the warrant of precedence. When the written Republican Constitution came into force, the law officers of the Government of India were unable to discover any provision in our Constitution which gave

* At the Conference of Secretaries of Legislative Bodies in India, Bangalore, 30 December, 1960.

constitutional, legal or any kind of sanction to the warrant of precedence. The matter was settled this way. The Prime Minister said that there is no constitutional basis for the warrant of precedence but the Government hold many functions and when they hold a function it is a matter of convenience as to how they will seat their guests. So, it is a matter of convenience for the better arrangement and organisation of State functions that the warrant of precedence is issued. It has no such constitutional basis as it had before in British times and between 1947 and 1950. That is the first point.

The second point that arose was the distinction between a parliamentary function and an executive function. Now, we as Secretaries must be clear in our minds in regard to this distinction between a parliamentary function and an executive function. The test of a parliamentary function is that the whole thing from beginning to end, the organisation, the determination of all matters in respect of it must lie within the sole, unfettered prerogative and discretion of Mr. Speaker. If that discretion is in any way limited, it is not a parliamentary function at all. Now it is dead clear that all these functions which have been referred to are executive functions, they are not parliamentary functions which lie within the jurisdiction and purview of Mr. Speaker. All the functions referred to in the course of discussion are functions organised by the Executive and they might for the sake of convenience be called executive functions. Mr. Speaker has little or nothing to do with those functions. I have often found in my discussion with regard to the House of Commons that in England they are very clear about this distinction—both the Clerk of the House and Mr. Speaker. Mr. Speaker always takes the view that a member can come to him, where Mr. Speaker can give him full and complete relief in the exercise of his own inherent or legal or constitutional powers; where Mr. Speaker cannot give complete relief to the member, he will deal with the matter informally and in other ways through the usual channel, but that is not a matter which comes within the competence of the Speaker; that is not a matter therefore in which a member can approach the Secretary. He cannot have any grievance against the Secretary or he cannot take any matter to the Secretary of the Assembly because the Secretary always acts under the authority of Mr. Speaker and if Mr. Speaker's power is not there, the Secretary cannot give any relief; I am very reluctant to interfere in an affair where I am not in a position to give complete relief; I may deal with the matter informally because we want to be on good and friendly terms with the members and we want to assist them. Whenever a request comes to me which does not lie within the purview of Mr. Speaker, I want to make the position clear, I say this

matter does not lie within my purview. What should be the proper place that should be accorded to them in the warrant of precedence at State functions, that is a matter which has to be considered by the Leader of the House and the Prime Minister in consultation with the group leaders, and if he so chooses he may informally consult the Speaker. It is the Leaders of the parties who should move in the matter. Where the Speaker cannot give relief, the proper way for a member is to go to the Leader of the House and through him he can get relief. Of course, we should suggest them the way. They can have discussion with the Chief Minister and he can have the reaction of the Speaker. In fact, things are happening like that at the Centre. Members write to the Prime Minister and their position and status has improved from year to year. But, we should not get involved in this matter and particularly in all matters in which the Speaker cannot give relief. That is how the matter stands and I do not know what as Secretaries we can say. We may have individual opinions. We can say generally we are in sympathy with the demand of the Members that they should be given proper recognition, proper status in all these functions. But what should be the proper status should be left for mutual discussion between the Leader of the House and the Leaders of groups, and the Leader of the House, if he so chooses, can take the guidance of the Speaker. But we should not take up the battle which the Members should fight themselves. We can show them the way.

(iii) *Adjournment Motions*

The Rules of Procedure in the various States including Lok Sabha provide that the right to move an adjournment motion shall be subject to the following condition among others:—

“that not more than one such motion shall be made at the same sitting.”

*In case the Speaker gives his consent and asks the member to obtain the leave of the House to move the motion and the House refuses to grant such leave whether the rest of the motions can be taken up on that day?**

Shri Kaul : The point is this. If, for instance, on the opening day of the Assembly there are notices of four adjournment motions, how are they to be disposed of? The procedure is that the first notice is taken up first. They are arranged in the

* At the Conference of Secretaries of Legislative Bodies in India, Jaipur, 13 October, 1957.

order of the time of receipt. Suppose the first notice is disposed of and rejected, then the Speaker takes up the second and so on. But, if any one is admitted, then the time is fixed for discussion that particular day. Further motions are not taken up by the Speaker that day; he takes them up the next day. That was the normal procedure in the old Central Assembly. In those days you will see that more than 100 motions were received as there was no other method left open for Members of the old Assembly to have their grievances ventilated. This particular method was adopted.

Now, the picture has changed and since Shri Mavalankar's time we are working on the same basis as the House of Commons. After he framed the rules, he admitted only one adjournment motion. Then there was one recently admitted by the present Speaker during the last session. In the House of Commons, on an average, not more than two adjournment motions are admitted in a session, *i.e.* in a year.

There is only one point on which I would like to say a few words. Now, in the House of Commons and in the Centre here, there is a strong feeling that the Speaker is not admitting adjournment motions fairly enough.

In the House of Commons, we had a recent case when Mr. Wedgwood Benn moved a vote of censure on the Speaker because he did not admit a particular adjournment motion. That was discussed in the House. Shri Shakti Singh who was recently in London had a talk with him and asked him why he insisted on moving that motion against the Speaker. He said that 'the Speaker must be kept in balance as it were and he must know our feelings. It is not sufficient that the matter will be discussed on supply days or other opportunities will arise'. These are the normal reasons given for not allowing an adjournment motion. They say that an adjournment motion gives pointed attention to the whole thing. If a particular matter has arisen and if the House adjourns to discuss that matter it gives point significance to that matter. Such opportunities have become rare in the House of Commons and also rare in our House.

I merely make these observations to point out to you that there is a strong feeling about this matter both in the House of Commons and in the Lok Sabha that this procedure of adjournment motions is falling more or less into disuse and sufficient opportunities are not given to the Opposition to utilise this particular mode of ventilating public grievances and drawing pointed attention to them. Of course, the Opposition want to show that they have tabled adjournment

motions again and again. They feel that at least one adjournment motion should be admitted in a session particularly when the Congress majorities are very large and it is not open or it is not possible for the Opposition to move any censure motions against the Government. As you know, in the House of Commons, a censure motion is a normal thing that happens once almost every year because a censure motion gives the opportunity to the Opposition to frame their attack against the Government precisely. It is not a no-confidence motion in the ordinary sense but it is a motion of censure on the conduct of Government in reference to particular matters, may be the economic policy, may be the foreign policy, may be the transport policy etc. In strong language the Government of the day is condemned. Opportunity is available to the Opposition to make their points and have their say.

I am making these observations in order to give you the latest picture in regard to this matter so that you may have it in your mind when discussing with your speakers. My own personal feeling is that in every session, when there is a case, one or two adjournment motions should be admitted. The real matter that comes in the way is that Government have come to consider this as a sort of censure motion and they feel that if it is admitted something has been done which is very upsetting from their point of view. I think that certain psychological reactions surround the whole procedure of adjournment motions. If the psychological approach were to be adjusted and the Government, the Speaker and the Opposition were to come nearer, a case may be made out for admitting more adjournment motions than is possible today.

(iv) *Sub-Judice Matters*

*Can a Department of Government decline to furnish information to a Committee of the House on a matter pending before a Court of Law?**

Shri Kaul: The procedure at the Centre is the adoption of the Parliamentary convention that all documents must be shown to the Speaker who will guide the Government and the Committee in the matter. The request is not that they should be shown to the Committee but that they should be shown in confidence to the Speaker. We have satisfied the Ministers at the Centre that this is a better safeguard for them and they have now come to accept that position. I have told

* At the Conference of Secretaries of Legislative Bodies in India, Madras on 16 September, 1956.

several Ministers that if they refuse to make available a document, the whole Committee gets suspicious, but that if they confidentially show it to the Chairman of the Committee or the Speaker and disclose to the Committee that the Chairman or the Speaker has seen it, the Committee members may feel satisfied that there is good ground for the Government in saying that the disclosure of the document would be prejudicial to the interests or safety of the State, or that the subject-matter of it is *sub judice*.

It is open to the Government to say that the matter is *sub judice* and that the information asked for could not therefore be furnished. But, a conflict arises when the Committee is not satisfied with the contention of the Government. In the Centre we follow this procedure. A committee asks for a document. The Government do not give it. They never absolutely decline it, but they give reasons. In that way a deadlock is created. Such a deadlock is resolved by the establishment of the convention that the Government should show the document to the Speaker on behalf of the Parliament.

Efforts should be made through the Speaker to establish a convention on the lines of the convention in the Lok Sabha. That is to say, the Government should not be the final Judge in this matter. They should put forward their contention and, if there is an unresolved deadlock, the Speaker's guidance should be sought in the matter. When the Speaker's guidance is sought, obviously the document must be shown to him. In the Parliament, the matter rarely goes to the Speaker; the deadlock is resolved between the Chairman of the Committee and the Government.

Under the rules of Parliament it is within the right of the Government to take objection and say that it will not be in the interests of the State to produce a certain document. Where such an objection is taken, our practice is that the matter is not taken up in the open Committee. The representative of the Government either writes or has an informal talk with the Chairman or Secretary of the Committee. At that talk, it is the practice for the representative of the Government to show the document to the Chairman. If the Chairman is satisfied, having regard to the considerations pertaining to the matter, that the Government were right in saying that it would not be in the interests of the State to produce the document, the matter rests there. The Chairman himself explains the position to the Committee who normally concur with the view of the Chairman. There may be an unresolved difference of opinion between the Government and the Chairman of a Committee and the latter may feel that

there has not been sufficient ground for withholding a document. In such a case, the matter is referred to the Speaker for guidance and his guidance is treated as conclusive both by the Government and the Committee. This procedure which has been evolved at the Centre has stood the test of time and has worked well. Where similar difficulties arise in the State, I suggest that this procedure may be followed.

It has taken five years to establish this convention. As the Prime Minister put it in the course of his speech in unveiling the portrait of the late Shri G.V. Mavalankar, we go by convention and rule and convention is more important. He said that because of his personality and position. He took this very reasonable and responsible line, being the guardian of the privileges and the protector of the interests of the House. He adopted the ancient dictum that the privilege of Parliament is not for the destruction of the State. The Speaker commands the confidence of the Government and is able to evolve conventions.

(v) *Breach of Privilege*

*(i) Consideration of the Report of the Committee of Secretaries on 'Whether the Presiding Officer should have power to withhold his consent to the raising of a question involving a breach of privilege and if so, what should be the effects of such withholding of consent'?**

Shri Kaul : I have to reconcile, if possible, the various view-points expressed by individual members. I was trying to be in sympathy with every speaker; and as the speaker's thought was moving, I was trying to move with each individual speaker and trying to think afresh, because when I come to these Conferences, I set aside all pre-conceived notions and try to benefit by the discussions and to be stimulated by any new thoughts or lines of enquiry that have been suggested, so that we make an advance or clear our ideas.

I can best analyse the position by giving an account of our theory in this matter which led to the framing of these rules. What are the differences in procedure between the House of Commons and our own procedure in the Lok Sabha?

During my first visit to London after Independence in 1948, I had a very full discussion with Sir Frederic Metcalfe who succeeded Lord Campion, on this

* At the Conference of Secretaries of Legislative Bodies in India, Hyderabad, 20 January 1960.

matter, on what I called the "dual procedure in the House of Commons" in contrast with ours, which I will call, "the single or combined procedure in Lok Sabha". I was influenced by the fact that I found Sir Frederic Metcalfe himself was unhappy over the position in the House of Commons. In some cases, it did happen that when the Speaker had said that there was no *prima facie* case and had refused to give precedence, the House on an independent motion by the member in the normal course had referred the case to the Privileges Committee who had reported that there was a breach of privilege. The Speaker there was thus placed in an awkward position.

I felt that if we could experiment with a modified procedure, we may achieve some results. So, I had a discussion with Mr. Speaker Mavalankar while we were in London and we had also a joint discussion with Sir Frederic Metcalfe. I was conscious all the time that I should not do anything which would in any way lead to an argument that we had cut down any substantive right of the members and abridged the privileges which were equated to those of the House of Commons. I, therefore, wanted to so frame the rules that we steered clear of that charge and at the same time got rid of the complication and awkward position that arose in the House of Commons, namely, that where the Speaker says there is no *prima facie* case for the House to consider, on an independent motion the matter is raised by the member in the House and referred to the Privileges Committee who hold that there is a breach of privilege. So, I discussed this matter at length with Mr. Speaker Mavalankar.

Mr. Speaker Mavalankar suggested this line of action: He said "I will not say that there is no *prima facie* case. I am not bound in matters of details of procedure by the approach of the House of Commons. There are two aspects of the matter. On a matter of privilege, the House can be seized of it then and there; the House as a whole may take charge of the matter, debate it and determine the issue and hold whether there is privilege or not. Or, if the matter raises complicated issues, the House may consider it as fit to go to the Committee of Privileges. The House will best consult its dignity by taking no notice of it even though it is a technical breach or it will remit it to the Committee. As Speaker, what I have to consider is not whether there is a *prima facie* case of privilege involved but whether the matter should be placed before the House, or whether I should advise the House because the Speaker can give a suggestion and it is for the House to decide that the matter should be remitted to the Committee. Whether the House will then and there seize of the matter and determine it or

whether the matter should go to the Committee,—that is for the House to decide. So, I will only exercise the normal power of the Speaker, which the Speaker of the House of Commons has—*i.e.* whether to place the notice before the House or not. I will not determine whether there is a *prima facie* case of breach of privilege; I will not exercise that power of the House of Commons' Speaker; I will only determine whether the matter should be placed before the House and in order to determine that, I will apply the normal criteria. That is to say, all matters should be placed before the House unless they are patently absurd or obscene or something that is on the face of it hardly worth bringing before the House; and this is clearly within the fundamental power of the Speaker". Sir Frederic Metcalfe agreed with this and said that the Speaker of the House of Commons was not bound to bring every notice before the House. Even the notice of privilege which is given independently in the House of Commons the Speaker may not bring it to the notice of the House under his general power of placing matters on the Order Paper or withholding certain matters which are determined by precedents. That power to withhold consent to certain matters being brought before the House is exercised on certain principles. Sir Frederic Metcalfe said: "You can go ahead on those lines. There is nothing wrong and nothing inconsistent with the practice in the House of Commons".

Then we considered it further and we thought that the procedure in the House of Commons is 'dual' in the sense that the Speaker says that there is no *prima facie* case, but there he determines the 'urgency' of it. That is, he says: "I give precedence to it over the normal business of the House for the day". Here when he says there is a *prima facie* case, he goes into the matter a little and satisfies himself that there is a *prima facie* case of breach of privilege and then he says: "I will give it precedence over the order of business of the House". In our combined practice or 'single procedure' and not 'dual procedure' as in the House of Commons, we give such high importance to the matter of privilege that we say "Why wait for an independent notice? There is no independent notice of the motion required. The Speaker will place the matter before the House; once he received notice of the privilege motion, he will normally place it before the House unless he thinks that he should refuse his consent. That refusal of consent is governed by rules and precedents which govern all notices of which he receives notice." The result is, in Lok Sabha, all privilege matters are brought by the Speaker before the House; he takes the sense of the House; either the House determines it then and there or remits it to the Committee. Where the Speaker thinks that it is patently absurd or hardly worthwhile, under the general powers—not determining whether a *prima facie* case of breach of privilege is

involved or not—he withholds his consent to bring such matters before the House. But so far as privilege matters are concerned, the normal practice is that the Speaker mentions the matter in the House and disallows it after taking the sense of the House.

So, after thinking over this matter, we have evolved this procedure and I submit for your consideration that no abridgement of any substantive right is involved. Of course, there can always be a misuse of powers; and any misuse of the powers by the Speaker, not in accordance with the precedents, is dealt with by the House under the normal procedure of censure or speaking to the Speaker privately.

(ii) (a) Whether there is a prime facie case for breach of privilege or contempt of the House, if at a meeting of a statutory body, a member of the said body casts reflection on the conduct of a member of the legislature remarking that the speech delivered by the member of the legislature on the floor of the House was unwarranted and gets a resolution passed by the body asking the member to tender unqualified apology for what he had said in the House?

*(b) If the decision on the issue raised is held to be in the affirmative who—whether the offending member or all the members of the statutory body who voted for the resolution—should be called to appear before the Committee of Privileges?**

Shri Kaul: There are two expressions which have been used; one is breach of privilege and the other is contempt of the House. The expression 'contempt of the House' is wider than the expression 'breach of privilege'. Every breach of privilege is a contempt of the House. So, all breach of privileges are included in the expression 'contempt of the House'. The modern practice is to issue writ, under the contempt jurisdiction. The reason is, if you rely on breach of privilege, the matter can go to courts. There is a resolution of the House itself that the breaches of privilege are well settled and cannot be expanded. Courts have held that if a particular matter arises between parties, they can come to a conclusion whether a particular matter is a breach of privilege or not. The modern practice is to issue a writ of contempt to avoid all these complications. So far as the writ of contempt is concerned; the Courts in England have held that it stands on the same footing as contempt of the superior Courts. The writ of the Speaker is

* At the Conference of Secretaries of Legislative Bodies in India, Bangalore, 30 December, 1960.

accepted. The Courts cannot go behind it. They have decided that they will accept a proper writ issued by the Speaker of the House of Commons. The same position prevails in India. That means that in a contempt case, the power of the House is absolute. No Court can question it. Now the power of Parliament is absolute and this power is intended to protect the dignity of Parliament. Naturally, the general public and the members expect that Parliament will use its absolute power with discrimination and sparingly. It is necessary to use it for the protection of Parliament, its dignity and all that. For instance, in England, in the petrol case, people have said that Parliament has gone too far. There may be a general feeling that Parliament is sensitive. The real control of Parliament is the Parliament itself. The opinion and the reaction of the members—that is the only practical limitation on the powers of the Parliament. Otherwise the power of Parliament in cases of contempt is absolute. If Parliament considers that contempt is committed, it settles the issue. There is no other superior authority.

Parliament is not concerned with legal entities or corporate bodies. They just get hold of individuals, individuals in whatever capacity or manner they may have acted. They say that somebody should be produced before the House and issue the necessary writs and deal with the person, the offender, under the Parliamentary Privilege law. They deal with them as individuals even though they may be functioning in various capacities.

I thought that I had made the position quite clear. The House or its Committee is competent to serve notice on individuals. It is for the House to determine as to who are the persons concerned in such transaction. It is for the House to choose on whom notice has to be served. It can get the records and all that. That will depend upon the judgement of the House. The power to pick and choose is that of the House itself. It is easy for the House to consider as to who are the persons involved and on whom a notice has to be served. It can include or exclude persons.

*(iii) Supposing the member of one House commits a breach of privilege of the other House, one House may come to the conclusion that it is a breach of privilege but the other House may come to a different conclusion. What is the position in such case?**

Shri Kaul: The law of contempt is so vast that you can spend hours on it. The point you raised is important—the relation between two Houses. Each House is

* *Ibid.*

master of its own procedure. It deals with its own members. So far as members of the House are concerned, they do not stand in a privileged position. So far as contempt power is concerned, they stand on the same footing with the stranger. When contempt is committed by a Member of the House, it is contempt of the House. So far as relations of the two Houses are concerned where contempt is committed by a member of one House—for instance, in Lok Sabha, an alleged contempt was committed by a member of the Lok Sabha in respect of the Rajya Sabha. Ultimately it was decided that the correct procedure was—Rajya Sabha reported the matter to the Lok Sabha. It was the Lok Sabha which investigated the matter and informed the Rajya Sabha. Each House is master of its own procedure. If one House feels that a contempt is committed by a member of the other House, its only power is to report the matter to the other House. The Lok Sabha investigates and informs Rajya Sabha, and *vice-versa*. There is no question of conflict.

(vi) *Legislation*

*Whether the previous sanction of the President is necessary to a Bill which seeks to impose a Tax on the entry of goods for sale in a particular area and whether the Chair is entitled to disallow the introduction of such a Bill if there is no previous sanction?**

Shri Kaul: So far as the question of the jurisdiction of the Speaker is concerned, I think it is conceded on all hands that the Speaker has the jurisdiction and the power to decide whether the President's sanction is necessary or not; he is the final authority. The other question raised is this. He may want to be on the safe side and there may be a doubt in his mind. But he is the deciding authority. He may consult anybody; he may not consult anybody. For instance, President Patel took one view and he said that he had no confidence in the Legal Advisers and the power to decide issues vested in him. He was given some funds for getting legal opinion but that fund was not utilised. It was agreed in principle that he might consult anybody he liked including the Legal advisers of the Government. So, the rule is clear. Where the Speaker consults the Legal adviser the rule has been clearly laid down that the Legal adviser is not authorised to reveal either the fact that the Speaker consulted him or the advice tendered by him. If the

* At the Conference of Secretaries of Legislative Bodies in India, Shillong, 1 November, 1955.

Speaker is clear in his mind he gives a decision; if not the proper forum is the House itself; he should invite discussion in the House itself where the Government is present. You know that the Attorney-General and the Advocate-Generals are entitled to come and speak on specific issues.

Our rules are clear. We advise the Speaker in the first instance. Sometimes we ourselves feel that the matter is complex; we are not accustomed to interpret the Constitution daily. But then if there is a very complex issue, the Speaker makes a reference to the Attorney-General. If his view conforms to the view of the Speaker there is no complication. Government have often asked the Attorney-General to address the House on certain legal matters—whether a Bill was within the competence of the Parliament or not. But when the Speaker asks for his advice, he writes a personal letter and it does not go through the Government department. The reply is a reply in confidence to the Speaker; that is not cited or quoted by any other person. A question arose whether the advice given by the Attorney-General to the Speaker could be shown to the Home Minister. I contacted both of them and then informed the Home Minister that the Speaker was agreeable that the opinion given in confidence to him may be shown to the Home Minister. If the matter is of great complexity, he may hear open arguments in the House but after he has heard the arguments in the House it is his bounden duty to give his own decision whatever the consequence of that may be, because as the Prime Minister put it in the House the other day, the Constitution enjoins upon the Speaker certain responsibilities which he must personally decide and which he cannot share with others. But he can seek the aid of others either outside the House in confidence or in the open House.

(vii) *Delegated Legislation*

(a) What procedure should the Speaker prescribe for the House or the Committee on Delegated Legislation to adopt for the discussion of Rules, Regulations and bye-laws made in the form of subordinate or delegated legislation?

(b) Whether the rules and regulations which do not require approval of the legislature nor are required to be laid on the table are beyond the parliamentary control? Can they be scrutinised by the Committee on Delegated Legislation or amended or annulled by the Legislature?

(c) Whether the rules which are required to be laid on the table for a certain period or otherwise require approval of the Legislature can be amended or annulled:-

(i) after expiry of the period of laying without any objection;

(ii) if amendments have been tabled within time but were not discussed, nor time for discussion demanded and the time expired;

*(iii) if amendments were tabled within time, and discussion was also demanded, but the Government got the matter postponed for want of time and thereafter the time expired without discussion?**

Shri Kaul : Our practice at the Centre is whether a particular rule has been laid on the Table or not, that fact by itself does not limit the powers of the Committee on Subordinate Legislation. The Committee on Subordinate Legislation has powers to examine and report to the House on all rules which the Government have made under delegated authority, whether they are required to be laid on the Table or not. The Committee has also further powers to examine rules made under the Constitution. They examine both kinds of rules, whether they are laid on the Table or not. Further they examine rules, even though the statutory period for laying up those rules might have elapsed and even though no amendments have been proposed. There is no limit of any kind on the power of the Committee to examine and report to the House because this is a Committee of the sovereign Parliament. Where the amendment is made within the statutory period, the amendment takes the force of law as soon as it is passed by the House and is agreed to by the other House. In any case even though the period might have elapsed the House has power to issue directions to the Government. There is no bar for any member to give notice of a motion recommending to Government that such and such amendment be made to the rules because Government is responsible to the Legislature and if the House recommends, that motion cannot be carried unless Government support it. If the Secretary sends a copy of the motion to the Government, they are bound to amend the rules because their majority would have carried it in the House and they would have given specific assurances in the House. I think that is the position.

* At the Conference of Secretaries of Legislative Bodies in India, Madras, 16 September, 1956.

(viii) Public Accounts Committee

(a) Composition and Functions

*What are the composition, scope and functions of the Public Accounts Committee? Whether the term of the Public Accounts Committee should be co-extensive with the life of the State Assembly, one-third or some such percentage of Members retiring by rotation every year.**

With reference to rotational retirement of one-third members of the Committee, Shri Kaul observed that as elections were now held annually, such a system could not be enforced through Rules but as a matter of convention. As regards the election of Chairman to the Committee, he suggested that, following the British convention, the best available person should be elected, whether he belonged to the Opposition or to the majority party. On the question of scope of functions of the Committee, Shri Kaul suggested that the Committee should look into not only the audited expenditure but also examine the Debt and Revenue Accounts of the Government.

Shri Kaul informed that the Auditor-General's Office were expediting matters now and at the Centre, the Auditor-General had already made a beginning by the submission of advance Reports on important cases relating to frauds and irregularities, without waiting for the compilation of the full Accounts.

* * * *

(b) Summoning of Non-officials and Ministers

*Whether the Public Accounts Committee could summon non-officials and Ministers for examination? ***

Shri Kaul explained that the normal practice was to examine the Secretary of the Department who was assisted by other officers, although there was no bar to summoning non-officials when, to clear up particular points that was considered necessary. In the U.K., it was the head of the Department who was personally responsible to Parliament and not the Minister.

* A Brief Summary of the Proceedings of the Conference of Chairmen of Public Accounts Committee, 1955, pp. 99; 105.

** Ibid., pp. 105-107.

He drew attention to the Directive given by the Speaker of the Lok Sabha in this behalf that a Minister should not be called before the Committee either to give evidence or for consultation in connection with the examination of Accounts by the Committee. The Chairman of the Committee might, however, when considered necessary, but after their deliberations had concluded, have an informal talk with a Minister, the accounts of whose Ministry were under consideration by the Committee in order to apprise him of (a) any matters of policy laid down by the Ministry with which the Committee did not fully agree and (b) any matters of secret and confidential nature which the Committee would not like to bring on record in their report. After such talk, the Committee might reconsider their conclusions but should not, otherwise, pursue any of these matters with the Ministry after they had been brought to the notice of the Minister concerned by the Chairman.

In reply to a point raised by the Chairman, Bombay, Shri Kaul stated that such a procedure could be followed in the States also by vesting the necessary powers to issue similar directions in the Speaker of the Legislative Assembly concerned under the Rules of Procedure and Conduct of Business framed by it.

On the Chairman, Punjab, mentioning that a provision for following such a course existed in the U.K., Shri Kaul explained the procedure followed at the Centre in the matter of implementation of the recommendations made by the Committee and pointed out that if the matter was brought up before the House, political considerations would come in and the question would never be considered on its merits. Once the matter was closed in the House, the Committee would be debarred from pursuing it further. The use of the floor of the House in the manner suggested would have very bad reactions on the Committee itself.

* * * *

(c) Jurisdiction of the Central Public Accounts Committee

*In connection with the examination of the Accounts of a River Valley Project, the appropriations for which are sanctioned by a State Legislature, but funds for which are provided out of loans from the Central Government, what should be the jurisdiction of the Central Public Accounts Committee?**

* *Ibid.*, pp. 107—109.

Shri Kaul stated that the exact nature and scope of the jurisdiction of the Central and State Public Accounts Committees in regard to these Projects had not been determined so far and the whole question in regard to its legal and constitutional aspects was still under study. He expressed his personal view that although the position of the Centre as the financing authority was strong in such matters, there could not and should not be any conflict, whatever might be the legal and constitutional position in this regard. He suggested that the Conference might record a Resolution to the effect that such matters should be settled by convention and, in the first instance, be discussed between the Chairmen of the Central and the State Public Accounts Committees. The provisional conclusions reached by them could be placed by the Chairmen before their respective Committees. Then the matter could be discussed in the Committees and certain well-settled conventions laid down.

Shri Kaul, however, pointed out that identical Reports could always be presented by the two Committees to their respective Legislatures. He said that what he had in mind was that borderline cases should be so discussed and settled.

He explained that the reason for putting this subject on the agenda was that the discussion itself might bring forth many suggestions, on the basis of which a memorandum could be prepared and the whole matter further discussed. He reiterated his viewpoint that an attempt should be made to come to an agreement on this issue irrespective of the legal and constitutional issues involved therein.

* * * *

(d) Information about Cabinet Decisions

*Whether the Public Accounts Committee are competent to know Cabinet decisions?**

Shri Kaul explained that the Chairman had in mind the case relating to the 'Import and Sale of Japanese Cloth', where the Committee were informed that the decision had been taken 'at the highest level' but actually neither the Cabinet nor the Minister had any inkling of the matter and the matter had been disposed of at lower levels, resulting in a loss of nearly Rs. 55 lakh to the Government of India. In such cases, he added, the Committee could suggest the appropriate level for decision of particular matters and recommend to the Government to revise their Rules regarding the delegation of powers, etc.

* *Ibid.*, pp. 109-110

Shri Kaul further stated that, in the matter of production of departmental files, the Speaker, Lok Sabha had held the view that where Government were unable to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State, the Chairman of the Committee should be taken into confidence and he would explain the matter to the Committee in his own way at a private sitting. If the Chairman felt in any particular instance that the production of a document was relevant for the purpose of the Committee the question should be referred to the Speaker for his guidance.

* * * *

(e) Examination of Witnesses

*Officers of what status should attend the meetings of the Public Accounts Committee when required to do so? Whether they should necessarily be Secretaries to Government or Secretaries can depute any subordinate officers to represent the Departments?**

On the observation of the Chairman, P.A.C., U.P. that in his State none below the rank of a Secretary not even the Deputy Secretary, was ever examined, Shri Kaul pointed out that it might be worthwhile sometimes to examine a Deputy Secretary if in a particular case he had dealt with the case himself all along. At the Centre, he said, the Secretaries were present with other officers and one or the other answered, as the situation demanded. He stated that the Secretary of the Department must himself appear before the Committee and if for any reason he was unable to do so, he should communicate the reason to the Committee in writing in advance.

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(f) Appropriation Accounts and Audit Reports

*Whether the Audit Report may be presented separately in advance of the Appropriation Accounts? Whether reports of really serious financial irregularities may be made to the Public Accounts Committee as soon as possible after these have been investigated by audit and Department authorities concerned?****

Shri Kaul suggested that the Committee in each State might find out the reasons for the delay from their respective Accountant-General and try to locate the

* *Ibid.*, p. 111.

** *Ibid.*, pp. 111—114.

fault. He further said that a procedure should be evolved in the Audit Department whereby the Ministries/Departments concerned should be asked to return the Audit paragraphs, sent to them for vetting, within a specified date and if they did not do so, the finalisation of the Audit Report should not be delayed on that account.

He observed that the present system of compilation of initial Accounts by the Treasury was antiquated and the use of machines, as was done in the Defence Accounts Department, would quicken matters. He believed that the transfer of treasury functions to the State Bank of India might also expedite the compilation of Accounts. He said that in the U.K. the compilation was so quick that the Auditor-General there had a chart ready at all times which showed the latest position of the expenditure under the various Grants. Proper controls were exercised there through the Exchequer and Audit Departments Act, 1866 which prescribed the dates on or before which the Appropriation Accounts should be prepared by the several Departments and transmitted for examination to the Comptroller and Auditor-General; to the Treasury by the Comptroller and Auditor-General and to the House of Commons by the Treasury. He referred to the suggestion made by the former Comptroller and Auditor-General that an Act on the lines of the U.K. Exchequer and Audit Departments Act should also be enacted here. This would ensure the compilation of the Accounts and the presentation of Audit Reports thereon by the due dates. He suggested that the Auditor-General should submit a memorandum to the Committee in this behalf setting forth the measures that should be adopted to set right matters under his control. So far as matters outside his control were concerned, the Committee might make recommendations to the Government and pursue them until the whole thing was placed on a satisfactory footing.

Shri Kaul also referred to an article in 'The Times', London which drew attention to the negative side of the 'doctrine of accountability'. This article pointed out that unless matters were disposed off quickly, it tended to make the officers over-careful; and they did not feel sure as to how, in the altered set up, years hence, their actions would be judged by the Committee.

Shri Kaul suggested that the Conference might endorse the following recommendation made by the Central Public Accounts Committee in one of their Reports:-*

"The Committee desire that, at a very early date, a definite programme should be laid down for the presentation of the various accounts and audit reports thereon to Parliament."

* Para 5 of the First Report (1951-52).

He said that the Conference might suggest to Government to follow, as far as possible, the dates laid down in the schedule to the U.K. Act and to bring forward the necessary legislation at an early date, after ascertaining the views of the Central Public Accounts Committee.

In reply to a question by the Chairman, P.A.C., Bhopal, Shri Kaul stated that, under the Constitution, the function of the Auditor-General was to audit the accounts as soon as they were compiled, and the Public Accounts Committee could consider the cases involving financial irregularities, etc. only after Audit had reported. But the Estimates Committee could always examine the estimates of any Department.

He stated that at the Centre too preliminary reports were submitted. These reports, he added, could be considered by the Committee even before their presentation to the House, but only, the Report of the Committee could not be presented before the Audit Reports were laid on the Table.

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(g) "New Service" and "New Instrument of Service"

*What is the criterion for defining precisely the terms "New Service" and "New Instrument of Service" and what are the factors which clearly determine the lines of demarcation between the two? Whether monetary limits can be applied for classifying expenditure as "New Service"?**

Shri Kaul suggested that it would be better not to attempt a precise definition of the technical expression "New Service" but to leave it to be regulated by experience and the evolution of a body of case law. He further pointed out that if there had been provision in the current or previous years for the particular expenditure, a "New Service" was not involved. However, in his view, the idea of "New Service" operated as a sort of limitation on the power of reappropriation vested in the Government in case they incurred expenditure on a "New Service" not contemplated in the annual financial statement for that year. Elucidating the point raised by the Chairman, P.A.C., Punjab, Shri Kaul stated that the Government must obtain a token supplementary vote for the expenditure to be incurred on 'New Service' before the expiry of the financial year.

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* *Ibid.*, pp. 114-115.

(h) Re-appropriation of Funds

*Whether funds obtained by supplementary grants under one sub-head of a grant for specific purposes can be diverted wholly or partially to another sub-head within the same grant for purposes different from those for which the funds were obtained?**

Shri Kaul stated that the Ministry of Finance and the Heads of Departments had certain powers of re-appropriation but the vital thing to look into was whether the diversion of funds in this manner would not interfere with the financial control of Parliament, viz., these were not utilized for purpose other than those for which they were granted. It was the Auditor-General who had to watch this.

But when a supplementary grant had been obtained for a specific purpose, he reiterated his earlier views that approval of Parliament should be obtained for its diversion to other purposes, by a token vote.

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(i) Implementation of the Recommendations of the Committee

*(1) Whether a statement can be made in the House by a Minister on the veracity and correctness of the findings of, or as an explanation to the objections raised by the Public Accounts Committee?****

Shri Kaul stated that a similar issue arose at the Centre [relating to the 'Import and Sale of Japanese Cloth'] and the matter was placed before the Speaker who directed that in cases when Government were not in a position to implement a recommendation made by a Financial Committee of Parliament and Government had reasons to disagree with the recommendation of the Committee, the Ministry concerned should, in consonance with well-established parliamentary practice, place their views before the Committee who might, if they thought fit, present a further report to the House after considering the views of Government in the matter.

* *Ibid.*, pp. 115—116.

** *Ibid.* p. 116.

*(2) What attitude should the Committee adopt in regard to the recommendations made by it and not accepted by the Government?**

Shri Kaul said that what they were considering was the stage after the reconsideration by the Committee and the steps that should be taken if there still remained a disagreement between the Government and the Committee on a particular point. He suggested that in such a case a member might raise the matter in the House through a Debate and not the Chairman because that would then take away his impartiality.

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*(3) Under what circumstances, a recommendation made by the Public Accounts Committee may be reconsidered by it and in what manner and at whose instance the matter may be recommitted to the Committee?****

Shri Kaul : I will explain the precise position that has arisen at the centre. It was felt that the Committee should be kept going as it were in regard to these recommendations, because they have made the recommendations and they know all about it. Therefore, we have issued a directive from the Speaker that after the report has been presented the Government should send its decisions on it to the Committee in the first instance. They do not present their decisions directly to the House. The decisions first come to the Committee and the Committee has another opportunity then to make its comments on these decisions of the Government. These comments are placed in the form of a report before the House. That is to say, in the first stage the report is presented to the House, then the Government considers that report and submits its decisions, whether agreeing or disagreeing, giving reasons for disagreement if any, to the Committee, the Committee then makes its further observations on those decisions and a further report is presented to the House which contains the decisions of the Government and the comments of the Public Accounts Committee thereon. The procedure is perfectly in conformity with the General Rules of Procedure. Speaking from recollection, that is also the procedure in the House of Commons on which our procedure is modelled.

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* *Ibid.*, pp. 116—117.

** *Proceedings of the Conference of the Chairmen of Public Accounts Committee*, 1959, pp. 70 & 72.

(j) Issuing of Directions by the Speaker

*When the Speaker issues a directive does he discuss the matter with the Prime Minister?**

Shri Kaul stated that it all depended upon the nature of the case and its specific importance. He said that sometimes the Prime Minister himself wrote to the Speaker, as in the case relating to the action taken on the Fourth Report of the Public Accounts Committee on the 'Import and Sale of Japanese Cloth'. In all cases, where the matter lies within the exclusive jurisdiction of the Speaker, he would take a decision himself after consulting the authorities concerned.

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(k) Attendance of Members (other than Members of the Committee) at the Sitzings of the Committee

*Can a member of an Assembly or Parliament, who is not a member of the Committee, attend the sittings of the Committee? ***

Shri Kaul stated that a member of an Assembly or Parliament might attend, with the permission of the Chairman, a sitting of the Central Public Accounts Committee, but he could not take part in the proceedings. The Chairmen of State Public Accounts Committees were similarly welcome to attend the sittings. There was no question of a member of the Committee being briefed by such outside members attending the Committee. He added that the Chairman of P.A.C. of one State might likewise attend the Committee of another State. The Committee regulated its own procedure and could allow this. Such a convention existed in the U.K. also.

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(l) Separate Secretariat for the Committee

*Should the Committee have its own separate secretariat?**

Shri Kaul stated that the best system in this respect was in France where they had a separate building for the Committees. He observed that the question was not so much one of having a separate Secretariat as of having a well-trained

* A Brief Summary of the Proceedings of the Conference of Chairmen of Public Accounts Committee, 1955, p. 118.

** Ibid., p. 119.

staff for the Committee. Much of the work of the Committee, he pointed out, such as the drafting of the Reports, etc. now actually fell on the staff, the members themselves being politically too much pre-occupied to pay concentrated attention to this work. He stressed that persons should specially be trained for this job which was of a technical nature.

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(m) Extension of the Scrutiny of the Public Accounts Committee.

*Should the Scrutiny of the Public Accounts Committee be extended to the Accounts of certain concerns to which the State Government give financial assistance?**

Shri Kaul stated that the point that has been raised is not at present governed by any law. There has to be a law regulating this matter. Otherwise those companies may refuse to submit their accounts. There must be first compulsion upon such companies to place the accounts before the Committee. Otherwise, they will raise legal points. Therefore, first, we have to discuss the question on merits. Then there should be a law to regulate such matters in each State. Then you can probe into these things. First, it should be discussed on merits as to what will be the effect of this on private enterprise.

If a Government gives financial assistance, we may say at the time of giving financial assistance, what are the conditions that the Executive Government should lay down. If that provides for inspection of accounts to see that the money is properly used, we can suggest that the Government should make a report. That report may be placed before the P.A.C. and then the P.A.C. may examine it. The Executive Government must establish authority over these things. There must be a report to the P.A.C. and then the P.A.C. reports to Parliament.

For the existing advances, you have got to impress upon the Executive Government that such and such agreement or such and such contract should be looked into. Where you are giving money to a private enterprise, the entire matter is governed by the contract or the agreement between the industry and the Government. So, you cannot make any general statement. The rights are governed by each individual agreement. You can for the future evolve that there should be a model agreement or that there should be a particular pattern of agreement providing that there should be the right of inspection. All that has

* *Proceedings of the Conference of the Chairmen of Public Accounts Committee, 1959, pp. 55; 57-58.*

to be gone into very carefully. Only general decisions can be indicated for each Government to consider.

If Government invests money and Government has the right of inspection and the authority of inspection, and Government is asked to prepare a report as to how they have discharged their duties, and that report is submitted to a Committee of Parliament, then Parliament or that Committee of Parliament is certainly entitled to look into that report. And even if there is any lacuna or loophole in the rules, that can be amended. That is a subsidiary matter. The power that is being sought is such that the conditions for its exercise should be laid down first, and when that is done, when the conditions for its exercise emerge, then the authority should certainly be exercised by the Committee.

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(n) Furnishing Information from Government Files

*How far can Departments claim privilege in furnishing information from Government files, etc.?**

Shri Kaul stated that in cases where the file is of a confidential nature, we have insisted that the Secretary must produce the Minister's certificate that revealing that information would be prejudicial to the safety and interests of the State. If he gets that certificate, the matter is concluded; we cannot call for it. But at the Centre, when any Minister —Mr. Kidwai, Mr. Katju, etc.— was confronted with such a situation of giving that certificate, they produced the file for the perusal of the Chairman. If the Secretary feels hesitant, we say, "You take the Chairman into confidence after taking the permission of the Minister". Then, the Chairman will handle the committee, because whatever the Chairman says, he will say it in the interest of the State and the Committee will be satisfied, provided nothing is hidden from the Chairman.

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* *Ibid.*, p. 78.

C

Addresses at the Conferences of Secretaries of Legislative Bodies in India

(i) ***Address at the Conference of Secretaries of the Legislative Bodies in India held at Gwalior (23 October, 1953)***

This is the first time since the establishment of parliamentary system and institutions in our country that we have met in a more or less formal manner to discuss our common problems and to find solution to them in a co-operative effort. We have had informal contacts before and we know each other very well. But, I have been feeling for a long time that it would perhaps further the cause of Parliament and various legislatures which we have the privilege to serve if we make organised effort to do our bit in raising the standard and authority of the highest institutions in the land. It was with this object in view that I suggested at the Conference of the Presiding Officers of the Legislative Bodies in India in 1950 that a society of Secretaries of the various Legislative Bodies in India might also be organised to discuss matters of administration of Legislature Secretariats and technical questions of procedure at the Secretaries' level. We are grateful to the Presiding Officers that they readily accepted the suggestion and embodied it in their proceedings. It has, however, not been possible for us to meet due to various reasons, mainly because the General Elections were then about to commence and each one of us was busy with the growing problems of the new legislatures. In a way, this delay has had a good result as we have today amongst us Secretaries of Legislature Secretariats of Parts A, B and C States. The process of democratisation of the constituent parts of this Federation has been completed and today all the legislatures are in full swing and we, their principal servants, have been in a position to assess our problems in their proper perspective.

Our field of activity is at once vast and important. We, in our country, are considered as being among the leading public servants, not only because it is our function to ensure the administration and working of legislature from day to day and the correct observance of Parliamentary procedure, but also because

each one of us can enjoy his position by virtue of his political impartiality. That position itself enables us to give impartial testimony to the working of the parliamentary institutions of our country. Our loyalty to these august institutions which we serve places on us an obligation to point out the means which in our opinion should be used to remedy any defect in their working which we may notice. Of course, we have not the power to impose our suggestions, but being the principal advisers of the Presiding Officers, it is our duty to convey our suggestions and opinions to them and it is for them to appreciate the value of the suggestions and to take them over or discard them. If the institutions which we serve do not exactly fulfil their obligations or we do not see them functioning more perfectly, it should be our constant endeavour, in so far as it lies within our power, to suggest improvements.

Our work, thus, is of a continuous creative activity. Experiments in parliamentary procedure and practice are of such wide scope that one cannot rest content with what has so far been established, but must always be on the look-out for new avenues and new ideas to fit them in the pattern of democracy as it develops from day to day. Procedure like everything else is a changing phenomenon and those who are concerned with it directly or indirectly have to develop the art of application of new ideas to the existing circumstances. We all know how things which may be good for one country may not be in keeping with the set up of society, tradition and thought of another country. We have therefore to be very careful to see that nothing which will not fit in the structure of our procedure is borrowed from another country simply because it has worked well in that country.

It is often said that our parliamentary procedure is based on the British system. As a general proposition, the statement is correct. But, when we come to its detailed working we find important differences between the two systems. It is not my purpose here to go into the details and the directions in which the two systems differ. Suffice it to say that whereas the main principles are more or less similar there is quite a good deal of difference in details.

Parliamentary procedure, indeed, occupies a very high place in the modern system of government. We are bound by our Constitution and that Constitution can best work only if its parliamentary system is based on sound lines. One of the essentials is that respect for the parliamentary institutions must increase day by day and that Parliament must feel its authority over the affairs of the

country; not only the parliamentary system should be sound in theory, but the people who are the true masters of this country, should be satisfied that Parliament and the Legislatures work in the most democratic manner. We, as Secretaries of the various legislatures, are therefore to fulfil a task which is both exacting and important.

India is a vast country and I conceive all the legislatures in the various States and Parliament as one grand Parliament of this country. The mere fact that it is split up in the various States is only for administrative and organisational convenience. If this country is to be great, we have to see that each part of this grand Parliament functions effectively. We have to see that there is uniformity of procedure, organisation and administration of these various parts of this grand Parliament. Broadly speaking there should be a common pattern which should apply throughout these various legislatures. This is in the fitness of things because their objective is the same, namely, to raise the standards in all spheres of human activity to the highest degree of achievement.

As Secretaries to the various legislatures, we have thus to conceive ourselves as belonging to a single family, the servants of this grand Parliament. We have to feel ourselves closer to each other and to derive strength and sustenance from each other. Each of us should feel that he has a body of able and sympathetic corps of brother officials by his side. We have to develop a *great esprit de corps* among ourselves so that the common purpose is achieved.

What are our problems and how can we tackle them? Our first problem is that we should have more contacts among ourselves, to know what each one of us is doing and how common difficulties are being solved. Some steps have been taken in this direction, but they are on a very small scale. For example, officers from State legislatures have been coming for training to Delhi, references are made from one legislature to another legislature in writing and occasionally officers have been visiting other legislatures for informal contacts. Of course, the eliciting of information by correspondence between the Secretaries is there but I think the time has come when more vigorous steps should be taken in this direction. There should be more frequent exchange of visits between officers, formal meetings of the Secretaries and establishment of a journal through which news and solutions of difficulties can be circulated.

Then our next problem is the manning of the Secretariats with competent, trained and efficient staff. I regard this as of the highest importance because on

this depends the working of the institutions and their progress and efficiency and consequent growth of democracy. At present, the tendency in some places is to consider parliamentary staff as being relatively unimportant or to place difficulties in their way. We have to see that this situation is remedied. The first and foremost requisite is that the Parliamentary staff should be independent of political influences and they should not, in their day to day work, be deterred by personal, political or sectional influences. There should be a sound code of discipline and conduct. The singleness of purpose should be to serve the members of all shades of opinion and thought with the same devotion. The second requisite is that persons of calibre and sound education should be appointed to the Parliamentary staff. Selection should invariably be made by public examination, and a course of training should be given. During the initial stages of a man's career, a careful watch should be kept over him so that if he is not likely to prove a suitable parliamentary officer, he is removed at an early stage. This will ensure that none but able men are on the rolls of Parliamentary staff. Today, our difficulty is that each single legislature is a small unit. The avenues of promotion, transfer and bettering of their prospects are indeed very small. Until this situation is remedied, there is bound to be difficulty in getting the right type of men. Parliamentary work is of such a character that unless men have long training it is difficult to expect a high standard from them. Then again the work of Parliament is of a technical nature. There is at present no single school or institution which gives training to the intelligent young men in the parliamentary field. It is a great problem which is facing us today. We have to think of the means of solving this problem of training and creating new incentives for the men who come forward to work in the parliamentary institutions. This is a great problem no doubt, but I feel that with our collective wisdom we should be able to find means by which this problem of future recruitment, training and avenues of promotion is satisfactorily solved.

Before I conclude, let me say that we should not be bound by any formal rules of procedure in forming this society of Secretaries. It should be regarded as a gathering of Secretaries who are motivated by the sole desire of fulfilling their role efficiently, try to pool their resources in a common endeavour to face the problems and to solve difficulties together. If our association rests on voluntary co-operation and inner desire to help each other, I think we will grow from strength to strength and lay the foundation for future which will prove a source of strength to democracy as also to those who follow us.

(ii) *Address at the Conference of Secretaries of Legislative Bodies in India held at Srinagar (21 June, 1954)*

Friends and Colleagues:

As I rise to make a few remarks, the first thoughts that come to my mind are those about the Valley where we have been moving about for the last fortnight or so, and the next thought is how grateful we are to the two Secretaries here, Shri Raina and Shri Gupta for their unfailing courtesy. They left no stone unturned to make our stay comfortable; they were available at all times. Please remember that this is the first year that the State has really emerged into some sort of stability. Its resources are still limited, but those resources were very well-marshalled for our advantage and our convenience. Shri Raina and his colleagues always have a smile and cheer on their faces and I feel it was partly their cheer and smile which transferred themselves to their colleagues and a chain reaction, as it were, was set up, so that we all feel today that we are one solid happy family of Secretaries. We are really grateful to them for all that they have done.

So far as this Conference is concerned, which I might say is the second Conference of its kind—the first one was convened in Gwalior—I thought that everybody would be so much occupied with visiting various places in Srinagar that possibly Secretaries would not like to meet together and that their time would be better spent in moving about and seeing the Valley. So, I really wanted to leave it to the Secretaries themselves to decide as to whether they wanted to convene this Conference or not. Their decision, in fact, gave me a very real taste of the success of the work, although it was a small piece of work that we did at Gwalior. A spontaneous feeling suddenly developed amongst the Secretaries as a whole that we should in some small measure continue the good work that we had done in Gwalior. That gives me great satisfaction, because as I said at Gwalior an institution takes a long time to develop, and if it develops by slow stages and the growth springs out of the feelings of those who compose the body, the association, one can say, takes solid roots and the foundations are truly laid. It may be that we have started this Association in an informal way without any set of rules and without any formal document. I feel that this is the right way to start, because after all we are all Secretaries, partners in a single job and we work amongst ourselves with a sense of perfect equality and harmony. That is the fundamental basis upon which we work.

With these few preliminary observations, I wish to say that I was reflecting this morning as to what is really the basic thing that can lead to our growth and development. The idea came to my mind that since we are connected with Parliament, it is to the energies and forces released by Parliament that we must look to. What has happened in this country since parliamentary government which is based on General Elections came as it were like a flood in 1947? What really happened was that the energies which were formerly directed to overthrowing the British Government were suddenly put into parliamentary sphere. Remember that the total of all the legislators in India is 4,058. That is really a single body of persons which is split up into various legislatures and functions at the Centre as well as in the various States. These people, as it were, have been roped into the democratic system and they have to declare their faith in democracy. Quite a large number of them had taken part in movements of a dynamic character. They are people full of energy and zeal. The coming into force of democracy in India has released tremendous forces and our problem now is to harness those forces.

To put it more concretely—although that is not the whole of the picture—Legislatures in the States meet only for a part of the year. I was just talking to my friends a little while ago and I find that the actual duration of the sessions, all the sessions taken together, vary from two months to, say, four months in a year in the various States. Now, you cannot as a matter, I might say, of political strategy, keep these people without work for eight months in the year. I personally feel that the Governments in the States are not yet fully conscious of the harm that accrues to the political system as a whole, because the legislators in the States are not kept busy in the normal way. They meet during sessions; during inter-sessions, because no constructive line of work is suggested to them, they are occupied in what one can conveniently call political strife, with the result that all the atmosphere of political strife which is generated during the inter-session period moves into the session period and real constructive, legislative and other work is not done, but energies are spent more in politics in a narrow sense of the term rather than in real parliamentary work. I think that is the real problem that has got to be faced and the State Governments are not yet fully conscious of it.

From what I have seen at the Centre, I feel that taken as a whole, the members who have come to the legislatures do represent a fair cross-section of the community. They are eager, they want to learn, but no proper steps are taken

to put their energies into constructive channels. I have mentioned all this because I think that in a way it is vitally linked with the work of the Speakers and the Secretaries.

Often the question arises, of the status of the Speaker, the status of his Department and the status of the Secretary. Now, I feel that the biggest block in the way of the attainment of a proper status is that the importance of the legislature and its influence is not yet fully felt in each State and legislators have not been provided with continuous work. I think the time has now come when instead of arguing cases with State Governments from day to day and looking to the support of the Chief Ministers of the States, or the influence of the Speaker, we should make a more fundamental attack on this problem. The attack should be in these two directions: (i) more continuous work for the legislators; and (ii) diversion of their energies into constructive channels.

So far as the first point is concerned, more continuous work throughout the year, I concede that for the time being there may not be full justification in the States for having longer sessions as at the Centre. For instance, we now meet from seven to eight months in a year: we have three sessions. Another way to solve this problem is to have more Parliamentary Committees. Now, if this system of Parliamentary Committees is fully developed and there are a number of important Parliamentary Committees which function throughout the year, during the inter-session period, manned by members from various parties, care being taken not to put one member on two Committees, most members will have a chance to serve on one Committee or another. I find that at the Centre this has proved extremely successful. For instance, in the case of the two Financial Committees, namely, the Estimates Committee and the Public Accounts Committee, quite a number of Ministers who have been selected for either Cabinet rank posts or who have been taken as Ministers of State have been those who have worked on these Committees and have by their work and understanding of the problems made a mark. Some of them have very friendly relations with me and they come and tell me, "the experience that we gained in the Estimates Committee or the Public Accounts Committee has been of great advantage to us in tackling the problems with which we are confronted from day to day".

Now, before we get these Parliamentary Committees of the full stature in the States it is vital that there should be Parliamentary Committees in the true sense of the term. And for that we have in our Rules defined a Parliamentary Committee as a Committee which functions under the control of the Speaker,

which reports to the House, and the staff to assist which is the Parliamentary staff which is under the control of the Speaker. These are the vital elements. If these vital elements are not fulfilled, then the whole idea behind these Parliamentary Committees does not come about. Because the whole point is this. In the United States and in the House of Commons they told me, "Our status has in course of time risen because we as Parliamentary officials are continuously associated with members in one Committee or another and, therefore, we draw our strength from the members as a whole; we look to them for support; they know our work; they know the assistance we give them; they know all that we do for them, and therefore they are first in the field to come and support us if any question arises". And if the officials of the House have the goodwill and the support of their own Assembly and the leading members, then nothing can stop the raising of their status, as it should be, on a normal and proper basis.

Sitting in these Committees—I have found that Members of Committees feel more at home with Parliamentary officials than with Executive officials. Of course, a Parliamentary official has no axe to grind. He does not want that the Government should be condemned without rhyme or reason. His whole idea is that truth should come out in evidence and cross-examination, facts should be elicited, and on a proper examination a full and truthful picture should be presented to Parliament from time to time. As Mr. Churchill pointed out—I was reading in his Memoirs—in England the feeling is that these Committees are a valuable support to the Government. Because, when the Government gets a picture from its own officials, such a picture tends to be a biased picture as it comes from those who are responsible for the actual administration, unless Government sets up important Committees from time to time. But when you have these Parliamentary Committees, they have no axe to grind except to discern the truth and give a balanced report.

One other advantage I have found, and it is this. In the old system, whatever its drawbacks and undemocratic character—and I do not say that advantage should have been kept on because it would have been unconstitutional—the officials sat in the Assembly. The result was that they had to face the music, as it were, of politics in the Assembly itself, and they had direct contacts with the Members. The European officials and other senior Indian officials had more direct contact with and knowledge of Parliament, in any case at the Centre, than our officials at the present day. Now, that the officials have withdrawn, they do not know what is really pulsating in Parliament, what is moving them, what it is all about that is appearing in the papers.

Now, these Committees give a very excellent opportunity of contact between the Members of Parliament and the officials. And I have found that many of the officials welcome it and when they come before the Committee they give their evidence very frankly and honestly. One interesting feature that has emerged in these Committees is that many decisions are held up because of inter-departmental rivalries or inter-departmental points of view. Each Department will stick to its own point of view and no vital decision can be taken unless two or three Departments have been consulted. What we found was that these officials spoke frankly and the Committee was therefore able to see very quickly where the truth lay. The officials themselves would broadly hint what the right decision is. But owing to various complications, they were not in a position to put, as it were, straight and clear proposals. And the reports of the Committees help them tremendously. We have a system by which we number all these recommendations.

This Public Accounts Committee, which was almost a dead Committee, has now been revived. Then we have a Committee on Delegated Legislation. We have only brought out one report so far. But I think this Committee has, or should have, a great future in the States. Because the tendency in modern times is that a great volume of rule-making power is taken by the Government and there is a mass of rules that have been made and no one scrutinizes them from the point of view of Parliament. These rules stand on the same footing as Acts of Parliament, and it is a great lacuna in our political system today that these Committees on Delegated Legislation are not functioning in the States. At the Centre, as I said, we have just started after a great deal of spade work.

Now, that Committee in itself can provide, apart from these Financial Committees, a sufficient volume of work to the Legislators.

Then we have a Committee on Assurances. That is a very novel and unique Committee and it is really, I think, the first contribution of India in the Parliamentary sphere, because no other country has a Committee of that kind. What happens is that all the statements made, assurances given, undertakings and promises are embedded in the Parliamentary records and they are not pursued. Now, all these assurances are extracted, each page is examined, each assurance is extracted, it is numbered, and then they are placed before the Committee. It is the duty of the Committee to ensure that the assurances are implemented quickly and are implemented properly. That in itself is a vast uncharted ocean, as it were. We have just tackled it at the Centre, and we are

not ourselves yet fully conscious of all the ramifications and the advantages that may flow from it.

But, I do feel that even these two Committees, the Committee on Delegated Legislation and the Committee on Assurances, will provide sufficient work for the legislators in the States and will keep them occupied in actual parliamentary work during inter-session periods.

I found in respect of some of the members in the Estimates Committee that when they come to know the actual working of Government, their attack is of a different kind; it is more factual. We have a very sound convention in these Parliamentary Committees, namely that there is no question of a minute of dissent. They work on a non-party basis. That one single case shows the importance of procedure and what a procedural device can achieve in political life. Because there was a provision in Select Committees on Bills for a minute of dissent, you get minutes of dissent. The only Parliamentary Committee in which a minute of dissent survives for historical reasons is the Select Committee on Bills. In other Committees, we have no minutes of dissent, with the result that there is no desire on the part of any member to shine, as it were, and bring out his own point of view. All decisions are taken by a majority and they are recorded, with the result that all members work in a constructive way and there is no leakage. The Press has been advised, and they do not approach the members, and the members work in a very constructive way, and all that has built up their political outlook and, as it were, their political character. Their questions are better framed; their resolutions are not of a general character, but they put down resolutions on specific issues. This is one sphere of work.

The other sphere of work is in regard to Private Members' Bills and Resolutions. That is the one which we have recently tackled, and for that purpose we have constituted a Committee on Private Members' Bills and Resolutions. We found that the Private Members' Bills were in a perfect chaos. Minor Bills would get precedence in the ballot, and there would be prolonged debates so that other Bills down the agenda would not come up, and in that way the whole thing was clogged. Now, we have an organised method. The Committee on Private Members' Bills and Resolutions divides the Bills into two categories according to their importance and urgency, and in these two categories—A and B—Bills are separately balloted. And then, for each Bill or Resolution, a specific time is allotted by the Committee. The Committee is not all-powerful, because its report is subject to the approval of the House. But actually, as a rule, the House is

accustomed to approving the report of the Committee. We take, incidentally, a very good precaution that at these committees we summon members whose Bills are actually under consideration either for inclusion in category A or Category B, or for allotment of time, with the result that the member concerned himself comes; he states his case, and the whole thing is analysed, and the decisions are generally acceptable to the members:

Provided you rope in members through these Parliamentary Committees, in a consultative manner, you find that the opposition in the Legislature is less. If the approach to the opposition members is not direct, there is conflict of views. It is by contacts through work that you can solve difficulties and work means work through Parliamentary Committees where you actually have concrete cases. There the minds of members get absorbed and interested in concrete problems.

Then, we have constituted a Committee on Absence of Members. We found that it was no use taking a decision of the House when an application from a member came. At present, it is placed before the Committee, which reviews it and makes its recommendations. By this way, we find that there has been better attendance in the House and the members appreciate it. They like to meet in a committee. They like to function in a corporate manner. They like to be consulted. When they are consulted, they are happy about it, and they feel that they also have a part to play, or that they also have an influence which will be felt in arriving at decisions. When I was in the House of Commons last, they told me that what the Opposition wants and what the Government should do is to create a feeling in the Opposition that within the limits of agreed policies, the Opposition also can make its influence felt. It is not that the Government is just to be given a rubber stamp, because it has a majority, but the viewpoint of the Opposition should be considered, and the moment you give them a feeling that their influence is felt, or the Government shows consideration, you develop good feeling and harmony.

So far as the other point on which I wished to say a few words is concerned, namely, the question of—I might say for want of a better expression—instructing members, I feel that in the matter of instruction, our parliamentary life today is not at a high level. Members are not fully informed about public affairs and administration. Therefore, it is vital that there should be a good Library. Experience at the Centre has shown that the mere existence of a library, or the

collection of books, or the employment of a good Librarian, does not solve the problem. You must encourage the members to use the Library and therefore, it begins in a small way. The moment a few members begin to take interest in the Library, the idea spreads. The way we have done it at the Centre is that first we prepared bibliographies of all important Bills. A bibliography means that for each clause, we give the relevant references—Indian and foreign—and also statutory and other references. That helps members tremendously and they like it. It encourages them to use the Library. Then we found that it is no use merely getting dozens of journals from all parts of the world, because what a member actually wants is, (if you get him interested in a particular subject) the latest references on that subject. If he knows what is the latest thing that has been said on that subject, he scores a point over others. So, we bring out a monthly publication in which, under suitable heads, all the information on particular points is given. That is done for all the journals received in the Library. If anyone wants to know what is the latest information on a particular subject, he has only to take the monthly publication, and he can in one place under suitable heading, find all the latest references. Then we have a number of half-sheet synopsis of important articles appearing in journals. Then there is a requisition form. The member fills in a requisition saying, "I want information on this subject by such and such time with particular reference to this matter", and that information is collected for him, not only from material available in our Library, but also from the Central Secretariat Library and other Libraries in Delhi, and if necessary by contacting the Ministries concerned. We have also contacts with the Embassies located in Delhi wherever foreign material is involved. We have developed our contacts, and as contacts develop we find that we ourselves gain more experience, and as it were, we build from step to step.

But the really effective method of getting members vitally interested is to form study circles. Supposing we have fifteen Ministries at the Centre, you pick out fifteen members informally by conversation. If you have a leader for one study circle then you give him an important subject to study and constitute a study circle. At present, we have constituted them for various Ministries like Defence, External Affairs and Food and Agriculture. We ask these members to study a subject. They come and informally discuss with us. Then we have a Research and Reference Section where all the material is collected for them. We encourage members also to write a paper, and that paper is then vetted. If necessary, we consult the Ministry as to whether the factual information is correct. Then the paper is circulated to the study circle. From our experience, we find that if you

elect one member as the leader, he will collect fifteen members, because he wants to function politically. The sense of politics is very keen in members, and by being chosen as the leader, he feels the importance of it and he will collect fifteen more members. At present, there is a tremendous inertia among members. In these study circles, we invite Ministers to come and address. I find that a great field for future development lies in the creation of these study circles. As I indicated, all these spheres of work lie entirely within the discretion of the Speaker and the Secretary, and can be slowly developed. The advantages are constant contact with members, the knowledge that the members gain as to what the Secretariat of the Legislature is doing for them, etc. I feel that in that way the importance of the Speaker and the Legislature Secretariat will increase.

I feel that under the parliamentary system it is vital that the influence of Parliament should be continuously felt, either through the House in session or through Committees. The advantage of work in Committees is that they can function during the inter-session period and then that work in the inter-session period suggests general subjects for discussion. For instance, we have half-an-hour discussions arising out of questions. We have discussions for short duration. We have now started a new procedure, what is called calling attention to a matter of urgent public importance, because that was what I found behind these notices of adjournment motions. This provides a new procedural avenue, as it were, for immediately raising an urgent matter which was troubling them. This is vital for the parliamentary system. When Mr. Eden was in Delhi, he told me one thing: you must not keep things simmering in the minds of the Opposition. You must permit them to let off steam. That is what we do and then they are silent. They know the Government viewpoint, they know that the Opposition viewpoint may not be accepted. But there is politics. They want it to be known that they are seized of this matter of political importance and have ventilated it in the Assembly. This is the procedure which, I think, is embodied in Rule 215 of our Rules. It has become very popular. Even the Prime Minister remembers that rule. He thinks it an advantage to have Rule 215; it is very handy to him to make a statement—say on French Settlements or any other important matter. Quickly a member desires to call the attention of the Government. If the Speaker permits, the Minister answers, if he can, immediately; if however he wishes to take time, the matter can be raised on another occasion. Now, that is so far as our parliamentary work is concerned and the lines on which, I think, we can develop this work further.

Coming to the office itself, there are really two parts: relations of the Secretary with the Speaker and the internal working of the office as a whole. Now, so far as the relations with the Speaker are concerned, I think that if work is developed on the lines on which I have suggested, the Speaker will appreciate it. The Secretary and his staff on the basis of their own work will gather much support. What we have done at the Centre is that we have a very exhaustive list of delegated powers—what powers the Speaker exercises, what powers that Secretary exercises and what powers other officials exercise. I find from personal experience that as the Speaker delegates powers to the Secretary, so the process should continue from Secretary downwards. I find it extremely successful from the administrative point of view. Except in the case of gazetted officers—Under Secretary and upwards—the power to suggest and recommend appointments is vested in a Board of four officers. Now, that has two advantages. The first is that you get rid of this feeling—I never like that feeling—that every decision in the office is linked with the Secretary. It is not good from the administrative point of view, apart from any personal liking. Secondly, it develops a kind of *esprit de corps* among officers. Experience has shown that much of the mischief that takes place in offices does not flow from the subordinate staff. It arises because the officer colleagues of the Secretary are, in some degree, not completely loyal to him; when I say ‘not completely loyal’ to him, I mean an officer who even quietly or in low tones dissociates himself from the decision of the head of the department—I say he is not loyal. He may say: ‘Well, I shall just do it, if this is the wish of the ‘Secretary’. It is from this insidious way in which the junior officers dissociate themselves from any decision which is taken from the general administrative point of view, that much of the mischief flows. Many of the representations come in because of some indirect support received by the subordinate staff from the officers themselves. A member of the staff of a branch comes and says: ‘This is my grievance’. That officer has not been associated; he has not been taken into confidence. He says: ‘What have I got to do? All right. Put in a representation’. I find that the machinery works perfectly if you fix and set this responsibility on the shoulders of your junior officers fairly and squarely and let them make the recommendation. I find from personal experience that if you make three or four people sit together, the problem is made easy. They begin to argue among themselves. The angularities, the individual viewpoints, the prejudices, all dissolve and somehow they contrive to arrive at a correct decision which commands general confidence. At that meeting of three or four officers, you may summon a particular officer also who may be directly concerned with some particular aspect of the problem that is being tackled.

Then we have a system of what I would call staff talks. If a Branch Officer gets the staff together from time to time and asks, 'What are your difficulties?', tries to get into their mind and react to their grievances, he comes to know more about the office. You really do not know that true picture, as it were, the photographic picture of what is moving in the minds of people, what is influencing them, what are their grievances and difficulties. If you come to know of them, many of these things can be resolved. Therefore, we have staff talks from time to time.

Then, we have a Suggestion Box in which any member of the staff can put in a suggestion. It is kept in my Private Secretary's room. Then, we have lectures from officers from time to time on various subjects so as to give guidance to the staff. Then, we have a system of Instructional Orders, which is now becoming almost a labyrinth and has to be controlled in some way—that is to say, in each branch work is defined, set out. I found that the staff expanded so quickly and there was so much of untrained staff. The habit of monopolising of some knowledge within your own head is the curse of offices. A Superintendent or some other person may think he can make himself useful by having a monopoly of knowledge which he will decline to transmit to others. That is the worst feature that can happen in an office; because I find from experience that it is not a kind of monopolistic tendency that can develop an office, but the free availability of information. So, I said that the staff should know about that, and that the older men should not keep things to themselves, but should train up the staff. And they are now being quickly trained. So, every process of work was set out accurately and in detail in a series of Instructional Orders. That is why I find it very easy to answer many of the references from States. All our work and procedure has now been reduced to writing. Those orders are subject to revision and amendment from time to time in the light of experience.

Now, we have a special Methods and Organisation Section. It was simply revealing to me what a mass of procedural information is there in a parliamentary set-up. You only get it reduced to writing and you feel the immensity of it and the interest of the officers and the staff that can be aroused in it. Mr. Morris Jones, whom you may have met here—he is Lecturer in the London School of Economics—came and studied for 9 months in our Secretariat, and those orders were extremely useful to him; because parliamentary procedure is essentially a matter of organisation, doing things in a disciplined manner, always keeping in view that you should keep these things few, simple and elastic. But, each procedure has its special characteristics.

I think I have taken much more time than I really intended to, but the friendly reception that I got from all of you is a source of great encouragement to me.

We are all engaged in a great task of building up democracy in India. So, there is no question of my saying, "I have attained this stature at the Centre, so I am content and I have nothing more to do." That I think is an absolutely wrong approach. The duty of those who have attained sufficient stature is to take a living interest in the difficulties of others. I feel that our position in the Centre in a sense is weaker, because in some States at any rate the Legislature Secretariats have not attained their full stature. I think the fabric as a whole will be strong on that day when in each of the States full stature is attained by the Legislature Secretariats. This is a vital point to remember. If we have no difficulty, all right, well and good. We are fortunate; it is more good luck than anything else. We should put ourselves in the position of those who have difficulties and try to help them. It is from this point of view that we have put down these three items on the agenda.

So far as the first item on the agenda, that is, Indian Parliamentary Service is concerned, I would suggest for the consideration of the Conference that we need not concentrate on the actual difficulties of implementing the scheme. They have been fully set out in the notes prepared by the Lok Sabha Secretariat. Let us for the time being keep it as an ideal. After all it was the search for a philosopher's stone which resulted in chemistry and the growth of science. I am myself conscious that that ideal may not be attainable for the time being. Let us, therefore, keep it as an ideal and in the light of that ideal, let us also discuss the actual difficulties that we are having in the States and how we should try to solve the difficulties, in a common endeavour. Always remember that progress must be cautious and slow, because only in that case it is solid. Any progress that is built upon the personal relation of the Speaker and the Prime Minister is not worth much because it may be taken away any moment. It must be based upon a genuine recognition of the position by all concerned.

What has helped us most at the Centre is the constitution of these Parliamentary Committees, because now there is no question, when we send a proposal, of it being said that there is no work, or that the staff is not justified. You have simply to argue a case and the staff is sanctioned because the work in these Parliamentary Committees has left an indelible impression upon the officials appearing before them that the whole structure of Parliament at the Centre has

changed, that its work has increased tremendously—and the problems have multiplied.

To cite an illustration, I would commend to your notice one of the reports of the Estimates Committee recently brought out on administrative and financial reforms. There was this controversy between the Prime Minister and Shri Deshmukh over the question of financial control. Now, I discussed with my Deputy Speaker, who is the Chairman of the Estimates Committee and suggested to him that this is the time to make our proposals on administrative and financial reforms, because the atmosphere is such that whatever we say will be considered by Parliament, by the country and by the Government. So we quickly met together and condensed our five years' experience and the general principles that emerged from it in this report. Now that gives Parliament and its Secretariat, the Speaker and the whole staff added importance.

In the draft rules that we have prepared we have stated that the status of our officers should not be less than that in corresponding government service, because we take the view that in view of the special position of Parliament and heavier responsibilities, there may be circumstances in which a different treatment may have to be recorded to the officers of the Secretariat.

The second item on the agenda relates to the Journal. I have found from experience that if you want to make a thing perfect, you lose time. John Maynard Keynes in his book "Economic Consequences of Peace" says that you may put out a thing if it is fairly tolerable. So, we propose to collect the information from the States and bring out a Journal. We shall try to improve it later by inviting suggestions from the Secretaries. Our intention is to bring out a Journal called "Journal on Parliamentary Information" or by any other name, in which will be published information regarding various Legislatures. But in this, as is obvious, we need the support, the goodwill and the cooperation of all the States.

So far as inter-change of visits is concerned, I personally attach great importance to it. In fact, when the Commonwealth Parliamentary Conference met in London in 1948, the Secretaries of Commonwealth Parliaments had gathered there, but they never met together. It seemed to me very odd and I mentioned it to the Secretary of the Commonwealth Parliamentary Association. We did meet at the time of the coronation when a large number of Secretaries from Commonwealth countries were there and a beginning was made. I merely mention this to show that in some matters we are really well ahead of those whose Constitution we

have copied, because we are starting this at a very early stage. It is our opinion that Speakers should meet together and Secretaries should meet together. There are Federations like Canada and Australia, but I do not think, if I am not making a mistake, that the Speakers and Secretaries meet and confer together. The idea of independence in their own respective spheres is so dominant in their mind.

I would in this connection like to mention how the idea of Presiding Officers' Conference originated. Sir Frederick Whyte was sent from U.K. as the first President of the Assembly. That was the first time that parliamentary institutions started functioning in India, and the Speakers in the various States were completely new to their job. So, Sir Frederick Whyte brought them together from time to time to give them guidance. It was because of the recommendation of the Joint Select Committee with respect to the Act of 1919 that this Conference originally started. President Patel gave it a great impetus. During periods when the Constitution was suspended or there were some crises in the country the Conference did not meet. Otherwise they have been meeting annually and under the Chairmanship of Shri Mavalankar it has gathered great force as you will see from the leading articles that have appeared in the papers.

I feel it is all right for the Speakers to meet once in a year, but the Secretaries should meet oftener. Correspondence is not an effective method of getting a hang of the matter. But just a visit, and exchange of word or information is very vital. I really found it to be so when I was in the House of Commons. It is difficult to understand the procedure from May's *Parliamentary Practice* but in the course of a short conversation many of the difficulties are easily resolved and settled, because you get the background. So some procedure must be devised, and the Speakers and the State Governments should be persuaded that there should be, at any rate, bilateral visits between Secretaries. For instance, I was in Madras, Bangalore and other places. I gained such a lot of knowledge.

Take for instance the Delhi Assembly. One would suggest what is there for us to gain from them. I do not take that view. There was one procedure that they adopted, I do not know whether deliberately or accidentally. For instance, we had great trouble in arranging our Question List. A member's name would come first repeatedly. Members never liked it, one man getting prominence. What the Delhi Assembly did was only the first question of the member was placed first. That is to say, the list was so arranged that the first question of every member

would be included in the list first, then the second question, then the third. And we found that it gave great satisfaction to the members. It may be a small thing but I think that credit goes to the Delhi Assembly for adopting it. Procedure is such a matter of detail and the scope for research in it so extensive that if all our knowledge is pooled together we can make rapid strides.

So, apart from formal Conferences—because it may not be possible to get a large gathering, finance may not be available—at any rate we should encourage these bilateral visits, which can later be converted into committees on specific subjects. There is such a vast scope of co-operative work. Our responsibilities are great, and if we draw strength from each other we can march forward with great confidence and success.

(iii) *Address at the Conference of Secretaries of Legislative Bodies in India held at Rajkot (5 January, 1955)*

Functioning of Legislature Secretariats

While on this subject, I look back to the year 1929 because that was the year in which President Patel had discussions with the Government of the day—the British Government—and there was a resolution passed in the Central Assembly as a result of which a separate Legislative Assembly Department was constituted. At that time, the Government of the day made extensive enquiries from the British House of Commons and the position that was revealed at the time was, which I have also confirmed in my visits to the House of Commons, that it was the Clerk of the House who was the head of the department. He makes the appointments.

President Patel did not accept that position. A separate Legislative Assembly Department was first constituted at the Centre. But, this principle which has been accepted in the House of Commons and which works well in practice, was not accepted in India. Of course, there were special reasons at that time. President Patel thought that the Government of the day might continue to hold power over the Assembly Secretariat and that the very object of this separation might be defeated. Whatever might have been the considerations at that time, that position still continues to hold good today, in the minds of the Presiding Officers.

At the time, when the Constitution was drafted, it was almost accepted that the position that obtained at the Centre would continue in the States. In fact, when

Dr. Ambedkar moved article 98* of the Constitution, he made it quite clear to the Constituent Assembly that the object of article 98 was not to do anything new, but merely to ensure in the Constitution itself that the position that was achieved by President Patel at the Centre in 1929 might also be enforced in the States. That was the limited objective with which article 98 and the corresponding article in Part VI regarding the States were passed.

You will notice the wording of the article 98(3):

“.....the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States.....”

So, under the Constitution, the position is perfectly clear that unless the Presiding Officers themselves are willing to delegate powers to the Secretaries, the desired result, as the position exists in the British House of Commons, cannot be attained here. So, with the best will in the world, with the best of motives, it is not possible for us to frame rules on the lines of the position in the House of Commons, except with the goodwill and concurrence of the Presiding Officers concerned. Therefore, it really boils down to discussions between the Secretaries and the Presiding Officers particularly at the time when the rules in the respective States are being framed.

Personally, I feel that in order to define the powers of the Presiding Officers the only method that is available is to devise a proper procedure. It is only by devising some kind of procedure that you can define the powers. So far as the House of Commons is concerned, the position is this. While I was having conversations with the Speaker of the House of Commons, he told me: “I often receive representations from the staff, I merely pass them on to the Clerk of the

* Article 98 of the Constitution Provides:

- (1) Each House of Parliament shall have a separate secretarial staff:
Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.
- (2) Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament.
- (3) Until provision is made by Parliament under clause (2), the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House of the People or the Council of States, and any rules so made shall have effect subject to the provisions of any law made under the said clause.

House and tell him, it is your responsibility, you better dispose them of; I am not interested."

Let me say here quite clearly that although in the House of Commons, the Clerk of the House is the head of the department, he is always in close and intimate touch with the Speaker and it is neither his intention nor his desire to adopt a course of action which is directly contrary to the wishes of the Speaker. Of course, such a contingency rarely arises because discussions are well defined and conventions are well established in many matters.

I am happy to say that at the Centre we have had a succession of Speakers who have held eminent positions in public life. There has been no interference of any kind with the administration. After I came to the Centre there was a long tenure of Sir Abdur Rahim, who had been a judge of the Madras High Court and who had held many other high appointments. He never interfered in any administrative matters. Of course, important matters were reported to him and he was kept informed of what was happening in the Assembly Department. Sometimes, he would suggest to the Secretary, not by writing any note on the files, that he might examine this point of view. That is about all. So far as Shri Mavalankar is concerned, I do not recall a single case throughout his long tenure where he has made any recommendation in regard to any person, or taken any interest in the appointments in the Secretariat. Once he wrote to me a letter from Ahmedabad saying: so and so has sent an application to me which I send along to you; he is the son of my political guru; that makes no difference; the application may be disposed of on merits. The application was disposed of on merits and it so happened that he was not selected.

While on this subject of defining the powers of the Presiding Officer, I think the best way to achieve that is that the Secretaries should also regulate and control their own powers. You should create the feeling and the atmosphere that the Secretary does not wish to have any power for himself personally, but it is in the interests of the department and the administration and it is in consonance with the dignity of the Presiding officer himself that he should not himself be interested in minor detailed matters of administration. It is on that basis that we have to discuss with the Presiding Officers, always emphasising the point of the dignity of the office that they hold.

So far as we are concerned, I take personal responsibility only for making recommendations in regard to the appointment of Under Secretaries and upwards. There too, personal responsibility is controlled by the advice of the Public

Service Commission or by other recommendations that may be made by Government Departments in regard to particular appointments where appointments on a temporary basis have to be made. Therefore, even in regard to the appointment of officers, it is from defined sources that names come to me. I always take care to forward all the names to the Speaker and make my recommendations. I think there has been no occasion where he had any reason to dissent from the advice that I tendered which was based on the merits of the case and all the papers were on the files. The matter must come through well regulated channels and in the proper way as in the machinery of the Government.

So far as appointments below the level of Under Secretaries are concerned, we have, in the Lok Sabha Secretariat, a Board of five officers who consider all these matters.

The Board meets from time to time. The powers of the Board have been defined. The material that they have to consider is also set out, and there is full and frank discussion by the Board on all matters that fall within their purview. And from the reports of the Board that I get from the Chairman of the Board, I am happy to say that there is free, full and frank discussion, and all the merits of the individuals are fully considered. We do not rely on the opinion of one officer only, because we have a system by which we transfer our staff from section to section, so that before any man is superseded, or any action is taken, we have not only the opinion of one officer, but the consensus of opinion of several officers. The recommendations of the Board are ultimately made to me. And since the Board has been constituted, there has not been a single case in which I had to dissent from the recommendations made by the Board.

I, therefore, feel that the matter may be approached along these lines. So far as the Speaker is concerned, the issue is put as a matter of dignity, and so far as the secretary is concerned, he should be clearly able to show that it is not his intention to exercise his individual judgment and to appoint whomsoever he likes. I feel that any reasonable Presiding Officer may become reflective and consider the matter on its merits. After all, you may frame any number of rules, but the personal equation and the individual relationship can never be eliminated. I may also say that we are yet in a formative stage, in a more formative stage in the parliamentary sphere than in the governmental sphere. But even in the governmental sphere, there are difficulties. I think it will take some time before our conventions get crystallized, and till then, we have to be patient.

So, I am entirely in the hands of the Conference, because I have no precise idea at the moment as to what are the States in which rules have been framed and if any rules have been framed in any State, as to whether those rules are on a satisfactory footing or not. If the Secretaries so desire, and if they are prepared to furnish the necessary information, the matter can be remitted to the Committee which is in existence; that Committee can study the information that is supplied by each Secretary, and then suggest certain principles on which these rules should be based. But the idea is that we are working in a corporate and co-operative capacity as it were, and each one of the Secretaries should be able to help, so far as his own sphere is concerned. He may give a factual survey of his position, and then himself suggest what the remedies are that he has in mind. I feel that if the Secretaries move collectively and in an organised manner through the Committees and then through these Conferences, and a formal document is prepared which sets out in a reasoned way the broad principles upon which the rules should be framed, that may influence considerably Presiding Officers and if necessary, the matter can even be taken with the consent of the Chairman at the Presiding Officers Conference, because I feel that it is very vital that all Legislature Secretariats should stand on as high a level as is necessary for their proper functioning. I have somehow a feeling that if the Legislature Secretariats in the States are not on a proper footing, they somehow or other indirectly bring down the structure at the Centre. For, as I once said, we are, as it were, a grand Parliament of India consisting of the representatives of the various Legislatures, who number above 4000. It is as a matter of convenient subdivision that we have divided it into various State Legislatures. In order that the democratic set-up as a whole should function most effectively in India, it is vital that each one of the Legislature Secretariats should function most effectively, and for that it is essential that the Secretaries should work effectively. But, before they can do that, they must be happy in their position, and happy in their relationship with their respective Presiding Officers.

So, is it the opinion of this Conference that action may be initiated on the lines that I have indicated?

(iv) *Address at the Conference of Secretaries of Legislative Bodies in India held at Madras (16 September, 1956)*

It has been suggested and I think it is in the fitness of things that, before we begin our proceedings this morning, we should record our deep sense of sorrow at the sudden passing away of Shri G.V. Mavalankar, who was the inspiration behind the Speakers' Conference and was the moving spirit in all matters that

concerned our Parliament. I have spoken and written at length elsewhere on his work and influence on Parliamentary institutions. It is not necessary for me to go over the ground again, because we are all deeply conscious of his influence which, I feel, in a certain sense still pervades the minds and thoughts of those who are concerned with Parliamentary procedure. Only the other day the Prime Minister while unveiling his portrait in the Central Hall made a very moving speech. The sense of loss, in spite of the passage of some time, is still fresh. I, therefore, propose that we may pass a formal resolution recording our sense of sorrow and also giving expression to our great appreciation of his services to the cause of Parliamentary democracy and in particular to the Speakers' Conference. I place before you the following resolution:

This Conference places on record its deep sense of sorrow at the death of Shri G.V. Mavalankar, former Speaker of Lok Sabha and its great appreciation of his services to the cause of Parliamentary democracy and in particular to the Conference of Secretaries.*

This meeting in Madras has been rather a surprise meeting. We were expecting to meet in Jaipur, certain changes took place there and eventually it was decided to hold the conference here. I am so happy that all the Secretaries, in any case most of them, have come, because we are meeting on the eve of big reorganisational changes in the State. Many of you will continue to hold your offices, others will re-appear in different offices, and I am afraid that some of us may have to go to different fields. In any case, I hope they will carry with them very vivid and pleasant recollection of their association with the Secretaries' Conference during the last five years or so. I think this is the fifth conference since we first met in Gwalior and I am happy to say that every year it is taking a firm root. It is now not only an annual conference; since we met in Assam, there have been important meetings of Secretaries' Committee and they have done work which has been appreciated by the Speakers' Committee. I have in mind the work relating to the intricate question of privileges and in particular the question whether the States have jurisdiction to take action in respect of breaches of privilege which have taken place outside their jurisdiction. This has proved an extremely complex question. The Secretaries' Committee devoted a great deal of thought to it. I think some solution has been found which, I hope, has been circulated to all the Secretaries. This matter will eventually come up before the

* All stood in silence. The resolution was carried.

Speakers' Conference. As you will have seen, we are of opinion that ultimately it will be necessary to amend the Constitution. We have found a simple solution and that is the entry relating to privileges should be transferred from the State List to the Concurrent List. That we feel will give power to the Parliament to frame an all-comprehensive law in respect of privileges. When I say 'all-comprehensive', I am referring only to the question of jurisdiction, and the legislation may be on the same lines as in regard to the High Courts.

The other matter which the Secretaries' Committee dealt with during this intervening period was in respect of the constitution of an Indian Parliamentary Service. When we first started with this idea, it was thought that it was a dream which would take decades to fructify. As things progressed, people began to develop a faith in this conception and the Secretaries' Committee did very good work and eventually we have produced a scheme. I do not suggest that it will be possible to implement the scheme now. Our whole idea is that the scheme and its implications should be gradually worked out, and it should be impressed on all concerned that this is the only and true solution for the organisation of a Parliamentary Service on an All India basis. I cannot say how long it will take, but we should keep on our efforts and it is bound to come one day. This is the only solution which can solve many difficult problems that arise in connection with the State Legislature Secretariats and their organisation, particularly the manning of these Secretariats by first-class personnel.

The third question dealt with by the Secretaries' Committee in the intervening period was in connection with matters arising out of the reorganisation of States. The idea was mooted by our friend from Bombay; he submitted a memorandum on the subject. Other Secretaries also submitted their views. Eventually, the Secretaries' Committee met and evolved a scheme which was later on discussed by a small committee of Speakers. I find from papers that I have received that some further discussion has taken place among groups of Speakers who are concerned with these matters.

I cite these three illustrations to show that although it was only five years ago that the idea of a Secretaries' Conference first started, during these five years we have made good progress. During the period which elapsed between two conferences, we did work actively in the sense that whenever a problem arose, we convened a meeting of the Standing Committee of Secretaries, dealt with the problem in an objective way and presented our views to the Speakers. I think, that there is a great future for the Secretaries' Conference because not only do

the Secretaries discuss matters, naturally as the Speakers do, but they keep themselves in continuous touch with one another by various means and in that way contacts will develop and problems will be dealt with more effectively.

It was my intention that after these few preliminary observations, I should straightaway proceed with the business on the agenda. But I cannot help giving expression to a few thoughts that are at the present moment uppermost in my mind. Internally, we passed through a severe crisis on the question of the reorganisation of States. In this crisis, the Bombay question, as I might term it, proved to be most baffling and right up to the time the matter came up before Parliament, no solution could be found. Parliament was determined to find a solution and it did evolve a solution which was acceptable to all. This shows for the first time—and if you have seen Foreign comments, you would have noticed—that the Parliament in India is an effective body and can express the will of the people and enforce its decisions in a grave national emergency. That I think is a very important factor which has to be borne in mind, because we have been accustomed for so long to speak in terms of the Executive forcing their will on the Parliamentary majority that they commanded in the House and people thought that the Parliament was proceeding as it were in a mechanical fashion registering approval to the wishes of the Executive Government.

In the normal course that must be so, because in the majority of matters, Parliament must approve the Government which is put in power. But, the true test has been revealed in connection with the Bombay question—our Parliament has been able to tackle an emergent situation which was baffling the country as a whole. I think this instance in the Central Parliament reveals for the first time that the Indian Parliament, although it is of recent origin, possesses a vitality of its own which gives confidence for the future of democracy.

Hardly had we passed out of this internal crisis when we are in a sense involved in an external crisis over Suez. This is the first time that the world has been shaken as it were by a positive policy that has been adopted by the great powers, in particular by Britain. We have circulated to our members a brochure on Suez, and we propose to supplement this by further issues, because we feel that this matter is of the highest importance. In order that democracy and particularly Parliament may function effectively, it is of the utmost importance that the members composing that Parliament also are fully instructed in regard to the discharge of their duties in Parliament. I feel that the time has come when our Secretariats, wherever they are, have to move into proper channels, as it were.

Our duty does not end with producing the list of business, circulating it, attending to the comforts of members, advising the Speaker on points of procedure, etc. I think our duties should extend to giving guidance to members in their parliamentary work. I have for some time been giving active thought to this matter, and the one section in my office, to which I at present devote the largest amount of attention, is our Reference and Research Section, where we are bringing out a number of publications with which I presume many of you are familiar. I find that these publications do a lot of good to members. The number of those who are interested in the study of the various publications is, I find, increasing every year. I may here incidentally mention that even in the ancient House of Commons, the Reference and Research Division was organised only a decade or so ago. I was told by the Librarian of the House that not more than 50 members of that time took advantage of the service that was made available to the members. In the course of ten years, the number has increased considerably. I do not propose to dilate on this subject but such of you as are interested may contact Shri Shakhder who will be glad to give you all information as to the progress that we have made in regard to this work and the advantage that members are taking of our publications.

There is also one other matter to which I may refer. Recently, as you all know, the Planning Commission report was discussed in our House. It was a very big document and members were at a loss as to how to study and tackle it. A suggestion was thrown out in the Business Advisory Committee that Parliament may break up into a number of committees to study the report in advance of the discussion in the House. This was quite a novel idea, and the procedure that we developed is, I think, without a precedent in one or two particulars. For instance, members were not elected to these four committees (Committee A, B, C & D) to which the various subjects in the plan were allotted. Nor were the members nominated by the Speaker. We circularised the members and asked them to indicate to us the sub-committee on which they wished to serve. It was in that way that we drew up lists of members for the various committees. This method has worked very well. Each member has his choice of committees. We even permitted members to change their committees during the earlier stages of their work. The committees were very thorough about their work, and they had one advantage which the House, as a whole, did not have. That is to say, the members of the Planning Commission were present at those meetings. The advisers of the Planning Commission were present. Memoranda were circulated to the committee by the Planning Commission and by the Secretariat on important matters. I was glad to find that members themselves began to take interest, and they

also prepared memoranda and circulated them to the committee to which they belonged. All that was very encouraging, and I had a calculation made the other day and I found that in all, these committees sat for 85 hours and 313 members actually made speeches in these committees. We prepared a synopsis of the proceedings and circulated them to the members. These committees were drawn from both the Houses and in a sense functioned as joint committees quite harmoniously and effectively. We have a verbatim record of the committees' proceedings, but because of printing difficulties, we are not printing them quickly. But we propose to print them. I find that if you call members for an informal meeting (as Governments do in consultative committees) and talk matters over with them and then they disperse, they feel that everything is vanishing into thin air as it were. Experience has shown to me that a record is a tremendous thing in parliamentary activity. What does the record do? The record crystallises the views and feelings of the moment as it were, and crystallises them for all time to come and for reference by all concerned and even by the members. Members are particular that when they speak or say anything, what they say should be recorded and should be available to Parliament and to the country as a whole. We propose eventually to lay these documents on the Table of the House. Verbatim proceedings have already been laid on the Table of the House, but the printed proceedings will be given wide publicity and in that way it not only gives satisfaction to members but shows to the Planning Commission, the Government, and others the thought that the Members of Parliament have been able to give to all these matters. Not only did they discuss these matters in committees, but they were encouraged to start study groups of their own. I hope one or two members have made an intensive study of the Planning Commission report. The other day the members of the Planning Commission discussed matters with them. These committees have set in motion a continuous stream of parliamentary activity, not only activity, but a continuous thought on problems connected with the economic reorganisation. I think this continuity of thought and effort is vital to the success of parliamentary democracy, and that is the reason why I have spoken at some length on this new experiment that we made at the Centre. It has been so successful that the other day a demand was made in Parliament, and I think the Prime Minister was agreeable to it, that the Appleby Report, which has raised such a storm throughout the country, should also similarly be studied as it dealt with a very large number of matters which could not be effectively dealt with and debated in Parliament consisting of 500 members in one House and 216 members in the other House.

(v) Address at the Conference of Secretaries of the Legislative Bodies in India held at Hyderabad (20 January, 1960)

Friends and Colleagues, it is indeed a very great pleasure to meet and welcome you all to this Conference and to see the old familiar faces again. As you know, this Conference first started in the year 1953 in Gwalior and I think I would be expressing the feelings of you all when I say that it has developed its own procedure and I am sure it will grow in strength from time to time. It is better that this Conference grows as a matter of experiment and study rather than by any formal rules or set procedures. We are particularly grateful to our friend Shri G.V. Chowdhary for inviting us here. Some of us have already come to this place and know his hospitality but above all it is his cherry presence and his unobtrusive manner and efficiency that always impresses. He holds strong views and expresses them clearly. But he does not enter into argumentative and controversial discussion. That is a trait of his that has always impressed me.

Coming to the work of this Conference, we have made a change this year. The points that have come before the Conference are limited in number—I think they are three. And we are grateful to Shri Venkataramana Iyer who first took the initiative in this matter, that the points should come before the Conference after a preliminary study. These points were studied by the Committee of Secretaries and after consideration these points are now included in the agenda before you. And the matter that we collected and the study that we made has also been embodied in the reports that have been circulated to all the members of the Conference. I feel that with this limited agenda we will be able to give more concentrated attention to the points that will be discussed by this Conference.

It is customary for me to make a few general observations before we take up the formal agenda. I do not intend to make any comprehensive review. I will say a few things about matters that are uppermost in my mind at the moment. As you know, I had been to East European countries last July and had opportunities to study, although it was a rapid tour, some of the parliamentary institutions and the systems of Government that prevail in those countries. I went practically to all the East European countries and returned *via* Moscow on a private visit. I did not at all go to the western part of Europe because I wanted to confine my thinking to these East European countries which were governed by a pattern of their own. What I saw there left a deep impress upon me and there was a constant emphasis, wherever I went, on the system of Government in those

countries. In fact, it was insisted that it was more democratic than the system of institutions in Western Europe; and it was further emphasized that Parliament was supreme, more supreme in East European countries than in the political system that prevailed in Western Europe. I took care to study in detail the Constitution in Poland, which is embodied in my tour impressions which will be published soon. So, I will give some illustrations from the Constitution of that country.

They say that the Parliament is supreme in Poland because no laws passed by the Parliament can be held *ultra vires* by any other authority. Courts have no power to declare any law of Parliament invalid. You are aware of the position in England and also in India. Great emphasis was laid on the fact that courts are absolutely debarred and there is no authority existing in Poland which can at any time say that any laws made by Parliament are in any way invalid or in conflict with the Constitution. Then, the second point is that Parliament cannot be dissolved by the will of the Head of the State on the advice of the Cabinets of the day. The Constitution lays down the duration of the Parliament and as soon as that duration is over, the Parliament automatically terminates and fresh elections are held. There is no authority vested in any body or individual in the State, which can dissolve the Parliament. So, Parliament is elected for a fixed period and after that period is over its life is terminated. They also say they have no Head of the State. They have got a Presidium of which the Head is the Chairman who presides over all the ceremonial functions. He receives the ambassadors. There is no Head of the State in the sense of the Head of the State in the Western European countries or in other countries. They also pointed to some other features, particularly the powers of their commissions and committees which exercise control over the executive Government. These are some of the ingredients to which they refer in order to show that their system is perhaps more democratic than any in the Western European countries.

It so happened that shortly after my return from the East European countries, we received a copy of the latest report on Parliamentary Procedure which was laid on the table of the House of Commons (U.K.) some time ago. In that report, there was a sentence by my friend Sir Edward Fellowes. The introduction to that memorandum impressed me considerably and particularly one sentence which I will shortly read out to you. You will remember that when a Clerk of the House of Commons speaks or any head of the office speaks—and I saw this in a memorandum supplied by a member of the British Civil Service—there is

in each office a kind of inherited memory, apart from the written rules or records; there is a memory, official memory as it were, which is handed down from Clerk to Clerk and that in Britain is considered as the greatest asset. So, a Clerk who for the time being gets into that office, has not only his rules, his wisdom, his experience, his knowledge, but he is one who has imbibed something from two or three of his predecessors in the course of promotions and in that way the accumulated knowledge and experience are passed on from Clerk to Clerk. So, when he writes something he gives you the feelings not only of himself, but the feelings that are in the minds of each Clerk from time to time.

The sentence to which I referred above reads as follows :

“The function of Parliament in general or of the House of Commons in particular is of an *advisory nature* and the control of the House of Commons over the executive is for the most part to be exercised *ex post facto* and in the same way as the control of the electorates is exercised over the House of Commons itself.”*

I was able to appreciate what was behind his mind because for the last ten years I have discussed with him this aspect of the British parliamentary system. Every discussion has thrown new light. I do not have a first-hand knowledge of any Constitution in the world because from the written records it is not possible to know the meaning or the background of it. I do not even profess to know the English Constitution but that is at any rate the Constitution with which we are familiar and in connection with which I had the advantage of closest study and scrutiny so that I have a background knowledge of the working of that Constitution, but even now every time I feel that layer upon layer is lifted and further light is thrown upon the intricacies of the working of that Constitution. There, a sharp distinction is drawn between the responsibility of the executive and the responsibility of Parliament and that sharp distinction goes back to the days of Cromwell. In the East European countries, there was not that sharp distinction between the responsibility of the Executive and the responsibility of the Parliament. That sharp distinction arose and became more crystallised after the fall of Cromwell and in the parliamentary evolution that followed that period. The emphasis is in this sentence: “The function of Parliament is *ex post facto*.” This means that it is the fundamental power of Parliament to criticise the action of

* Memorandum of Sir Edward Fellowes, Clerk of the House of Commons.

the Government but the responsibility of initiating and executing policies, of working in a cohesive fashion, rests on the executive and the executive is fully responsible and the principle of the English Constitution is that Parliament should not at any time share in the executive responsibilities of the Government of the day because once it begins to do that the parliamentary and the executive responsibility get blurred, Parliament tends to weaken and it does not exercise the full power of criticism. It is often said: "What is the use of Government coming before Parliament? The whole thing is cut and dried. The mind of the Government is made up and Parliament is asked to put a mark." That, I believe, is a wrong approach to the whole problem. Parliament is there to approve general policies, to throw out the Government which is holding office if it loses its confidence and put the Government as it were on the mat and criticise its executive actions through the normal committees and through debates in Parliament. I therefore, feel that the sharp distinction between the responsibility of Parliament and the responsibility of Government is most important at the present moment and that is the particular reason why I have referred to it. We have witnessed that the western form of democracy was adopted in the eastern countries of Asia and other countries of the Middle East. The one country where it has survived in a strong form is India. The Governments in the other countries have not been able to work these Constitutions and therefore there has been collapse of Parliament for a variety of reasons and democracy has not taken roots. One of the main reasons for failure of Parliament in these countries was weak Governments who did not have a cohesive policy and who did not exercise sufficient authority. So, we in India have to be on our guard. Sitting in the House as Secretaries, we are not concerned with politics but we function in the midst of an institution which is intimately connected with politics. There is necessity for a strong executive, a Central Government enjoying the confidence of the central legislature and the State Governments enjoying the confidence of their local legislatures. Strong and cohesive Governments are of vital importance at the present moment because in the course of last year the whole picture has changed. Our foreign policy was based on friendship with China and as our Defence Minister said our borders were kept in the same position as between Canada and U.S.A. You must have read the reports in the papers and all the developments. I have been sitting in the House watching the Prime Minister from day to day. He is changing—his mood is changing—and I have a feeling which I wish to convey to you. A big change has taken place in his mind. He openly said in the House one day: "It is not a question of breach of this agreement or that agreement, breach of a word here or breach of a word there. It is a breach

of faith in general". *Panch Sheel* representing a policy of peace was enunciated in the Tibetan treaty with China in 1954. Talking to correspondents who come from all over the world, I was left with an impression that they feel that we relied too much on the doctrine of good faith. That is to say, the policy of peace should be based on friendly relations but always with the knowledge that in the human institutions—parliamentary and governmental institutions—that we have these days, a change may come over any time. It is not known whether the events in Tibet changed the mind of the Chinese Government. Whatever it be, you have seen the statement from Mr. Anthony Eden who had wide experience in dealing with dictators and authoritarian governments who stated in a television interview last week that the occupation of Tibet by China was based on strategic grounds because that gave them an opportunity to over-awe India. Our Prime Minister himself has said that the fundamental change that has taken place in the relationship between India and China is one of the major events of world history the effect of which will show itself in decades to come.

Be that as it may. We are developing our industry but we have to develop it at a faster rate. The strain on our economy will be greater. Not only have we to defend the whole long line of our frontiers but we have to make rapid strides in industry and on the food front. All that will involve considerable strain. So, I feel each legislator has to be conscious of the tremendous responsibilities that have been thrown on the Government suddenly and it is vital that in the parliamentary sphere as in England in war time the Parliament should give constructive support. It was Mr. Churchill who stated in the House of Commons that Parliament even in war time should reveal the defects in the system of Government. But it is essential that in the situation in which we are placed Parliament should take a balanced view. What I feel is that emphasis is all the time laid upon the weak points but emphasis should also be laid upon strong points. I feel certain that unless our parliamentary system of Government produces strong Governments under the democratic set-up, you can never tell what the future shape of things may be. One of the sentences from Sir Edward Fellowes' memorandum I shall read out :

“Since no Government has ever brought itself to acknowledge that the House of Commons could well afford to be idle provided that all its Standing Committees were at work, the House has never taken advantage of the standing order which permits it to adjourn in order to allow its Standing Committees to operate more freely.”

I shall illustrate it by referring to the system existing in East European countries. There Parliament meets not more than a week or ten days in the whole year. Parliament breaks up into Commissions and these Commissions are functioning all the year round. The heat of the debate and the controversies are in these Commissions which are charged with various spheres of responsibilities. To use a term which Sir Edward Fellowes has used, "Parliament in a sense is idle; Parliament as a whole is idle." It means, Parliament sits to discuss general policies, to hear ministerial pronouncements and statements, but practically speaking, it is idle for long periods. That does not mean that the institution is not functioning, but Parliament as a whole is not functioning. Now, there is provision in the House of Commons Standing Orders according to which Parliament can adjourn for a long period in order that the committees may function. That provision was made in the post-war period in order to relieve the congestion of work in the Parliament but in its wisdom and rightly in my opinion the House of Commons has never even on a single occasion utilised that provision. So, that provision is a dead letter.

In the working of Committees or Commissions, what happens is that even if the Committee or Commission is a large body, there are two or three or at the most half-a-dozen active members who take the lead and study and who influence the opinion and dominate the committee. Groups of opinions or party opinions, vested opinions and sectional opinions develop more frequently in a system where Parliament breaks up into Commissions and functions in that way. If we have a large House like the House of Commons, group opinions can function only upto a point; and it is the general sense of the House that ultimately prevails. You cannot take a body of 500 members beyond a certain point. Therefore, in England, the system has always prevailed that matters come up before the Parliament as a whole and it is felt that in that way democratic institutions are better served. I have sounded this note of warning because suggestions were being made from time to time that we should revive the advisory committees which were set up by the British under a non-democratic set-up in the country and which continued for a couple of years after our new Government came into power at the Centre. I feel the new Government had rightly dissolved all those committees. We have now informal consultative committees which have no statutory basis or any basis in our rules. They are presided over by Ministers and their function is to keep contact with members. The system of advisory committees which was in vogue in the old regime has been done away with. Attempts are made from time to time that these Committees should be revived.

So far as the reform of parliamentary procedure is concerned, we have now been busy at it for ten years. I am feeling—and I place this though before you for your consideration—that, the time has come when we should review and take stock of our position. What useful work the new institutions that we have built up have done; and what are the weaknesses found in their functioning that have to be removed or remedied? Personally speaking, I am not now in favour of going ahead with the formation of further Committees which it may not be possible for us to handle or whose work the Parliament itself may not be able to digest properly, because I feel that a multiplicity of Committees and excessive ill-informed criticism may weaken the executive authority which is responsible for administering the State.

At the Centre we have fourteen Committees. There is the Business Advisory Committee. Now, this Business Advisory Committee had its genesis in this way. Shri Chowdary referred to the Prime Minister's observations in Bombay that in view of congestion of work in Parliament new procedures have to be devised and old procedures have to be adapted to fit in with new conditions. Our Prime Minister wrote to Mr. Speaker Mavalankar and we studied the matter in great detail. As a result of the Prime Minister's suggestions and the study that followed, this concept of Business Advisory Committee was evolved. I mentioned that to Mr. Morrison when I was in the House of Commons and he said: "It was a good idea. Our men may not appreciate it but in your system it may work". Now, the entire parliamentary time-table is drawn up by the Business Advisory Committee presided over by the Speaker where he has made it a firm rule that decisions must be unanimous. The Speaker works as a *via media* and brings about compromise between the Government and the House with regard to the business of the House. Any particular Member of Parliament who is interested in any particular Bill may request the Speaker to invite him to the meeting of the Business Advisory Committee while considering that Bill. Frequently, such Members are also invited. The result is that with the general opinion of the Parliament as to how the time of the Parliament should be arranged, the entire business or time-table of the House is drawn up, with power vested in the Speaker to extend the time by one hour on any day if there is demand to that effect in the House. The institution of the Business Advisory Committee has relieved the Parliament as it were of congestion in business. The result has been remarkable and extremely satisfactory, and the time thus saved has been devoted to the discussion of general questions. The great demand in Lok Sabha is that Members want to discuss actions of the administration, they want to

discuss the reports of various bodies on public undertakings. And now I find that a good deal of time is available for members for a discussion of these general questions. It is an achievement, which we could achieve and which the House of Commons could not have achieved, that we are able to strike a balance between the legislative output of Parliament and the general discussion on various matters of public importance.

I do not think that at the particular moment any reform of parliamentary procedure is needed. I think at the Centre, as also in the States, we have gone at a fast rate and as I said earlier, we should review the situation and put what we have achieved on a firm and solid basis. If war comes—which God forbid—and if we have to put our procedures on a war basis, that can be done very quickly with the goodwill and support of Parliament which is concerned in particular and also by other State legislatures; but I hope that such a contingency will not arise. In fact, at the Centre, the legislative output—the number of laws that are being enacted having been sponsored by the Government—has fallen in volume. I do not know what it is the index of—whether it is due to reconstruction activities having slowed down or due to some other reasons. Whatever it may be, there is no congestion of legislative business in Parliament. And, so far as the State Legislatures are concerned, I suppose they meet for short intervals and if there is more work they can meet for longer periods. So, no reform of procedure is essential to meet any problems in the States.

I think when the Prime Minister was making those observations at Bombay he was having the future in mind, because he made similar observations previously—and newspaper reports are not adequate—that in the complexity of modern civilization the emphasis on scientific matters is not there. For instance, the House of Commons has appointed a Committee with a large number of members of the House of Commons—a Scientific Committee; and they are taking increasing interest in scientific developments. Otherwise, that sphere completely goes out of the field of parliamentary activity. So what I think the Prime Minister has emphasised is that Governmental activity is becoming so complicated and modern civilization is becoming so complex that problems facing us have become rather very intricate requiring expert knowledge for their solution in the changing world and changing phenomena. More and more specialised knowledge is becoming increasingly essential. The generalised work of the Parliament has got to be reviewed and ways and means have to be found for an effective exercise of parliamentary government and the functioning of Parliament as a whole.

So far as other Committees are concerned, in Lok Sabha we have the Privileges Committee; Committee on Estimates; Committee on Public Accounts; Petitions Committee; Committee on Government Assurances; Committee on Subordinate Legislation. There is also a Committee on Private Members' Bills and Resolutions which corresponds to the Business Advisory Committee for Government legislation. We have the General Purposes Committee, an important Committee to which the Speaker may refer matters on which he wishes to have advice. There is the House Committee dealing with accommodation and other matters. I may incidentally mention that the House Committee is now very firm that no Member to whom allotment is made should sublet his quarter. If he does it, enquiry is made and a report submitted by the Members themselves and his allotment cancelled. I personally know of the case of a Member who, having been found to have sublet the accommodation allotted to him, had to vacate his house and he had to take an out-house somewhere because, as you know, the housing problem in Delhi is very acute. We have also a Joint Committee on Members' Salaries and Allowances; the Rules Committee; and lately we have formed the Offices of Profits Committee. Sometimes, at the Centre and also in the States, moot questions are raised as to whether a member holds an 'office of profit', and they can be now settled and all difficulties in that regard can be referred to this Committee; and if they feel that some legislative change is necessary, they will advise accordingly. So we have fourteen Committees in all. And I am now opposed to the formation of any further Committee.

In fact, my present effort is to restrict and rationalize the scope of the present Committees, because I find a tendency amongst Members to interfere in the executive sphere. Take the Petitions Committee. It had been ruled that it cannot take cognizance of anonymous petitions. The other day, the Committee claimed to consider an individual grievance. Now, the moment a Committee of House begins to do that, it is encroaching upon the executive sphere; it comes into conflict with it and begins to share executive responsibility. The Committee on Petitions is concerned with public grievances; it is concerned with questions of principles; it can examine any individual case provided it raises a question of principle. So we examined the position and the Speaker was also convinced that individual grievances cannot be considered. At the present moment our efforts are concerned to limit the scope of activities of the Committee on Petitions, because this is a Committee where, if its scope is widened its work can never end, because everybody amongst the 400 millions will have some grievance or the other. Similarly we are trying to limit the scope of the Estimates Committee.

For instance, they can go into questions of policy if they arise incidentally and if they feel that economy cannot be achieved by any other means except by revising the policy and that the policy itself is leading to waste. Similarly, the Public Accounts Committee has to proceed upon the work of the Auditor-General. Attempts were made to go beyond their sphere and we have advised that it would be risky to do so. So, the present effort is that the lines of demarcation between parliamentary responsibility and executive responsibility should be clearly defined. Parliament's responsibility is *ex post facto*. If the Government has done a wrong in the view of the Parliament, let it be criticised and let that serve as a warning for the future. But for the time being the Government must have the full responsibility and must place its proposals before the House. I remember in the old days when there was the Standing Finance Committee—the Government of the day spoke to the members confidentially and cultivated an opinion in the Standing Finance Committee with the result that when the Government's proposals came before the House, the Government could find their supporters amongst some non-official members because some of them had been convinced or some of them had been squared. We are opposed to supplementary estimates being shown to a Parliamentary Committee before they are presented to the House. It is after presentation that the House is seized of them. If Government consults Parliament through a Committee when it is formulating its estimates then there is always the danger that it will try to cultivate opinion, build up groups; and there is nothing so destructive of Parliament as the Government building up groups in advance and canvassing opinions in advance. It may do it in the normal way by sensing opinions, by generally stating its views, by sensing reactions in the normal political ways, before it takes its decisions.

There is one other matter to which Mr. Chowdary referred: that is the question of 'Privilege'. I hold very strong views about it and I gave expression to them many years ago when I was speaking to the South Indian Journalists' Association in Madras. Privilege is more ancient than freedom of the press. But freedom of the press is as important as the privilege of Parliament and the two have got to be reconciled. Privilege of Parliament is very wide. The Supreme Court has ruled that even the publication of debates of Parliament is a technical breach and the matter can be dealt with on that basis. But as the House of Commons has said, in trivial matters the House can best consult its dignity by taking no action. In fact, I have always felt that when you notice a minor breach and you mention it in Parliament and give it prominence and think of broadcasting it,

it can do much damage. I quite agree that the Committee of Privileges should not be sensitive over these matters. Many of these technical breaches will die, as it were, a natural death, if action is not taken. Our rule of practice in Parliament is that we have not so far taken formal action against any journalist. We have settled the matter out of court by writing to the Editor of the paper concerned; he tenders an apology; it is accepted and the matter is settled. If we are satisfied in any case that a man is deliberately insulting Parliament, that is a fit case which should go before the Committee on Privileges. Otherwise, the House authorises the Speaker to deal with the Editor in the normal way by first asking, as any system of jurisprudence requires, the party concerned as to what his explanation is and if he pleads innocence or pleads mistake or apologizes—he himself personally apologizes—there is an end of the matter, and no further action is necessary. If any person is recalcitrant, of course he must be dealt with and the authority of the Parliament must be maintained.

So, it is on that basis that we have proceeded and my own feeling is that there should be fewer and fewer privilege cases and members should be advised on the above lines on the question of breach of privilege. As May has put it, privileges of members are part of the privileges of Parliament and they have these privileges because they are members of a collective body; they cannot claim, as in France, special immunities and special privileges. Special privileges cannot be claimed in England. The Members conceive that there has been a breach of a certain dignity or privilege which is at times difficult to define nowadays. It is always open for them to take the matter to a Court of Law, to file a suit for defamation and proceed in other ways. Privilege is a technical matter, as you know, and privileges are stated and defined in the Constitution and in *May's Parliamentary Practice*. Beyond them they cannot be extended except on grounds on contempt and contempt normally means contempt of the whole House and not of a particular member. The sphere of extension lies where there is a contempt of the House or where there is a deliberate insult to the House. Normal day-to-day matters of so-called breach of privilege should be resolved by approaching the authorities concerned. We have to advise the Speakers accordingly.

I may briefly refer to the subject of adjournment motions—a chronic headache to the Speakers. There are two matters on which the Speakers of the House of Commons have been censured: closure and adjournment motions. By the device of Business Advisory Committee, who recommended the time-table for discussion of various items, there is now no need to move for the closure of debate. So

far, however, as adjournment motions are concerned the matter is still fluid and there is dissatisfaction amongst members. In the British times, the rule was liberally interpreted because private members had few opportunities for discussion. When responsible Government came, Mr. Speaker Mavalankar took the view that we should take the strict view of the House of Commons; that is to say, wherever Government provides opportunity for discussion, there is no point in upsetting the normal order of business and having a discussion on an adjournment motion. That was the modern current practice in the House of Commons which he adopted and enforced in the famous case of Mir Laik Ali.

We further devised the method of "calling attention" to matters of urgent public importance. It was felt that there may be urgent matters in which the members did not want a regular debate but there was a strong feeling that there should be a reference to those particular matters in the House on that very day as the public and the House were agitated and it was important that the Government should state their position at the earliest opportunity. The rule provides that it should be accepted then and there and answered. The Speaker is unable to enforce it on the Ministers and the Ministers do not fall in line with the scheme and thinking behind the rule, with the result that this rule of 'calling attention' has not satisfied the Members. Of course, when the Speaker mentions the adjournment motion in the House, there is a 'miniature debate' in Lok Sabha and to that extent, there is some ventilation of the feelings. The conflict between the Speaker and the Members arises where the Speaker completely shuts out the matter and does not allow any 'miniature discussion', as it were, on the adjournment motion itself.

In the House of Commons also dissatisfaction is growing. I had occasion to study in more detail the historical genesis of this rule; and I now feel that there is some case for the members. The genesis of this rule dates back to Gladstone's time: he definitely said that this gave a reasonable opportunity for the back-benchers to upset the order of the day, so that they may discuss certain matters. So this was devised originally as the back-benchers' opportunity. For some time, it operated on those lines.

There are three elements: definiteness, urgency and importance. The Speaker in the House of Commons, after the incorporation of the rule determined the question of definiteness and left the two elements of urgency and public importance to the House. So that if the requisite number of Members so desired, the discussion took place that very day. But as Lord Campion stated in his evidence

before the Select Committee on Procedure, one of the Speakers changed the practice and since his day the Speaker has given a combined judgement in the sense that he considered definiteness, urgency and public importance—all the three elements taken together and one shading off into the other. In that manner the modern trend started. From precedent to precedent limitations were placed upon adjournment motions till we come to the modern practice. Of course, reasons are given; there are other opportunities available. But the feeling is there in the House of Commons that discussion on the matter of urgent importance should take place that very day even though it may be for a short period. Also, the argument is developing that the idea that it is a back-benchers' remedy has vanished.

Mr. Speaker Mavalankar admitted one motion and our Speaker has admitted two but there was general agreement that those three matters should be taken up. I feel that the practice has to be modified. The difficulty is that the Government gets terribly upset in the matter because it is taken as a censure or something very serious in which the Government should be brought to book at once or exposed.

There was a discussion on all the matters. I personally feel that we should leave the matter to the wisdom of the Speaker. The point is that the Speaker should come to working arrangements and at least allow one motion in a session. If three adjournment motions are admitted in three sessions, heavens will not fall. It should be left to the Speaker which one has to be admitted as a working arrangement so that Government may not feel that there should be a flood of such motions. The Speaker in his discretion, without Government getting upset, may admit one or two motions. I think that will give satisfaction to the Opposition. It is not so much the amendment of the rules as the relaxation in the current rigidity that is necessary. The current rigidity is felt both in the House of Commons and the Lok Sabha. In the matter of day-to-day experience, if there is not so much upsetting in the various sections of the House a few more motions may well be admitted. It is the question of the personal equation of the Speaker and the question of application of rules rather than the amendment of rules.

The more I study the procedure in a historic sense, the more I get interested, particularly in the procedure of the House of Lords; and I have become a great admirer of the House of Lords which has in a sense not much of a written procedure. It is a delight to watch how the dignity is maintained. In India, there

is constant consultation between the Speaker and the Secretary, the Secretary going up and down. In the House of Commons, the Clerk leans back and whispers. In the Continent, of course, the Chair cannot function without the Deputies of the Speaker and the Clerk being on the dais. In the House of Lords, the Lord Chancellor sits on the Woolsack, the history of which dates back to the 14th Century and the clerk sits opposite to him at the other end. There is no means of communication between the Clerk and the Chancellor. Then how does the system work? There is a system of silent signalling between the Lord Chancellor and the Clerk of Parliaments. He makes certain signs which the Lord Chancellor follows. How dignified it is ! It is a treat to watch.

Members should pay undivided attention to the Speaker and the moment the Speaker is engaged, they should observe decorum of resuming their seats. The relation between the Speaker and the Members is mutual. Formality is the rule of progress. Decorum and dignity is lost if the rules are not observed even to a slight extent. The vigilance of the individual Members is very necessary.

There are some references which I have to make relating to five of our friends *viz.*, Shri Krishnamoorthy, Shri Rangole, Shri Parihar, Shri Mohammed Nizamuddin and Shri M. Surya Rao. I shall divide them into two groups. Sarvashri Krishnamoorthy, Rangole and Surya Rao into one group and Sarvashri Parihar and Mohammed Nizamuddin into another group.

So far as Shri Krishnamoorthy is concerned, we have known him for a very long time. He was a valuable colleague of ours. We are specially indebted to him because it was he and his Speaker who first mooted the question at Delhi of holding the Conference in the States and he was the first person to suggest that such a Conference should be held in Trivandrum. Trivandrum paved the way for holding these Conferences in the States and later on other States also offered to hold the Conferences. We are particularly indebted to Shri Krishnamoorthy for initiating the new concept that these Conferences should not be confined to Delhi alone but should be held in the States also. He is a man of quiet disposition but of a very sound judgment. His references to us on procedural matters were more or less formal and I had to say very little except that I agreed with his views. We wish him all happiness and I would suggest that our appreciation of his work both in the Conference and in his own sphere may be conveyed to him.

So far as Shri Rangole is concerned, of course he was a very experienced Secretary. He not only handled his work in the old State and the new expanded

State very efficiently but he understood the Chief Minister of his State very well. It is not only the knowledge of the rules that we possess that matters but our knowledge of the personalities also; the way we handle them is the task of every Secretary. In this connection, I shall remind you of a speech which was made in the House of Lords on the retirement of Sir Francis Lascelles who was the Clerk of the House of Lords. Lord Salisbury described Sir Francis Lascelles as a supreme example and the way he acted is very valuable for all the Secretaries in India. Sir Francis Lascelles never gave advice unasked. He never volunteered advice to Members of the House or may be Members of the Government. He offered advice when he was consulted, but when he was consulted, whether by a Member of Government or otherwise, he offered the right advice and he offered it in full measure to the satisfaction of everybody concerned, and where a member indicated a sort of disagreement with his advice, he would not enter into an argument or controversy but there was a spasm of pain on his face to which all got accustomed and they terminated the argument and ultimately accepted his advice. I was reminded of this because I have a feeling that Shri Rangole possessed these qualities which in a measure helped the Speakers of the Assembly and helped the Assembly to function smoothly.

Shri Parihar came from a different sphere; he came from the executive sphere and was there as Secretary for a short time. He was very pleasing to deal with and we are glad that in his time the Conference of the Presiding Officers and the Conference of the Secretaries was held there and he made excellent arrangements for these Conferences. As a temporary arrangement he was brought from the executive sphere and posted as Secretary of the Legislature. But I must here sound a word of caution. The practice of posting a Secretary from the executive sphere as a temporary arrangement must terminate. We shall go on insisting that the Secretary in Rajasthan should be a permanent Secretary. He might come from Government Service on transfer but once he comes as the Secretary, after a short time if he is found suitable he should be absorbed. I have found the subordinate staff of such Secretaries coming to me; they say that the interest of these Secretaries is short-lived. These observations are of an abstract nature on the system and they are not intended in any way to reflect on Shri Parihar for whose integrity and competence we have the highest regard.

Shri Mohammed Nizamuddin was also pleasant to deal with. I personally knew him very well as along with the Speaker and otherwise he made many visits to



At the Presiding Officers Conference, New Delhi, 21 August, 1950.



At the Conference of Secretaries of Legislative Bodies in India, Bangalore,
30 December, 1960.

Delhi. I am myself particularly connected with Kashmir. So we all welcomed him and had strong associations with him. Even in the case of Kashmir, as I have urged on the Prime Minister of Jammu & Kashmir whom I have had many occasions to meet in Kashmir as well as in Delhi, the system must change. I told him that he must send a man as Secretary who is willing to be absorbed as such and does not look to the executive. I hope that in course of time we shall see the position changed.

I have also heard on arrival here that Shri Surya Rao who acted as the *de facto* Secretary of the Council has retired. I had met him on my several visits to the South and have pleasant memories of those meetings.

We shall send the good wishes of this Conference to all these Officers.

(vi) *Address at the Conference of Secretaries of Legislative Bodies in India held at Bangalore (30 December, 1960)*

It is my very pleasant duty to welcome you all here in Bangalore and we are particularly grateful to our friend Shri Venkataramana Iyer for making all the excellent arrangements that he has done. He has also, I think, succumbed to the modesty of a host and has said that there are perhaps shortcomings in the arrangements. He was interrupted and told that it is not so. Personally I feel that it is not so much the arrangements as a sense of feeling that we all have, that we are bound to receive and we have received a most hearty welcome from Shri Venkataramana Iyer. We have known him for many years. He is such a pleasant companion. Of course, we all know how well versed he is in parliamentary procedure. I have known for years that he has read every debate of the House of Commons and reads the daily Hansard right up to the present day. He is not only a good student but has a keen sense of procedure. We have got along very well and that I suppose is the experience of every one of you present here. He has been such a tower of strength both to the Speaker and the Members of the Assembly. We have now seen him in his capacity as a host and we all feel that he has left no stone unturned to make our stay here as pleasant and as comfortable as he can arrange and manage to do with the resources that have been placed at his disposal. I remember when both he and the Speaker came to Delhi, he told the same story that perhaps they may not be able to make excellent arrangements. The arrangements are as excellent as we had in any previous conference anywhere else. We shall carry very pleasant memories of our stay in

Bangalore and always remember his cheering presence, his good conversation and his hospitality; I think he has already endeared himself to us and he will endear himself still more to us by the time we leave Bangalore.

It is customary for me to make a few general observations on some matters of recent importance. I think I will refer today to one or two matters which have been discussed at length in Press and in Parliament. I have in mind the question of evolution of Parliament and other Constitutions. Incidentally, the question has also arisen as to the place and position that the President occupies in our own Constitution. These are very interesting questions and I have no doubt all of you have given your thought to these constitutional matters. I will take this opportunity to give some of my own thoughts on the subject.

As you will remember, when the Berubari Bill was under discussion in Parliament, the Prime Minister towards the conclusion of the Debate made a very short reference to the Constitution, lasting, I think, not more than five minutes. But I felt at the time that it was a very incisive and illuminating exposition. Perhaps it may not have appeared in the Press in detail. I would, therefore, request you to go through it in the debates of Parliament. It is a short statement from a person who has actually held the high office of Prime Minister and has always been in close touch with the inner working of the British Constitution by his frequent visits to Conferences in London. The point, as you will remember, under discussion was—who is the treaty-making authority under the Constitution. Of course, the legal position is quite clear. We have adopted the British pattern and under the British system it is the executive in whom the treaty making power is vested in the first instance. The Prime Minister expounded the position and referred both to the American Constitution and the British Constitution. In reference to the American Constitution, he used the expression which I think was rather significant. He said that it is a colonial type of Constitution and by colonial type of Constitution he meant that it was a developing Constitution that prevailed at that time. That reference to the American Constitution as the colonial type of Constitution was not meant to detract from the great merits of the Constitution, but it was as it were a historical way of putting the whole matter. He used another expression which I think was very significant and he alone has the capacity of using these short and significant expressions which perhaps we do not find in great constitutional expositions. He said that in the American Constitution, there was what is called 'diffusion of power'. I particularly like these expressive words 'diffusion of

power'. He intended to convey the concept with which we are familiar that in the American Constitution we cannot locate, as we can in the British Constitution, as to where the legal sovereignty resides. The power is diffused in the executive, legislature and the judiciary, the idea being that each should control the other. You will perhaps recall that Washington who was the author of the Constitution hated colonial rule; at that time colonial rule was typified tyranny and he was anxious that nothing should be put in the American Constitution which will at any time lead to the monopolisation or concentration of power in a single body which may become a tyrant. The American Constitution developed on its own lines and I think it is a great Constitution. We are perhaps unaware of its many merits. The last great book that was written on the American Constitution as you may remember was by Lord Bryce. It was written as far back as twenties. No person of such great eminence has yet arisen who has lived in America for long and has grasped the Constitution and its implications in the same sense as Dicey did in Great Britain. That was rather unfortunate. So many books appear but no book after that of Lord Bryce has yet tackled the American Constitution so as to have a vision of the Constitution and delineate the characteristics and principles in a manner in which Dicey did for the British Constitution. I made this reference to American Constitution in order to put it in proper perspective because I am not one of those who believe that it is a question of superiority of the one Constitution over the other. We have mainly, I think, on historical grounds adopted the British pattern under which the sovereign power vests in Parliament. Now, it is that aspect which is important. But another equally important aspect which is forgotten is that the executive authority in the United Kingdom vests initially and completely so far as execution is concerned, in the Government of the day, namely, the Cabinet and the Prime Minister, as it is said, is the key-stone of the whole structure. It is that power which is very vital because it has given Great Britain not only a democratic Constitution in which the Government is responsible to the Legislature, but a strong executive which is competent to take decisions on any matter and to come to agreements and in fact to settle all questions of importance. Of course, the ultimate power is in Parliament. It can kick out the Government. Subject to this final power, the executive power completely vests in the Government of the day and that is the type that we have got. We are having that type because in the present conditions in the world, a strong and effective Government is a vital necessity. Because, it is only under those circumstances that parliamentary Government can ultimately survive.

There are, I think, three roles in any Constitution. One is the power which resides in the head of the State, which in England is the Crown and in India the President. That is the power of influence. The second is the power of the Parliament to legislate and to control the Government, and to criticise the Government and ultimately to kick out the Government, which does not enjoy their confidence. So far as the general powers are concerned, the fundamental power of Parliament is the power of criticism. And thirdly is the power which is vested in a committee of the House, because ultimately the Cabinet is a committee drawn from the House as it were, and that is the executive power. Now, because of the historical background in India, great importance is attached to the executive power. I personally feel that the power of influence is as important as the power to take decisions. A person like the President or the Governor who is on a position to influence occupies in my opinion, a very high position. He is outside party politics. His views are not known. He gives expression to his views in confidence to the Prime Minister. Under the English practice, the Prime Minister does not disclose the opinion or the reaction of the Crown to his Cabinet. Any expression of opinion that comes from such a high person is bound to be received with great respect. I feel that in India we do not attach sufficient importance to this power of influence. Of course, the power of influence is intimately connected with the personality of the person who occupies that high office. But I do feel that if the power of influence were used it can be a very effective power. Then, of course, the executive power is well-known and needs no elucidation. Here, the great danger is, that Parliament should at no time share responsibility with the executive power. The danger sometimes is, particularly when committees are formed, that the committees may be taken into confidence and informed of decisions in advance, an attempt may be made to cultivate an opinion in favour of the Ministers, which ultimately leads to, in a wider sense, corruption of Parliament. Parliament should keep its mind, as it were open. The power to take decisions vests in the Government under the British Constitution, and the executive power of Government to come to a decision and to take full responsibility for that decision must not be diluted. It is for Parliament to approve or disapprove, to criticise the Government, to bring to light all the scandals that there may be in administration, and in that way to keep control over the Government. I have been myself considerably influenced in this line of thought by my close contact with the Clerk of the House of Commons, Sir Edward Fellowes for the last twelve years. He often used to tell me that if you have a large number of committees, the danger is that a psychology would develop in Parliament of interference in the executive sphere.

He said that was what happened at one time during the period of long Parliament in Britain which ultimately paved the way for coming into power of Cromwell. The distinction between the power of Parliament to criticise and the power of the Executive should be clearly maintained. Members of Parliament should not get mixed up with executive decisions because then Parliament tends to become feeble. If you want to keep the Parliament pure and undiluted, it is vital that constitutionally Parliament need not be taken into confidence before decisions are taken. Of course, it is open to the Government to bring a resolution in Parliament, and ultimately relying on the discussions, on the opinion in the Parliament, they may take a decision.

The second point to which I would refer is a matter of some importance, so far as the actual work of the legislatures is concerned. You will remember that on a previous occasion, I have laid considerable emphasis that it is our duty as Secretaries to ensure that form and procedure is strictly adhered to. There is a tendency at times to throw procedure to the winds in order to solve a particular difficulty. I have always emphasised that there is nothing more vital to the functioning of Parliament than what is called a certainty of procedure. Temporary difficulties can be solved by suspending the rules, by relaxing them with the concurrence of the House. But, the rules should not be moulded, as it were, to suit particular cases or particular conveniences. If that atmosphere develops, then the Members tend to lose confidence in the rules themselves. I have often heard Members of the House of Commons say that they do not care whether the Speaker decides rightly or wrongly. What they like in a Speaker is that he decides according to his conscience uninfluenced by any extraneous circumstances. Members like at times to exploit the Speaker on particular occasions, and as it has sometimes happened in the House of Commons, various views are conveyed to the Speaker in order to influence him and if it is found that he is weak or succumbs to special difficulties at the moment, the Speaker, as it were, loses in the esteem of the members of the Parliament. With that aspect, you are all familiar.

The other aspect which is prominent in my mind in these days is the question of disorders in Assemblies. I have felt and I now feel quite clearly that there is nothing more destructive of the parliamentary system in India in the years to come than the disorders in Assemblies. The beautiful Constitution, well framed rules of procedure, competency of the Speakers—all these things will ultimately go down if proceedings in Parliament or Assemblies are not conducted in an ordered fashion. Sir Edward Fellowes told me recently that he noticed a

tendency in the House of Commons to challenge the authority of the Speaker. I remember Sir Cecil Carr writing to me in one of his letters that he rather deprecates the recent tendencies in the House of Commons. The recent tendency is to challenge the decisions of the Speaker and in a sense to challenge his authority and the way he governs the House of Commons. You will therefore, see how sensitive they are in the House of Commons. So, absolute obedience to the authority of the Speaker and submission to his decisions are very important. Of course, there are ways open to the members to raise matters with the Speaker, to get the rules revised and even ask him to reconsider his decisions. That is always open and will be open in any sovereign Parliament. What is deprecated is the tendency at that very moment to challenge the authority of the Speaker in a loud and uproarious manner and weaken his position. That thing is extremely important to be borne in mind and we should do all that lies in our power—of course, we cannot do much in this sphere—to ensure orderly proceedings in the Assembly and every step is taken to enhance the prestige and position of the Speaker, and advice is given to him in such a way as to enhance his reputation for impartiality as between the Government and the opposition. I will give you a story which dates back to the time of Sir Abdur Rahim who was President of the Central Assembly for many years. He was a man of very wide experience as a judge and a minister. One day, I was with him in the morning as usual to brief him on matters which were coming up before the Central Assembly. He told me, "Kaul, I think the Speaker's job is a policeman's job." At that time, I had not so much experience and thought that the Speaker was expressing his personal difficulty. But now in the light of the observations I have made, I think that was a very wise observation he made in colloquial language. I think, in our present context, it has become important. We are accustomed to legal knowledge, procedure and all that. But it seems to me that at the present moment, one very important and fundamental function of the Speaker is to properly exercise 'the policeman's power'. That is to say, to command respect in the House and have implicit obedience in the House and ensure orderly proceedings.

Another matter in which you may be interested in the recent trends in the Lok Sabha. It is very difficult for anyone who reads the papers to envisage the changes that are taking place. When I am sitting in Parliament I do not come to conclusions as to whether the developments taking place are on the right lines or wrong lines. I am accustomed to watch the changes. Whether they are for good or bad, time alone will show. But I have found from session to session that

in Parliament each day is a different day. Each day is a unique day; each day sets its own precedents which gather force and become more apparent in course of time. I illustrate my observations by referring to questions. You have all been to the Lok Sabha and watched the question hour. In recent sessions very important changes have taken place. No rule has been changed, but there has been some kind of evolution in the question procedure. Question hour in the Lok Sabha today does not resemble the question hour in the Central Assembly or in some of the previous sessions of the Lok Sabha. First let me give you as to how our question lists are prepared. I am not going into the details but will give you one or two important aspects. Questions that are of statistical nature or of minor importance are put in the written list. That shortens the oral list of questions with the result by natural process the more important questions are pushed up. That is an important power which has been very effectively exercised in the Lok Sabha. The second important thing is although the rules give a right to the Member to put three oral questions, in effect that has been reduced to one. Under the orders of the Speaker we take first question of each member and after that is exhausted, second round is taken and then third round. So, the question list is the consolidation of three rounds. About ten questions are answered. By doing all this, the important questions are pushed up. What happens is, sometimes each question lasts for 10 or 15 minutes. So, when a question lasts for ten minutes it becomes a miniature debate. The whole matter is debated and sometimes more effectively debated in the sense that there is an opportunity for a member to hit hard at the Ministers. There are short interjections and heated exchanges and at times the Speaker intervenes. The whole thing becomes quite lively and the Ministers are as it were, on trial.

Secondly, the scope of putting supplementaries has been widened. A large number of supplementaries are allowed which do not directly arise out of the text of the question with the result that the Minister has to equip himself to answer a large number of such supplementaries. Unless the Ministers read the files and are in contact with their departmental heads it is difficult for them to give satisfactory answers on the spur of moment. So Ministers are now, as it were, put to real test. The House is able to test them much better than when there were only two or three supplementaries. For instance, take the questions of the Prime Minister. If there is a question about a minor incident on the border, the whole question of Indo-China relations will come up for questions. In that way about ten questions are answered. Some questions are shortly answered, but four or five questions are answered very extensively and there are, as it

were, short debates. Some of these questions spill over into half-an-hour discussions. So this is the picture that is emerging. I am not discussing here its merits, whether it is a good development or whether it is a bad development, but that development has taken place and it is quite a unique development. As far as the House of Commons is concerned, the effort is—even last week I received a letter—to get through more questions, but here it is the other way about. We take up only a few questions, but they are extensively answered.

The other change that has taken place is about the time that is devoted to discussion on matters of general public importance. Somehow or the other Government legislation work is not heavy these days and so members get an opportunity to discuss matters of general public importance, may be, the report of the Public Service Commission or of a public undertaking or the like. The Sub-Committees of the Business Advisory Committee which examines this matter select the matters and those are put down on the agenda. So, there is considerable satisfaction in the House that a very large number of important matters which are agitating the minds of members come up for discussion. There is hardly any important matter which you cannot, under one procedural device or another, bring before the House, whether it be a matter agitating an individual member or whether it be a matter agitating a party. Thus, in recent sessions of the Lok Sabha Members had ample opportunities to discuss matters of general public importance. As one writer put it, the opportunities to put the administration of Government on the mat are now much wider than they were in previous sessions.

Since we last met at Hyderabad, we are all glad to know that Shri H.B. Shukla has taken over as Secretary of the Gujarat Legislative Assembly. On behalf of all of you I offer him our hearty congratulations. That brings to my mind vivid memories of the very pleasant time that we spent in Saurashtra when the Speakers' Conference was held there. So, our association with him is of long standing and we welcome him here back again in his old place.

We also offer our congratulations to Shri Natarajan who has now become Secretary of the Madras Legislative Council. We have known him for many years. We are aware of the zeal which he displays in parliamentary work and his devotion to matters of procedure.

We also offer our congratulations to Shri Thirumalai—he is not here at present—who has succeeded our old friend in the Kerala Legislative Assembly.

If he had been present here I would have conveyed to him my own reactions. We started this Conference outside Delhi first in Trivandrum many years ago in 1951. It is time that all of us are back in Trivandrum again.

(vii) Address at the Conference of Secretaries of Legislative Bodies in India held at Lucknow (30 December, 1961)

Friends and colleagues, we have just had a very thought provoking address from our colleague, Shri Rup Chandra. As the address itself shows, he took his task with great seriousness, earnestness and ability and although he has not given in this address his achievements, I know that he has succeeded to a large extent in winning for the Secretaries powers which they did not possess before. The mere holding of this Conference is proof of it. I know how diffident the former Secretaries and Presiding Officers were to hold this Conference in Lucknow, because they were not sure of the requisite funds and support from the executive authorities. Difficulties came in his way but he surmounted them. We are indeed very sorry to know from his address that he would soon be retiring but I have little doubt that his energy, ability, wide administrative and Assembly experience would be utilised by the Government of the day. The floods upset his plans so much so that he had to postpone the dates of the Conference because he thought that we would be put to trouble on account of contamination of water. The Conference is being held here in very acute weather conditions but it has been a very successful conference.

It is customary for the host to say and talk of his deficiencies and for those who have benefited from the hospitalities to speak how well looked after they were. I do not want to use hyperbolic language but I can say that I have felt no inconvenience of any kind and I presume and hope that that is the feeling of others also. You have noticed that in all the management of his affairs his voice was hardly audible. You never heard him shouting for anything. It was a quiet efficiency that he displayed in undertaking the work of this Conference. I am sure that I am expressing the feelings of all of you when I say that we have thoroughly enjoyed our stay here and we hope to carry with us happy memories. I wish him long life and prosperity.

I had the good fortune for the last so many years to have intimate relations with many Secretaries and all the Secretaries who are assembled here. They never kept back anything from me. All their difficulties, their progress, their relations with their Speakers or whatever be the situation in their particular State they

have freely discussed with me and I have given them such advice and guidance as I was capable of.

Shri Rup Chandra has quite rightly emphasised the question of the autonomy and independence of the Assembly Secretariat and other allied questions and I do not propose to repeat what he has already dealt with in his address and with which all of us are familiar. I want to deal with certain problems which are fundamental and which always exist. What I have in mind is the important question of the relations between the Speaker and the Secretary. Whatever be the status of the Assembly Secretariat, whether it is dependent on Government, whether it is semi-autonomous or whether it is fully autonomous, many of the problems are solved, if proper relations exist between the Secretary of the House and the Speaker. That I think is very vital to the functioning of any Assembly Secretariat.

The position of the Secretary has to be understood in the first instance by the Speaker himself and secondly it is also vital that the Members should also understand what the position is that the Secretary of the House occupies and in what relation he is placed with the Speaker. It was a matter of surprise to me that even in the House of Commons to which we look for guidance, there are variations from period to period and opinions are expressed as to the relationship between Members and Secretary, opinions which we find also expressed in some State Assemblies. A reference was made to me a little while ago on a very important question. The Deputy Speaker was presiding in a certain Assembly, and he asked the Secretary to show him the records relating to the disposal of a particular question in order to satisfy himself whether order on that particular matter had been finally passed by the Secretary or the Speaker himself. The Secretary was in the House at that time and the Deputy Speaker, who was presiding, was exercising the powers of the Speaker. The Secretary complied with this request of the Deputy Speaker. The file was produced and the Deputy Speaker declared in the House that this matter had been disposed of by the Secretary himself and there was no order of the Speaker. You will appreciate that that raised a very awkward position for the Secretary who was discharging his normal duties. I will not go further into the history of that case. My opinion was invited and I gave that opinion on the telephone and later it was confirmed through the Speaker himself in writing. The matter was ultimately, in my opinion, properly disposed of by the Speaker himself and at a subsequent meeting the position was rectified and I presume the Members of the Assembly were satisfied.

Soon afterwards, as I was going through the debates of the House of Commons, I found this passage in a speech of Mr. Sydney Silverman:

“.....The Clerks at the Table act in a consultative and advisory capacity. They exercise no judicial function. They have no right to decide any question. If it occurs to them when a Question or Motion, or anything else, is presented at the Table that in some way it transgresses or offends against a rule or order or an established convention or practice of the House, we are all grateful if they point it out to us, and if they persuade us that this is so, then we are glad to comply with the advice which they give us. But if they cannot persuade us that it is so, then their business is not to decide it for themselves and treat you, Sir, as if you were some kind of court of appeal from a court of first instance. Their business then is to refer the disputed question or motion to you.”

I discussed this opinion expressed by Mr. Sydney Silverman with the Clerk of the House of Commons and with other Members of the House of Commons. I do not think that this view is the correct view. Those who had full knowledge of procedure and practice of the House said that what Mr. Silverman had stated in the House did not state the correct position of the Clerk and the method of disposal of his work. Now, the correct position, as I understand from my own experience in the Parliament, is that the Secretary of the House has no powers of his own, I mean for disallowing any questions or motions. He acts under the authority and in the name of the Speaker. I use these words “under the authority and in the name of the Speaker” advisedly because he does not work under delegated authority. There is a vital difference. When a Clerk under the authority and in the name of the Speaker admits the motion, the decision is, as it were, of the Speaker himself. We are acting in the name of the Speaker. It is open to the Speaker to call for the papers and review the decision but when he is reviewing the Secretary’s decision on a representation by a Member, he is acting no more than he would have himself acted on a representation by a member for review of his own order. So, it is important to realise that the action taken by the Clerk at the Table is action in the name of the Speaker. There is no question of a decision which is subject to appeal. It is an action taken in the name of the Speaker. The Speaker can, on a representation, review the decision and then he reviews that in the same way as he reviews his own decision. This is very important to remember.

I have an important file with me containing notings as far back as 1929. In this, there are notings of the then Secretary and the Speaker. Mr Speaker Patel, in one of his notes, stated that "The Secretary and his Assistants who pass orders in connection with the business of the Assembly must always remember that the responsibility for the orders that they pass is of the Speaker." This also supports my contention. It was inconceivable for the Speaker to draw a distinction between the Secretary and the Speaker so far as the disposal of the work was concerned, the orders passed by the Secretary and the orders of the Speaker. The Speaker cannot, as it were, disown. He can, as I said earlier, review those orders as he can review his own orders. The orders passed by the Secretary are the orders in the name of the Speaker. In that light, the whole thing has to be viewed. The orders which the Secretary has passed rightly or wrongly are the orders in the name of the Speaker and the Speaker constitutionally has to accept full responsibility for those orders. The member holds the Speaker responsible and the Speaker must assume responsibility for all the actions in the matter of admissions of motions by Secretary.

Now, of course, the question arises about the relationship between the Speaker and the Secretary. On what basis should it be determined? Now, this question of the relationship between the Speaker and the Secretary came up for discussion at the Conference of Secretaries General of Parliaments at Brussels last September where I was present. There the Secretary General of the French Parliament raised this question when we were discussing the basic sources of parliamentary procedure. A questionnaire was being considered. There was an interesting discussion. Ultimately, this question was not included because of various grounds but we all felt that the discussion was very valuable and I got the experience of a good many Clerks of Parliaments. The Secretary-General of the French Parliament raised the question as follows: What are the sources on which the Speaker can rely for advice? He gave his own experience. In the French Parliament, from time to time, cases have occurred where a Speaker has his own political friends, his own friends in the Chamber of Deputies and he relied for advice on A, B and C whom he trusted and consulted on various complicated matters of procedure which of course had political implications. Now, if that sort of thing happened, remember that is the first stage of worsening of the relationship of the Speaker and the Clerk. Then, another Clerk intervened and said that when the Speaker gets advice that way and the members come to know that the Speaker is susceptible to political pressure (which the members soon find out) and that he is not a strong person, they will try to exploit him for their own ends. An experienced Clerk of the House of Commons told me that the members respect a Speaker who makes up his mind, rightly or wrongly, in consultation

with the Clerk of the House who is his confidential Adviser. Where Members suspect that a Speaker goes outside the normal sphere and consults his friends, particularly where decisions have political implications such a Speaker does not command the respect of the members and his decisions are likely to be challenged.

Mr. Speaker Patel was the first elected Members to preside over the Assembly. I could see from the old records that he was a born Speaker. From the very beginning, his choice of words his understanding of relationship between the Speaker and the Secretary was perfect and I found that there was a sentence in the note to which I referred earlier where he stated that it must not be forgotten that the Secretary is the only person to advise the President in matters relating to the business of the Assembly. I was surprised that a matter which was discussed at length by the Secretaries-General Conference was dealt with by President Patel and he dealt with it on a right basis.

Now, this question of relationship is not a matter which is susceptible of any accurate definition. As happens in human affairs, the relationship varies from Speaker to Speaker, from Secretary to Secretary. This relationship is a delicate one. Its nature cannot be accurately defined. Each man can give his own experience and narrate his own difficulties and it was on that ground that the Secretaries-General Conference decided that it is very delicate and very personal and therefore they should not address any specific question on this matter but they were all agreed that for the successful working of the Assemblies and Parliament correct relationship between the Speaker and the Secretary was vital. If that relationship is not established no amount of autonomy, no amount of parliamentary services, nothing can solve the day-to-day problems, but if that relationship is established on proper basis all problems get resolved easily.

There are one or two other matters to which President Patel referred which I might mention here to bring them on the record of this Conference. The Secretary sought his guidance as to what matters he should dispose of in the name of the Speaker and what matters he should refer to the Speaker. Now, this is a very delicate question and there the main difficulty arises. The work has to be disposed of and it is normally for the Secretary (subject to any specific directions of the Speaker) to determine what matters he will place before the Speaker and what matters he should dispose of himself. Of course, if anything new or any kind of political implications arise it is his duty to bring it before the Speaker. Other matters he can dispose of himself. And you will appreciate that if the relationship is smooth it works very well and if the relationship is not

smooth then it creates difficulties. Because at any time the Speaker may say that this matter should have been brought to his notice. Work has to be disposed of there are hundreds of notices, agenda has got to be printed and these have to be gone through. And therefore it is a delicate balance in his mind depending upon the matters as to what he should dispose of himself and what he should bring before the Speaker. No precise directions can be framed. Normally, we circulate notices that are received and there is no time to disallow them because that can be done on the floor of the House but there may be cases where the Speaker may feel that the circulation has to be withheld and the notices disallowed. There should be a close contact between the Secretary and the Speaker. Then he, of course, gave a general guidance which has to be applied in each individual case, that the Secretary should consult the Speaker when he is in doubt and difficulty. But, the doubt obviously must arise in the mind of the Secretary and that doubt should also include his estimates of the doubts in the mind of the Speaker.

Before I conclude, I should like to bring on record the more important observations of Mr. Speaker Patel, to which I have referred in my speech, and which he made soon after a separate Secretariat was established for the Central Assembly. Mr. Speaker Patel settled right principles and right conventions. I will reproduce his own words. "It is the duty of the Secretary and his assistants to study every motion and amendment and consider whether it is in order or not. The Secretary should also anticipate objections likely to be raised in the House in connection with the business of the day, he should then bring such points as he considers necessary to the notice of the Speaker and discuss them with him, before the House sits. He should be ready whenever possible with the previous rulings and precedents and also parliamentary authorities. He must not forget that the Secretary is the only person who can advise the Speaker in all these matters and therefore it is his duty to prepare himself to be useful to him. The best and the easiest course is for the Secretary to discuss verbally all questions with the Speaker. It is necessary in the interest of the smooth working of the department that the officers of the department who pass any orders in connection with any business of the Assembly must always bear in mind that the responsibility for such orders is that of the Speaker."

(viii) *Address at the Conference of Secretaries of Legislative Bodies in India held at Patna (5 January, 1964)*

I am glad to welcome all of you here and specially to thank our host who has just delivered a very thoughtful speech. The practice of holding the Presiding

Officers' Conference outside Delhi started, if my recollection serves me right, as far back as 1951 when the first Conference was held in Trivandrum, and ever since we have been waiting for this day when Bihar will hold the Conference in its Capital, and we are delighted that the present Secretaries have been successful in their objective.

Coming from Delhi, I found Patna very pleasant, because it is a little warmer than Delhi at present. Yesterday, we were taken round a museum which belongs to a private individual, Shri Jallan. Some of you have already gone there and I will recommend that others too should take the opportunity to visit that museum. It is well worth the visit and commands a very fine view of the Ganges.

I think we have been very well looked after, and we feel very happy to be in your midst.

I will reserve some of the remarks that I might make in my opening speech. I will do that a little later. For the present, I will refer to some formal business which we have to go through.

Since we last met, all of you must have heard of the sudden passing away of Shri S.N. Mukherjee, Secretary of Rajya Sabha. His end came very suddenly and shocked us all very much. We never thought that the end was so soon. In fact I had met him at a conference only a couple of weeks before his passing away, and to me he seemed normal and fairly healthy. All of you are familiar with his great work as draftsman of the Constitution. That part of his work has been referred to in other places where it was appropriate to do so. We are concerned here with his work as Secretary of Rajya Sabha. It was more difficult task than others because he had to start from the scratch, as they say. The House itself was new and the Secretariat had to be built up from the beginning, and he devoted himself heart and soul to this work and built up a Secretariat which will serve Rajya Sabha in years to come. Both the present President, who was then the Chairman of the Rajya Sabha, and his successor held him in high esteem and Members always followed his advice and liked his courteous behaviour. We all mourn the loss of Shri Mukherjee, and I would request you to stand in your seats in silence for a minute.*

* All stood in their seats in silence.

It is customary to make a reference to those who are absent today, because they either retired or reverted to their parent services and are no longer with us. The first name that I would like to refer to is from Bihar, Shri S.C. Lall, who was Secretary of the Bihar Council and retired in 1963. He was Secretary of the Bihar Council since 1952. I have recollection of many conversations with him, and some of them were very instructive. I always admired his perseverance and the way he solved all the problems that presented themselves from time to time. We wish him on my behalf and on behalf of all of you a happy retirement.

There were two other friends of ours—Shri Nagpal and Shri Naqshbandi: Shri Nagpal was the Secretary of the Jammu and Kashmir Council and Shri Naqshbandi was the Secretary of the Jammu & Kashmir Assembly. Shri Nagpal has retired in 1963. He was Secretary for a period of three years and Shri Naqshbandi has reverted to the Judicial Service. We have very happy and pleasant recollection of our association with them; and so far as I am concerned, they came very frequently to Delhi and had many consultations with us from time to time. We wish them well in their respective new spheres.

Shri Raghunath Singh was Secretary of the Madhya Pradesh Legislative Assembly and he has retired in 1962. As you know, he was previously Secretary of the Madhya Bharat Assembly and in that capacity he was responsible for the holding of the Presiding Officers' Conference there in 1953. The year 1953 has a special significance for us, because it was in the year 1953 that the idea of a Secretaries' Conference originated and bore fruit in Gwalior. So far as I know, Shri Raghunath Singh has one great advantage which I think he shared with many other Secretaries as well, that he was a very good driver. He took some of us round the forest of Madhya Pradesh. I think the total mileage that we covered was between 1500 and 2000 miles. I found that his nerves and muscles were very strong. He could withstand long periods of driving without getting tired. And that sort of association always has a very nice recollection in one's mind. He served both the Assemblies with ability and distinction.

Shri Rup Chandra, we all know, was untiring in his efforts for the U.P. Legislature. He came from the Judiciary and he retired in 1962. I think he was there from 1957 onwards for a period of 5 years or so. He was responsible for holding this Conference in Lucknow which many of you attended, and I remember his inaugural address at the Secretaries' Conference which was a very thought-provoking one. I have another recollection of him because he made the biggest contribution, I think sixty thousand rupees, to the holding of Common-

wealth Parliamentary Conference in 1957 in Delhi. How he managed to get this amount from the Chief Minister is his own secret which I do not know, but he was very liberal in his contribution. We wish him a happy period of retirement.

Shri A.R. Mukherjea retired in 1962. We all recall that he was with us in Chandigarh and since then he had been to Delhi once or twice and he has seen me whenever he came to Delhi. We have many recollections of him. We know that he was a learned Clerk, he was a scholar. He was one of the Clerks who took great interest in his work and was devoted to the Bengal Assembly.

We wish him a further renewed period of vigorous activities in whatever walk of life he engages in and we send him our good wishes.

I hope I carry the entire conference with me in suggesting that we send appropriate messages to all these former Secretaries on behalf of the Conference, appreciating their work and wishing them a happy period in their retirement and in any other activities that they may engage in.

Now, to the new comers. It is my pleasant duty to refer to my colleague sitting on my right, Shri B.N. Banerjee who has recently been appointed Secretary to Rajya Sabha. He has intimate grasp of parliamentary procedure. I have watched him for some years functioning as Deputy Secretary and then as Joint Secretary in Rajya Sabha and I have always been impressed by his humility, by his unobtrusive method, by his pleasant conversation, by his cooperative manner which have impressed me and other officials. The members of Rajya Sabha were very pleased with his amiable manners and unfailing courtesy and knowledge of procedure. I make bold to say that these qualities will bring rich dividend to him in the years to come and in due course he will make a mark in the annals of Rajya Sabha. I wish him all success in his new job.

Then, I come to Shri G.M. Misra, Secretary, Bihar Legislative Assembly. He is one of our hosts. He has undertaken a very responsible work. He came and saw me in Delhi in connection with the organisation of this Conference and I have been impressed by his quiet manner, by his great zeal and understanding of procedural problems. I wish him all success in his career as Secretary of the Bihar Legislative Assembly.

We have two new comers from Kashmir. Shri Dwarika Nath—he has been Secretary of the Council since 1963 *vide* Shri R.L. Nagpal and Mian Jalal-ud-Din

is Secretary, J & K Legislative Assembly. He has taken over from Shri Naqshbandi. I think these two new Secretaries had not yet had occasion to introduce themselves. Shri Dwarika Nath will kindly rise in his seat and introduce himself.*

Mian Jalal-ud-Din is not here. Then the other, Shri Madan Gopal, Secretary, Madhya Pradesh Assembly—we know him and we know his zeal and the new responsibility that he has undertaken. We wish him a successful career in his new job.

Shri K.C. Puri—We met him at Chandigarh although the formal Secretaries' Conference was not held there. He has been Secretary since 1962 and has been in frequent correspondence with us on many points of common interest.

Next I come to Shri P. Roy, the new Secretary of West Bengal. Of course, we met him in Chandigarh. I have recently had a note from him. We have not put it down for discussion because we just received it a short time ago. It is a very learned note. It is not a question whether you agree with parts of it or disagree with it. The point is he has infinite capacity for industry and I think that quality will serve him in good stead in the new job. We look forward to more contributions from him from time to time because he has the necessary legal acumen and procedural knowledge to tackle the many complicated problems that a Secretary of the Assembly has to face from time to time. We wish him all success with his new job.

It is a great pleasure for all of us here to welcome the Secretaries of the new Assemblies.

Shri S. Kar Gupta, Secretary, Nagaland Assembly—We are very glad to welcome you. You come from a very troublesome area and I hope you have some peace here. Shri D.B. Lal, Secretary, Himachal Pradesh is here. We are glad to welcome you. Your Chief Minister is well known to us. It is largely due to his efforts that Himachal Pradesh has got the Assembly. My advice to you is to give him right advice. He is a good man with parliamentary instincts and under him and your Speaker I think, you will prosper. Shri Thakur Kalachand, Manipur Assembly is here. We are very glad to welcome you. Our services are always at

* Shri Dwarika Nath rose.

your disposal when you come to Delhi from time to time. My Deputy Secretary will please note the names of those Secretaries who have not come. I shall introduce them later on when they come.

It was suggested yesterday that I might make a few observations. It is not my intention to make any long discourse. Most of the things that I had to say I have said on previous occasions and I have the advantage of many friendly discussions with all of you. It has been my good fortune that you have influenced me and I have influenced you and I think the Secretaries Conference has prospered during the past ten years, since 1953.

There is one subject on which I should like to say a few words. And that is the function and role of the Speaker. I do not want to refer to what is said in the books. There are so many books on the role of the Speaker, there are so many learned discourses and so many speeches. I do not want to speak from an academician point of view and a historian point of view. I want to say a few words from the practical point of view. That is to say, of a Clerk who has seen Speakers at work. I select this subject, because there is great perturbation in the minds of people as to the shape of our Assemblies and Parliament in the years to come. In other words, whether democracy is being strengthened or it is being weakened, and in that, of course, the Speaker plays a very vital role. In many of the Assemblies and sometimes in Parliament also the atmosphere gets highly charged and disturbed. That is, to a certain extent, normal, but it has dangerous consequences where it goes beyond what I might call the normal limits. I have often wondered as to why it is that a disturbed atmosphere arises. What are the basic causes? Of course, I look at it from the limited point of view of the Clerk of the House, and I ask myself in what way the procedure can be strengthened or in what respects the current procedure can be adapted more effectively in order that Parliament or Assemblies may run smoothly? I have selected three simple things, and it is my belief that if these three things are enforced, there would be, to use the hackneyed expression, peace in the Assembly, and if you also recall within your mind, many of the occasions in which the atmosphere is disturbed, there has been a breach of one or the other of these three things. The first thing is, of course we are all familiar with it, that when the Speaker stands, no one should speak or stand. Now, each Secretary will recall in his mind on how many occasions there is breach of this rule. When the Speaker stands, the whole business before the House comes to a standstill, as it were for the moment and he must be heard in silence. If that simple, but

fundamental, principle is not followed, the atmosphere gets disturbed. The second thing is that no one should begin to address the Assembly unless he is—to use the expression used in the Parliament of America—identified or recognised by the Speaker *i.e.* unless the Speaker calls the name of the member, he should not utter a single word. The third thing is that no business should be mentioned, which is not on the agenda paper or for which the Speaker has not given in advance permission in writing. Many scenes of uproar are due to a breach of this rule and sometimes ago we added a rule—Rule 377 in our Rules of Procedure which reads:

“A member who wishes to bring to the notice of the House any matter which is not a point of order shall give notice to the Secretary in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.”

So, we try and the Speaker tries, as far as humanly practicable, to enforce this rule and not to permit any member to raise any matter which is either not on the agenda paper or for which he has not previously been accorded permission. These three things, I am of opinion, are fundamental, they are simple, well-known. But the practical question is that the Speaker should be able to enforce them daily, from moment to moment, and in that he should be able to command the willing port of the House.

Now, there is a great deal of discussion on the role of the Speaker. Many of you may have received a note recently from the Chairman of the Mysore Council. It is a learned note raising several questions. I am not referring to it here at all. I am merely mentioning it by the way, because many of you may have received it.

One Clerk giving evidence before a Committee of the House of Commons when he was questioned as to what was his authority for a certain point of procedure he was following, said “My predecessor told me. That is my authority.” So, they take a pride in relying on what is called inherited memory of the institution—a memory or a tradition which is handed down from Clerk to Clerk; and, that office, as you know, this year is exactly 600 years old. And, if the traditions of that office have been built it has been largely due, from time to time to great Clerks who have risen to the occasion. You all know the great words that were

uttered by the then Speaker when Charles the First came to the House of Commons. But, it is not generally known that the Clerk of the House of Commons was also an equally brilliant and independent man devoted to the House. As you know, when Charles the First enquired from the Speaker as to where were the five Members, we are familiar with the words the Speaker uttered at that time. Then Charles the First got the Speaker out of the Chair and on occupying the Chair himself made a short speech. That was taken down by the then Clerk and recorded in his minute. Charles I had noted it and later he asked the Clerk to send it on to him. The Clerk replied that it would be treason for him to do so because at that time the proceedings of the House were confidential and secret, and the person who would leak it out would be committed to Tower. On that point Charles the First made a very acute observation which showed that he had the grasp of the position and functions of the Members of the House of Commons. He said, "I am asking for my own speech with a view to correction." So, you have there the genesis of this practice that a Member's speech goes to him for correction. Of course, the Clerk had no answer and the speech was sent to Charles the First; and, that facsimile of his speech is printed in a number of books with a few appropriate corrections by Charles the First which he himself made. Well, that is an interesting story.

Now, what I will read out today from this sheet, which I noted this morning, is not a quotation from any book. I jotted it down from memory. It is really the quintessence of what I have imbibed from three Clerks for the last 15 years from their conversations and these were fixed in my mind. So, it is rather the combination of the words used in conversation, friendly discussion, with three Clerks, Sir Gilbert Campion, Sir Frederic Metcalfe and Sir Edward Fellowes.

This is what I gathered from them. I am referring to the role of the Speaker because it is very vital for the Clerk to know what is the role of the Speaker as the advice that he gives follows a careful appreciation of the role of the Speaker. If there is any ambiguity in the Clerk's appreciation of the role of the Speaker that necessarily affects his opinion and if the Speaker is not coming up to the expectation and is not fulfilling the assigned role, then to that extent the Clerk is unable to tender his advice. The Speaker is neither an adjudicator nor a Judge. He is not even a Chairman of a Committee of the House. He is a Speaker, that is the Spokesman of the House. We come back to the role of Speaker in the time of Charles I, "I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here."

Therefore, I submit for your consideration that the Speaker's function is to watch the drama and to feel as the members feel. In other words, he should always be in tune with the spirit of the House. He should rise with the crescendo and fall with the anti-climax. He should not speak nor rise in his place except only when he is certain in his mind that the situation is going beyond the norm of a debate. To the man in the gallery he should look like a sphinx and he must wonder at the Speaker's cold attitude to the happening in the House. To the Members he should always be so present in their minds that they should be deterred from doing anything which will bring down his wrath on them. This inward fear is the only guarantee that the Speaker is present there and the House wants to conduct itself in a civilised way. A parliamentary Chamber has been likened to a battlefield where the opposing sides prepare for a battle. The difference between a parliamentary Chamber and a battlefield is that whereas in the latter shooting war takes place, in the former there is intense preparation for take over of power by intellectual domination and a 'shooting' has to be prevented. The Speaker has to watch for the moment to prevent actual shooting. *i.e.* hot words, manhandling and other forms of violence. Hot tempers, shouting incessant interruptions should not disturb him. He has to guide the ship through troubled waters. He should not speak or rise in his seat, because when he does that it means that the situation is going beyond the norm of a debate. It is a parliamentary battlefield and the point is whether he should allow the battle to continue. It may not be to his taste but he has to allow the battle to continue to be fought according to the rules of the game. When the rules of the game are in any way infringed, when the excitement is at high pitch and the whole thing goes out of gear, then he intervenes. The Speaker is a very powerful weapon and when he stands he brings the whole thing to a standstill. He should be careful when he stands: when it is necessary for him to stand. Then, to the man in the gallery he should be like a Sphinx. He must wonder at the Speaker's cold attitude to the happenings in the House. To the Members he should also be present in their mind so that they should be deterred from doing anything which will bring down his wrath on them. That is the vital thing. A Speaker can never prosper if what is dominant in the member's mind is the thought of challenging his authority from moment to moment. Then such a Speaker will not be successful and that Assembly will not prosper. Therefore, the Speaker should always be present in the mind of members. They should have a picture of the Speaker in their mind and that picture should deter them from doing anything which will bring his wrath on them. The presence of the Speaker in the House should be the guarantee that the House wants to conduct itself in a civilised way.

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Addresses on other Occasions

(i) ***Silver Jubilee Celebrations of the Lok Sabha Secretariat, on 10 January, 1954.****

I think it was a very good idea, whoever originated it, that there should be Jubilee Celebrations. In this connection, a committee was appointed which has arranged an excellent programme for three days. I have also just seen a beautiful souvenir.

It is good that from time to time one looks back at the history of the institution which one has the honour to serve and of those who have passed through that institution. It gives one an opportunity to review the past, to assess the progress of the institution and begin to feel a pride in its development.

The first necessary requisite for the efficient discharge of the powers and duties of the Speaker is the existence of separate Secretarial staff responsible to him. The Assembly was conscious of this from the very beginning.

First President of Legislative Assembly

The Legislative Assembly Department was actually constituted on 10 January, 1929. The question at once comes to one's mind: How is it that when the first Legislative Assembly came into existence in the year 1921, a separate Secretariat was constituted only eight years later? The reasons are obvious—The President (in those days the Speaker was known as President) of the first Legislative Assembly was Sir Frederick Whyte—then Mr. Frederick Whyte. He was a Member of the House of Commons and was chosen for his special qualifications and his deep knowledge of parliamentary procedure. He was a nominated President,—nominated I think for a period of four years and until the new President was elected by the House. His rulings, which are still cited,

* Reproduced from the Silver Jubilee Commemoration Volume, Lok Sabha Secretariat, 1954, pp. 57-75.

lay down sound Parliamentary conventions. It was he who ruled that the Assembly Chamber was 'sacrosanct in some sense of the word' and should be used only for meetings of the Assembly.

When the first Assembly met in 1921, the demand was at once made in that very year that there should be a separate self-contained staff for the President to advise him in the discharge of his day-to-day duties. The Government of the day from the very inception agreed in principle that such a demand was justified and was in accordance with parliamentary practice. But, the official reply that was given was that it was not in the interest of economy and efficiency that a separate Secretariat should be immediately set up. Every year thereafter,—in 1922, 1923, 1924 and 1925,—the demand was repeated and the same answer was given by the Government every time.

Now, the question arises: what part did Sir Frederick Whyte play? He personally was of opinion, as the records show, that there should be a separate Secretariat: he could hold no other view, coming as he did from the House of Commons and familiar as he was with the institutions that existed in his own country. But, his main difficulty was that he was not a President elected by the Assembly. He was nominated by the Government, and, therefore, if, in the last resort, the Government in informal discussions did not agree with his view, he could not in the normal course go direct to the Assembly as he was not elected by the Assembly and therefore could not be said to be responsible to the Assembly. That was a very vital difference between his position and the position of his successor.

President Patel Elected

Sir Frederick Whyte's tenure lasted from 1921 to 1925. In 1923, there were general elections. When the non-cooperation movement was suspended a *Swarajist Party* was formed within the Congress. Those Congressmen who called themselves *Swarajists* were permitted to go into the Central Legislature and they formed a party and evolved a political programme on the lines of the Congress. It was time for Sir Frederick Whyte to retire in 1925. The *Swarajist Party* put up their own candidate for election to the office of President, and Shri Vithalbhai Patel was their candidate. The election was a keenly contested one and Shri T. Rangachariar was put up against Shri Patel. In the contest that took place, the voting was very narrow. Shri Vithalbhai Patel won by a majority of two: He secured 58 votes while his opponent secured 56 votes. At that time, President's election was subject to the approval of the Governor-General. The

election was approved by the Governor-General and Shri Vithalbhai Patel took office as President immediately. It would be interesting to read the record of speeches delivered at that time as they are full of valuable material in regard to parliamentary procedure and practice and the position of the Speaker. It is surprising how from the very inception of our parliamentary institutions both our Members and Presiding Officers had a remarkable comprehension of the duties and obligations of the Speaker in the exercise of his powers when he presided over Parliament and in other ancillary matters.

Speakers' Conference

As soon as Shri Patel was elected President, he immediately took up the question of a separate staff to advise him. The *Swarajist Party* did not command an absolute majority in the Assembly because there was an official bloc which turned the scales against them. He, therefore, adopted the democratic process of convening a Speakers' Conference to consider the question of separate secretarial staff for Presiding Officers. The Speakers' Conference unanimously adopted his view and he took up the matter immediately in 1926 with the Government. Progress was very slow. There were a large number of informal conferences. Ultimately, President Patel framed a detailed scheme of his own in which he made some very far-seeing observations, some of which have stood the test of time. It is worthwhile to read that document for its balanced view and foresight.

His second election after the expiry of his first term of office came in the year 1927. By that time, he had established such a firm reputation as a Speaker and his position was so unchallenged that in spite of the many remarkable rulings he gave which were not to the liking of the government of the day, he was unanimously elected to the Chair both by the official and the non-official members of the Assembly.

Direct Approach to Assembly

Immediately on his re-election as President, he took up the question of a separate Secretariat for the Assembly with the Government. The Government took some time and ultimately sent a despatch to the Secretary of State because his approval was necessary to any changes that might be made. The Government of India at that time did not accept the views of President Patel in certain matters which he considered vital. President Patel therefore made up his mind that the time had arrived to create a crisis over the matter. And, elected

President as he was, he came direct to the Assembly and made a statement to the House the very first sentence of which is a memorable one. In an instant, he revealed his own position to the House and the steps that he proposed to take in furtherance of his proposals. His statement started with the emphatic declaration that "as the President, elected by the Assembly, I am responsible to the Assembly and to no other authority". It was that declaration which gives a key to the Speaker's position in the Constitution. He was the first Speaker to grasp it clearly and to state it emphatically in those difficult days.

Leaders of Parties Consulted

He then had discussions with the Leaders of Parties. Ultimately, the Government decided to publish both the President's scheme and their own scheme which was sent to the Secretary of State, so that the whole correspondence might form the basis of discussion between party leaders and an amicable settlement might be arrived at. The actual motion for the formation of the Legislative Assembly Department was moved in the Assembly by Pandit Motilal Nehru on 22 September, 1928. The birth of the Department is thus associated with the constitutional struggles waged by the *Swarajist Party* in the Assembly. It was, in fact, their stand that if the President was to function effectively and was to be impartial in the exercise of his delicate and exacting duties it was essential that he should have a staff directly under his control and responsible to no other authority. On that they were firm, and it became one of the important issues before the Assembly. In the eyes of pressmen, who watched the proceedings in the Assembly, from day to day, the memories of those days are quite vivid. The motion was seconded by another illustrious countryman of ours, Lala Lajpat Rai whose biographical sketches we are reading now-a-days.

So, it is a matter of great significance that the creation of the Legislative Assembly Department dates back to a motion moved in the Assembly. It is that which is the source of the creation and the authority of this Department.

Solution of the Problem

As soon as the motion was carried, President Patel lost no time and he at once urged upon the Government that the earliest steps should be taken to implement the motion that was adopted by the Assembly. And on 10 January, 1929 within a period of a few months of the passing of the motion, the Legislative Assembly Department was created as a separate, self-contained department, in the portfolio of the Governor-General but under the factual and direct control of the

President. That was the compromise arrived at at that time that in view of certain constitutional difficulties the portfolio might technically vest in the Governor-General but the *de facto* authority would be that of the President. And the Governor-General of course never interfered with the administration and the work of the President.

At the time, the Department was constituted, the Simon Commission had already been appointed, and the despatch on the subject stated that a nucleus department might be started at once which might later be expanded when the reforms came into force. I mention that fact because the reforms actually, for one reason or another, so far as the Centre was concerned, never came into effect till 1947 on the coming into force of the Independence Act. All the time, the Centre was governed by the Central Legislature which was created under the Government of India Act of 1919.

Fearless Speaker

President Patel was a very remarkable President. I do not know how exactly to describe my feelings. I was not here at that time, but I used to follow, like others, his activities in the papers, and I do clearly recall that in one of his writings Gandhiji wrote referring to certain decisions of his that he was a "fearless Speaker". He had an indomitable will and tenacity and there was nothing that could deter him from his course of action if he thought that that was the right course of action to pursue. President Patel came into conflict with the government of the day quite a number of times, and when the complete history of his Speakership is written, it will be seen that there was an evolution of the authority and position of the Speaker at such a rapid pace that you see the whole structure arising before your eyes in a matter of a few years.

Ruling on a Bill

His first conflict—one of the important conflicts—with the Government was over the Public Security Bill. The Bill was referred to a Select Committee and when the report of the Select Committee came up for consideration before the House, by that time the Government had launched, what was then a very famous trial, the *Meerut Conspiracy Case*, in which certain persons alleged to be Communists were tried for conspiracy against the government established by law. President Patel took the view that if the subject-matter of the complaint filed by the Government in that case was compared with the speech which the Home Member delivered in support of the Bill, the two were identical. That being so,

he said that it would not be possible to discuss the Bill without referring to the proceedings in a case which was *sub judice*. It will be seen how far-reaching was his mind, how tactful it was, and how quickly he could apply, what we are every day familiar with, the rule regarding pending trials, to a very important Bill that was pending before the Assembly. Long arguments were addressed to the President, and if one reads those speeches, one will find that those who contended against the President's view had considerable difficulty in doing so. The President adhered to his view and he said that in the exercise of his power as Speaker he declined to place the motion before the House that the report of the Select Committee be taken into consideration because it would not be possible for him to regulate the debate. The moment, he said, a particular Member got up to speak, he would necessarily refer to matters which were pending investigation in the *Meerut Conspiracy Case*, and the President would have to stop him from doing so, because those matters were *sub judice*. He said that the whole of the proceedings would be futile, and in the exercise of his inherent powers he decided not to place the motion for discussion before the House.

Viceroy's Address to the Assembly

So strong was the feeling in Government circles on that occasion that the Viceroy came to address the Assembly the very next day. In the course of his address, he said that the interpretation given by the President was not in accordance with the original intention of the rule and the Government proposed, as they had in those days the final authority to do so, an amendment of the rules so as to bring the language of the rules into clear conformity with the intention of the framers. As the Assembly adjourned after the Viceroy's address, President Patel wrote a letter to the Viceroy taking strong exception to his observations. He said that it was quite out of order for the head of the State to go to the Assembly and criticise the Speaker's ruling. It would set a very bad precedent for which there was no authority and such a thing had never happened before. And he said that he would like to make a statement to the Assembly as soon as it reassembled. The Viceroy admitted that in the circumstances in which he addressed the Assembly, perhaps it was inevitable that the interpretation which the President had placed upon his words might be placed, but he disclaimed any intention to criticise the President's ruling. When the Assembly subsequently met, the President readout both his letter and the Viceroy's reply in the Assembly itself. This incident shows how, although generally the Speaker functions in a normal way admitting or disallowing motions or ruling amendments out of order or in order, in an emergency his political power, as it were, comes into prominence, and determines the position one way or the other.

Security Arrangements

Another instance to which I would like to draw attention relates to the closure of the visitors' galleries for a period of over a month. There are what we call the inner precincts and the outer precincts in which the Watch and Ward staff and the Police are posted respectively. A Watch and Ward Committee had been appointed by the President which was looking into the whole matter as to how the security arrangements should be put on a firm footing. While the matter was still under consideration, the Government made certain re-arrangements of security postings. They did that in their own discretion and the President pointed out that whatever happened inside the precincts of the House should necessarily be under the authority of the Speaker. It is for the Government, as advisers in security matters, to submit their proposals to the President, but those proposals should not be implemented and given effect to unless the President, who is solely and exclusively responsible for everything that happens in the Parliament House, has given his final approval to those proposals. The government of the day dissented from that view. They said in matters relating to the security of the House they were the best judges and what they said should be final because the President would not be in a position to know exactly what security arrangements should be put into operation at a particular time. The President did not accept that view. And as there was no agreement, he made a declaration on the 20 January, 1930 that the differences between him and the Government being unresolved, it was his imperative duty, as the custodian of the dignity of the House and the authority of the Speaker, to order the galleries to be closed till such time as a settlement was arrived at. Negotiations again commenced. There were conversations between the President and the then Viceroy, Lord Irwin, and it took exactly a month to settle this matter. An agreement was arrived at, and that agreement laid the foundation of what is generally known as the Watch and Ward staff. Mainly that agreement subsists to this day, and it has recently been enlarged in certain matters, so that today the position is that all security arrangements are under the control of the Speaker who exercises his authority through officers directly appointed by him. Some of them are loaned by the Government on deputation.

That shows how slowly he laid the foundations of the Speaker's authority. It is through a clear comprehension of the Speaker's authority that one comes to have a clear grasp of the responsibilities and duties of the officers in his Department who have to advise him, from time to time, in connection with various procedural matters involving as they do, at times, delicate political and constitutional

matters and it is not possible for any one to work in the department unless he has a clear conception of how the position of the Speaker has been established over a period of 25 years through actual struggles in Parliament and the strong attitude that was taken in negotiations on various matters that arose.

Respect for the Chair

Not only was President Patel firm in his resolve to establish the position and authority of the Speaker in administrative and procedural matters, but he was also emphatically of the opinion that there should be proper respect for the Chair. I may give just one instance. It is quite apparent that in those days the officials would obviously not like the independent attitude of the President and there was a sort of, what I may call, a whispering campaign against the President in the sense that what he did was commented upon freely by the official Members of the day in the lobby. Reports reached the President of all this and he immediately raised the matter in the House and called upon the Leader of the House to explain the position. Otherwise, he said, he would have to order an enquiry into the whole matter. President Patel clearly took the view that nothing should be said not only in the Parliament itself but elsewhere which in any way detracted from the authority of the Speaker or amounted to criticism of his action in disparaging terms. In view of the very strong line that the President took in this matter and the support that he received from the Assembly, the Home Member unequivocally and clearly made a declaration in the House apologising on behalf of those who had indulged in disparaging remarks against the President. The names of those persons were not mentioned, but an ample apology was offered to the President, and the matter was treated as closed. I give these illustrations because they remind one so very clearly as to how, step by step, the position and authority of the Speaker was consolidated in the time of President Patel.

President Patel's Resignation and his Arrest

In 1930, a great crisis arose in the country. Mahatma Gandhi launched his *Salt Satyagraha*, and commenced his *Dandee March* on 12 March, 1930. I was in Allahabad at that time, and I remember well how that movement shook the whole country and the administration to its very roots. There was hardly a person who did not participate in it either in a direct or in an indirect form. There was a sort of tremendous wave that swept across the country from the north to the south, and from the east to the west, and everybody was influenced

by it. Therefore, it became very clear to President Patel that although his term of office had not yet expired, his place was not in the Assembly, but it was with those of his colleagues with whom he had throughout worked. So, while the Assembly session was about to close, towards the end of March, although he did not give a clear indication as to what he was going to do, yet it was patent to every one that he would soon leave the Chair, because he said on the last day, without referring to political incidents of any kind, "I do not know whether we will meet again in this Chamber or not. In any case, it appears that the largest party may not be here. The position is so uncertain that I would like to shake hands with every one of the Members before I leave the Chair". And so he shook hands with every one of them. Later, he resigned his office of presidentship. It so happened that soon after resigning the office he came to Allahabad because that was the political centre at that time, and by sheer coincidence, I happened to be present at a public meeting which he addressed. I was not at that time connected with the Legislative Assembly Department nor did I have the remotest idea that I would at any time in my life be connected with the affairs of Parliament. This was an incident in 1930, and I came here only in 1937, nearly seven years later. As one of the citizens of Allahabad, I attended a public meeting which was addressed by Shri Patel, and I still remember very vividly the power of his expression, and the downright manner of his speech. There is one sentence, which he said on that occasion and which still remains in my mind. He said that in the House of Commons, on a Speaker's retirement, he was raised to the peerage, and got a pension, while so far as the Indian Speaker was concerned, within a matter of a few days, he would be in His Majesty's prisons. Such was the direct manner of his speech. And so it was, that within a short while, he was arrested in connection with his participation in the movement that was spreading like wild fire throughout India.

President Patel's Successors

After President Patel left the Assembly, it seemed that life had almost left the Assembly, its proceedings became completely lifeless. There was a succession of presidents who presided over its deliberations. The first to come, for a short while, was Sir Mahommed Yakub, who was there only for a session. Then, Sir Ibrahim Rahimtoola was elected, but he did not keep good health, and had to resign. Then came Sir Shanmukham Chetty, and then there was the long tenure of Sir Abdur Rahim from 1935 to 1945, for a period of ten years. The life of the Assembly was extended from time to time first on the ground that constitutional changes were under contemplation, and then on the ground that the war was

going on and it was not right that the political situation in the country should be disturbed by elections.

Sir Abdur Rahim

Sir Abdur Rahim was always anxious to uphold the authority of the Chair: An interesting incident may be recalled. While a division on an amendment was in progress, the then Deputy President asked Shri Satyamurthi, who was on the Panel of Chairmen, to preside so that he (the Deputy President) might exercise his ordinary vote. The Deputy President, when he came back to the Chair after a couple of minutes, held that his vote was valid and the matter was concluded. On Sir Abdur Rahim's opinion being invited for future guidance, he ruled that the action of the Deputy President was not in accordance with the constitution and that while he was occupying the Chair he should not have exercised his ordinary vote. The President's opinion was subsequently criticised in statements to the Press by Shri Bhulabhai Desai and Shri Aney. The President made it known through the usual channels that he took strong objection to these statements and unless the matter was settled to his satisfaction he would raise the question in the House and take such action as he may consider appropriate in the circumstances. Ultimately, there were conferences between the various leaders of parties and it was agreed and stated in the Assembly that it should not be open to any Member of the House to criticise directly or indirectly outside the House any ruling given, opinion expressed or statement made by the President in the discharge of his duties. While accepting this statement as closing the matter, the President made it clear that it was open to any member to seek elucidation on any point or request the Chair to reconsider the matter.

Autonomy of Assembly Department Maintained

In the tenure of these presiding officers, particularly during that of Sir Abdur Rahim, it must be said that the autonomy of the Legislative Assembly Department was maintained. All these Presidents enjoyed great personal respect, but they could not carry matters further, because there was no strong party in the Assembly which would raise matters. That also shows incidentally how closely the Speaker is linked with the vital political forces in the Assembly. If the political forces vanish the Assembly becomes lifeless, and no progress takes place. The Government of the day also, I must say, made no attempt whatever to interfere with the autonomy that was guaranteed to the President of the Assembly, under the arrangement that was entered into with President Patel;

they honourably abided by this agreement, and at a time when they could have easily scrapped that autonomy, they did not do so, and I think it was a very wise decision on their part.

Delay in Expansion of Assembly Department

As you will remember, the Simon Commission's report came out sometime in 1930, but in fact it was out of date on the very day it was published. That happened because of the vast political changes that had taken place in the country, as a result of Gandhiji's movement. The British Government of the day, which was at that time presided over by Mr. Ramsay McDonald, came to the conclusion that some clear declaration of policy must be made, and thus you had the three Round Table Conferences which ultimately resulted in the enactment of the Government of India Act, 1935. I refer to these matters to show that although at the time of the formation of this Department in 1929, the Simon Commission was about to report, and every year it was expected that the reformed constitution will be introduced, somehow chance threw matters out of focus, as it were, so far as the changes at the Centre were concerned; and no changes took place all these years. Under the Act of 1935 provincial autonomy was established in the provinces, and responsible Governments came into existence in 1937; but so far as the Centre was concerned, there was no change; the old Central Assembly continued to be in existence. I find from the old records that about the year 1935 and later, proposals for the expansion of this Department were considered, but they could not be carried further, because the reformed Central Legislature never came into existence.

In 1939, when hopes were high that something would happen, again the outbreak of the war resulted in the postponement of all matters. I was in this Department at that time in Simla. In 1939, Lord Linlithgow fixed a date for a session of the Legislature in order to make an announcement in regard to the promulgation of the federal part of the Constitution. But, before he could make his speech the world war broke out in Poland on 3 September, 1939 and the original date of meeting of the Assembly had to be cancelled, and another date fixed when instead of announcing the inauguration of the federation, Lord Linlithgow had to announce the suspension of the federation on the ground that during the war it would not be possible for His Majesty's Government to make any constitutional changes. I think that in this matter the instinct of the Simon Commission was perfectly right. They said—and Lord Simon had a very clear comprehension—that the moment responsible Government was introduced at

the Centre, the British Government must make up their mind that they withdraw their authority. That is why, the matter lingered on for so long, because the moment you have responsible Government—as happened in the case of Canada—with ministers responsible to the Central Legislature, and a Governor-General acting on the advice of these ministers, the authority of the British Government as such vanishes, both under the Constitution and as a matter of constitutional practice, as obtaining in the other Dominions. So long as the British Government did not decide to transfer power into Indian hands, they did not find it feasible to introduce responsible Government at the Centre. When, however, our present Prime Minister took office on 2 September, 1946, it was very clear that matters were moving at a very rapid pace. And when the British Government made up their mind in 1947, after two world wars, to leave this country, responsible Government was established at the Centre.

I have narrated all this to show how the fortunes of this Department, in the sense of the prospects of members of this Department, were, so to say, impeded by larger constitutional and political questions. In fact, the Department that was set up in 1929 stood with minor changes. I came in 1937 and then a few assistants and clerks were added. There were no big changes in the structure of this Department right from its creation till the coming into force of the Independence Act, 1947. That shows—and I always felt it strongly ever since I came here in 1937—that those in this Department had suffered a lot. This state of affairs made us change our mind in regard to the deputation of our senior men and others, with the result that as soon as the war broke out I permitted—so far as it lay in my power—almost anybody who had reasonable prospects to proceed elsewhere, to go to other departments. This was done and this helped to a great extent and a number of our men were taken in other departments. But, this decision was taken because of the complete crystallisation of the position of the staff for a period of ten years and it could be relieved in no other manner, and the war afforded an opportunity to give some relief to the staff, and that was done.

Lest my remarks on this subject be misunderstood, let me make it quite clear, beyond a shadow of doubt that this is not now the policy. That policy was only a temporary expedient and our present policy is to keep our men in our own Department to give them full and complete opportunities for development here, so that this Department does not become a stepping stone for improving one's prospects, but we should have in this Department men who want to make their

careers here. I may add that this decision has been necessitated by the fact that because of the previous deputations there was a complete depletion of senior staff in our Department, and the senior officers who remained for the time being were put to considerable difficulty in coping with the work and the increasing problems. But, ultimately we were able to carry through. I hope that in future no occasion will arise for any blocks to promotions and ways and means will be found for giving proper recognition to merit. At present, I do not feel there are any blocks. The difficulty is to get properly qualified men to fill various posts. But when blocks do happen, we will have to tackle the problem and solve it in some way; because so long as I happen to be here, I am determined to see that wherever there is merit it is clearly recognised and rewarded, as that is the only way by which a Department can fully prosper.

I think in giving this I have rather strayed from the actual field of the observations that I intended to make.

Mr. Speaker Mavalankar's Election

Now we come to the period of Mr. Speaker Mavalankar's tenure which is still continuing. President Patel laid the foundations. They were firm foundations and continued under his successors. It was on those firm foundations that Mr. Speaker Mavalankar has laid and built up a superstructure which is enduring, and is a great honour to him. It is worth-while to recall the incident associated with Shri Mavalankar's election as Speaker. When after the war the Congress Party decided to come back to the legislatures and was returned in fair numbers in the Assembly, it became clear that they would put up a Speaker of their own. Shri Mavalankar as Speaker of Bombay was held in high esteem for his political impartiality and judgement. It was felt that while sitting in the Chair his ingenuity was so sound and unerring that he should be brought to the Centre to guide the deliberations of the Assembly. That was the decision of the Congress Party. The reactions in official circles, who advised the Viceroy at that time, were different. They somehow recalled to their mind the memories of the days of President Patel, particularly some of the incidents that I have recounted, and they said to themselves: 'Oh, shall all that again come back?' They were for so long accustomed to anaemic Assemblies where very little happened. The Presidents were men of great ability, but they did not have that political flair which was associated with active politicians. I felt—I was at close quarters at that time—that there was a panic in official circles. And in that panic they came to a certain decision which, in retrospect, seems almost laughable and shows how out of touch the official element in India was with the fast-moving events. In

this connection, it is worthwhile to remember that Mr. Speaker Mavalankar was elected in January, 1946, and within a year the British Government decided to withdraw British power from India and events were moving very rapidly. But, the official world was slow to comprehend these events or the working of the mind at Whitehall in London. That also left an impression upon my mind how secret and confidential is the working of the British Government and Empire. It is clear from the events, as one sees them in the House of Commons debates and Mr. Attlee's speech, that the British Government as such sitting in London was quite conscious of the changing scenes and events in India, but it did not acquaint the officials here with their mind, and further, what may or may not happen in the course of the next few months. The officials here thought that the war being over, British position might be consolidated. In any case, whatever the reason, they were in a panic, and they resorted to a very retrograde step, of putting up Sir Cowasji Jehangir as the Government candidate, and in that position Government was supported at that time by Mr. Jinnah and the Muslim League Party. Now, in putting up Sir Cowasji Jehangir, there would have been nothing wrong if he had been an elected member because in the Assembly it is a fair battle; each one is entitled to this point of view. Let there be a fair battle and let the Assembly decide it. If one party or the other suffers because of the provisions of the Constitution, let the matter rest at that. But, Sir Cowasji Jehangir was nominated to the Assembly by the Government. There was no constitutional bar because the nominated and elected Members had parity and there was no bar to his standing as a candidate for the Presidentship. Yet, it almost seemed that the entire current of progress from 1921-46 was being reversed; because one could not, sitting in the Assembly in 1946—particularly after two world wars—conceive of a nominated person directing and presiding over the affairs of an Assembly the majority of whose Members were elected and particularly when big changes were being considered. Such was the panic that they thought that the Speaker would deliver rulings in favour of the majority party and he would bring the business of the Government to a standstill. Therefore, the best way to solve it was to prevent his coming in—whatever may be the lowering of the political morals that may be necessary in that action. So, it happened that Sir Cowasji Jehangir was put up to oppose Shri Mavalankar. The panic reached such a stage that on the very day the election was to take place there was an oath by an official Member. In those days, the official Members were being constantly changed according to the exigencies of the debate. One official Member had resigned the day before. I had the intimation that he had resigned and that in his place another Member had been nominated and will be sworn in. It was said in the lobby at that time that there was a report that that particular Member would not vote with the Government and that was

why he had to resign and another Member was nominated in his place, who would vote with the Government. Whatever be the machinations of man, Nature has her own ways of solving matters in her own wisdom. The election took place. The Government were perfectly confident of their position. Every vote had been clearly calculated and they thought they would get a majority. The votes cast for Shri Mavalankar were 66 and for Sir Cowasji Jehangir were 63. Shri Mavalankar was declared elected by a majority of 3 votes. Government looked crest-fallen. They who had been completely confident walked with their heads downwards. There was such a debacle in the Assembly at that time. They went to the length of finding out how it had all happened. But, the ballot papers were with me. I had a sort of premonition that some informal enquiry might be made and some sort of approach made to me. I recite this incident to show how difficult sometimes the position of the Secretary and officers of the House becomes, particularly when there are political conflicts going on and standards are not what they ought to be. I proved right. A very casual and informal enquiry was made from me in the course of conversation as to where the ballot papers were. I had already destroyed them, as soon as the election was over and I had informed the Speaker, Shri Mavalankar, that I had done so. My short reply was that the papers had been destroyed and to this day it is not known how the voting took place. Shri Mavalankar never asked me how the election came about and who were the officials who had voted for him; obviously it was the votes of the officials who had voted for him that turned the scales in his favour.

That shows how parliamentary officials are all the time moving in what I told my opposite number in the House of Commons when I was there in 1948, a sort of parliamentary battlefield. A parliamentary official has to have his wits about him. He has to feel the strength of his character all the time because matters are sometimes so important and so delicate that it is not possible for any officer to exist except by the strength of his character, by the confidence that the Speaker reposes in him and by the loyal cooperation he always gets from his colleagues.

Naval Strike

At the beginning of the year 1946, particularly while the Assembly was in session, it was a period of revolutionary crisis in India, which ultimately led to the appointment of the Cabinet Mission which came to India in March, 1946. I have a clear recollection of those days. As Mr. Attlee revealed later in the House of Commons, there were hidden fires in India at that time. Practically anything you touched at that time converted itself into a strike. There was a police strike;

there was a threatened railway strike; there were teachers' strikes; there was the I.N.A. demonstration and the whole country was surging with a certain kind of revolutionary urge. While the Assembly was sitting, a report came that there was a Naval strike or, as the Government of the day put it, indiscipline amongst the Navy men in Karachi. That was on a Friday. The news in the morning was not very bad. An adjournment motion was moved and it was accepted. But, it was thought that in order that Government might have time to get the facts, the adjournment motion might be taken up on Monday. Over the week-end matters might either subside or, in any case, there would be a fuller and more accurate statement of facts before the Assembly. The events were moving at a rapid pace on that Friday. During the lunch interval, telegrams came that H.M.S. *Hindustan*, in which our Navy men, who were said to have indulged in acts of indiscipline, were, had been bombarded from the shore, and that some of the Navy men were killed and some wounded. The moment that news came in, there was a tremendous excitement in the lobbies and as soon as the Assembly met in the afternoon the point was raised that the whole picture had changed, and the original decision of the Assembly to take up this matter on Monday should be revoked and the matter should be taken up immediately on Saturday. The Government contested this position. Apart from the question of merit, they said that they would not put down any business on Saturday, and an adjournment motion could only be put down when there was some business. Government then declined to put down any business for Saturday, and said that it would be odd to put down an adjournment motion only. There was almost wave upon wave and Member after Member got up each supporting the adjournment motion being put down on Saturday. Even the European Group was influenced by the waves of feelings in the country which were quickly transmitted in the House itself, and if one reads those debates, one will see how skillfully Shri Mavalankar's mind was moving at every stage. It was, as it were in unison with the growing temper in the House—I always feel that the moment the Speaker loses touch with the feelings in the House, he is liable to go wrong. He must have almost a remarkable power to know the collective mind of the House. There is always, I feel, a rhythm, a feeling of sensation in the House which the Speaker has to catch and which it is also the duty of the Secretary to watch, every moment that he is sitting in the House. The atmosphere in an Assembly is so changing and so volatile that if you stick to one position, you may completely be out of tune with the currents of the Assembly and do something which is patently wrong. Shri Mavalankar met every objection of the Government and his observations reacted on the minds of the Members and thus further reactions

developed till ultimately his decision commanded the confidence of the Assembly, although the Government may not have liked it. In those days, non-official business was allotted by the Governor-General, but so far as the official business was concerned, it was within the power of the Speaker to allot days. But, that was not the difficulty. The difficulty was whether an adjournment motion could be put down for a day when there was no other business. Mr. Mason, who was then the Defence Secretary, got up and said that he would make a full statement on the subject. The Speaker said that if Mr. Mason made a statement, that was Government business, and the technicality was satisfied. Further, he pointed out that the adjournment motion had already been admitted and so it was only a question of its further consideration, which did not raise any complication. It was not that an adjournment motion was sought to be considered on a day for the first time. The motion had been admitted on Friday and it would normally have been discussed that very day and therefore the Speaker ruled that it could be discussed on Saturday. There was a very heated debate, and by that decision, which technically was sound and was also in consonance with the political temper of the Assembly, Shri Mavalankar immediately established his position as a Speaker of great skill and acumen and sensitive to the feelings of the House because the great thing about the Speaker is that although he is guided by precedents, it is the application of the precedents that creates a tremendous problem—every precedent has to be applied in the political background and the circumstances of the situation. The precedents are there to guide, but if they became fixed and crystallised, the growth of parliamentary procedure would be retarded. The essence of precedents is that they are minted from day to day.

Ceremonial connected with Governor General's Address

There is one other incident, connected with the ceremonial at the time of the Governor General's Address. As soon as Shri Mavalankar was elected, he raised the question as to where he should sit when the Viceroy came to address the Assembly. The practice had somehow evolved that the President of the Council of State sat on one side and on the other side the Speaker of the Assembly, in the place below the Speaker's table, in the well of the House. This was the practice when there was a joint meeting which the Viceroy addressed. The whole thing seemed so odd. The practice somehow started in Lord Willingdon's time—I don't think this could have been the practice during President Patel's time. It was so derogatory to the dignity of the Assembly. Shri Mavalankar told me to ring up and tell the Military Secretary to the Viceroy that the Speaker must sit on the right of the Viceroy and the position was accepted.

Appointment of Officers

In the time of Shri Mavalankar, great progress has been made in many directions. For instance one of the important matters which he dealt with shows how settled things can also be unsettled and how eternal vigilance is necessary on the part of the Speaker to maintain his position. After the transfer of power, the Selection Board of the Secretariat raised the point that the appointment of officers in the Department of the Assembly should come within the purview of the Selection Board. When the proposal came up, Shri Mavalankar recorded a note on the subject and the main observation in that note was that officers in the Secretariat of the Assembly, as it was at that time should not work under the favours or the frowns of the executive government that is to say, they should not in any way, either in the matter of appointment, discipline, control or in any other matter, be subject to the jurisdiction of the executive government. Sardar Patel, who was then the Home Minister, entirely agreed with this view.

Economy Committee

Another important precedent that he laid down was this. Government appointed an Economy Committee to suggest economies in the Government of India Secretariat and Departments. The Economy Committee wanted to examine the affairs of the Legislative Assembly Department also. When this matter came up, the Speaker said that so far as he was concerned, no Committee appointed by the Government could enquire into the affairs of his Secretariat without the concurrence of the Speaker. He also said that the line I should take is this: "There is no harm in the Economy Committee examining the estimates of the Assembly Secretariat but it should be on two clear conditions, namely that the report would be submitted to the Speaker and would not form part of the official report to the Government, and that it would then be for the Speaker to consider how far it was possible for him to implement the recommendation of the Economy Committee." That position of the Speaker was fully accepted by the Economy Committee and nobody raised any objection.

Crisis in the Position of Assembly Department

Now comes a very crucial period in the history of this Department and it passed through another crisis. I feel a certain amount of delicacy in referring to this matter, because I had to deal with it in my capacity as Secretary during a period when there was no Speaker. It happened in this way:

As you know, on 15 August, 1947, the Central Assembly came to an end under the provisions of the Indian Independence Act, 1947. The Constituent Assembly which had come into existence on an informal basis on 9 December, 1946, was put on a statutory basis and became not only the Constitution-making body for the whole of India but also during the interim period, till the new House of the People was elected, the law-making body. That is to say, a single body had dual functions. There was already a temporary Secretariat of the Constituent Assembly in existence. The Speaker went out of office on 15 August, 1947 and there was no Speaker. The matter was considered in the Constituent Assembly and it was decided that there should be a separate Speaker to preside over the deliberations of the Constituent Assembly when it functioned as a legislature. The Speaker was actually elected some months later, on 17 November, 1947. So, for a period of three months from 15 August to 17 November, 1947, there was no Speaker and as you will imagine the Legislative Assembly Department, as it was then called, became, as the Prime Minister wrote in an order, rather "headless". During this interim period, arguments were advanced that since the Assembly was one there should be a single Secretariat. A dynamic effect of that proposal was that a permanent department would as it were merge in a temporary department which was created for a different purpose. There were discussions on this matter, its budgetary aspect, its constitutional aspect, its legal aspect. In fact, there is a mass of paper on this subject and some day I will have to edit it, because it forms an interesting record in the development of the Department, particularly the crisis which it passed through at that time. When one would have expected that everything would have been smooth-sailing, it was not destined to be so, and we passed through difficult days and days of anxiety. Ultimately, as a result of a conversation that I had with the Prime Minister he passed a clear order that the separate entity of the Legislative Assembly Department would continue and matters would be put on a proper basis when the Speaker was elected. There are many other chapters in that period. Ultimately, our position was accepted and the Legislative Assembly Department continued as a separate entity and it continued to advise the Speaker which it does to this day. It shows how the affairs of a department which is intimately connected with Parliament can get complicated, how difficult is the position of the Speaker and of the head of the department in times of crisis and how necessary it is to keep a cool head and a balanced judgment.

Reform in Parliamentary Law and Procedure

In 1948, I went to London to attend the Commonwealth Parliamentary Conference along with a Parliamentary Delegation which was headed by Mr.

Speaker Mavalankar. That gave me the first opportunity to make an intensive study of the parliamentary procedure in the House of Commons. I realised for the first time how quickly wrong notions disappear and how easily one can assimilate a foreign procedure by conversations, provided one has a technical knowledge of the subject. I have, as you know, recorded some of the more important of these conversations in a book which I wrote. But the important point that impressed itself upon my mind was that so much of the House of Commons procedure is mixed up with historical matters that it needs a very clear grasp to pick out the right thing. It is so easy to pick out the wrong thing and it is so easy to be misled by citations from *May's Parliamentary Practice*. The whole thing is wrapped up in a mass of conventions and historical procedure and one has to be extremely cautious in following the House of Commons procedure. But these conversations enabled me to get at the core of the matter and that was important at that time.

In 1948, when the Constitution was on the anvil, it was essential that Mr. Speaker Mavalankar should play an important part in it. I am happy that he not only studied all these matters closely while in London, but continued his interest in India, whether he was in Delhi or in Ahmedabad.

President's Address

One of the important decisions that he took was about the President's Address. It was an important innovation. You start the session with a clear declaration of Government policy in the spheres of external and internal affairs and the attention of the country is focussed on major questions of policy. As Lord Campion put it to me in a conversation that I had with him, it gave a sort of swing to the session. Otherwise Parliament, as it were, starts in an off-hand manner and that is neither good for the work of Parliament nor does it look nice in the particular context of events. So, he suggested that there should be provision in the Constitution for the President's Address.

Financial Procedure in Parliament

Then it was thought that it was vital that there should be modernisation of the financial procedure and proposals were made which were accepted by the Drafting Committee and with which we are now so familiar—we deal with it every day. There is the Appropriation Bill, there is the vote on account, there is the Consolidated Fund. There are, so to say, engines of progress in the sphere

of modernisation of finance because ultimately it is the financial control which counts.

Parliamentary Privileges

The next thing that happened was about the sovereignty of Parliament in the matter of privileges. The Constitution which was under draft provided that "the privileges shall be the same as prevailed before the coming into force of the Constitution". The Speaker said it should not be so and that a sovereign Parliament should have the privileges of a sovereign body. And then a provision equating the privileges to those of the House of Commons was put in—which means that the privileges rest on convention and case law and include the power to punish for contempt of the House.

Position of Parliament Secretariat

Another vital thing uppermost in Speaker Mavalankar's mind was the position of the Secretariat. He had such a clear comprehension of the importance of an independent Secretariat to advise the Speaker for the proper functioning of parliamentary democracy that he lost no time in summoning a special session of the Speakers' Conference at which the matter was thrashed out and two important resolutions were passed and forwarded to the Drafting Committee. It is as a result of those resolutions that provisions in the Constitution guaranteeing the separate character and independence of the Secretariat were put in. Those provisions are, I think, in one particular respect not properly understood, from some comments that I saw somewhere. It is stated in the Constitution that until provision is made by law regarding conditions of service and other matters relating to the Secretariat, rules will be made by the President in consultation with the Speaker. Normally, rules would be framed in consultation with the appropriate authorities. The provision regarding law was put in to emphasise that in case of differences of opinion, differences between the Speaker and the appropriate authorities which could not be resolved by negotiation, the Speaker could say: "Well I do not agree, let the matter be placed before Parliament and let Parliament decide in the shape of an Act what they want." It is only to emphasise the sovereignty of Parliament that this was explicitly provided and it was to put it beyond a shadow of doubt that ultimately the Speaker had the right and that he could compel the Government to take matters, on which his opinion was not acceptable to them, to the House. Of course, there are political complications that may arise in this connection but it is not for me to deal with them here.

Power of Parliament in Emergency

Our Constitution according to my reading, is very peculiar and there is no exact parallel to it. The Preamble to the Constitution says, "We, the people of India, give to ourselves this Constitution". Therefore, the sovereignty resides in the people and it is divided and controlled as provided in the Constitution. But, in the ultimate analysis where the sovereignty resides is seen in an emergency. In an emergency, it is possible to suspend the enforcement of the Fundamental Rights through Courts, the Central Government is responsible to the House of the People can enforce its executive power throughout India, and Parliament can make effective laws for the whole of India. Government can be changed by the House of the People, and by no other authority. The House of the People has the final say in matters of finance. Next, in the matter of ordinary legislation, the House of the People can in the ultimate analysis force its will, in a joint session presided over by the Speaker, in case of any difference of opinion between it and the Council of States. The Council of States has been put in to represent the States as a whole, to delay legislation, or to bring about legislation in a cool atmosphere where the House of the People might have taken a decision in an excitement or in a hurry. That is the function of the Second Chamber. But, taking the relationship between the two Houses as a whole it is, I think, a well balanced Constitution where one can safely say that in the ultimate analysis the power resides in Parliament.

"Lok Sabha"

The House of the People, as you know, is translated as "Lok Sabha". I do wish and pray that, that name gets popularised and we drop the term "House of the People". For one good reason. Whenever I have been in England, I have always felt that the three words "House of Commons" connote something definite, concrete, living to the Englishman. Every Englishman knows what the House of Commons is. He may not know its practice or procedure, but he has a definite feeling that the House of Commons establishes the rule of law, that the House of Commons is the guarantee of the liberties of all Englishmen, that it is in the ultimate analysis from the House of Commons that Great Britain is ruled in the interests of the people themselves, and that it is through the House of Commons that changes for the good of the people can be brought about. It is that living conviction in the mind of every Englishman which ultimately leads to the stability of that great country and I do wish that this term "Lok Sabha" is popularised, that it becomes as it were, the current coin of the realm in India and is understood and known by each one who may feel that there is some reality

behind it, that there is some guarantee. When we attain that day we shall feel that we are on the true constitutional road.

Speaker's Powers

That being the position of the House of the People, it is vital to appreciate how important is the position of the Speaker of the House. The House of the People is directly elected, and the Speaker is the symbol of its authority. He presides over its deliberations. He maintains the dignity and the prestige of the House. He intervenes on all crucial questions, and, in modern times he not only maintains the dignity and prestige of the House but, as was shown in the case of Shri Mudgal, it is also his responsibility through parliamentary committees to ensure that not only are Members' rights and privileges protected but that a certain standard of conduct which is expected from Members is enforced. The credit of the House grows only if in the estimation of the public the standard of conduct of all its members rises higher and higher and they know that any transgression from the right course will lead to censure by the House.

Such is the important position which the Speaker holds, and although normally he just presides, watches and controls the debates in any crisis his powers which have a political significance come into being. The two powers which we think of every day are very vital: one is the power to admit notices of questions amendments motions etc. In the normal course it attracts little attention as to what is admitted and what is not—but in a vital moment if the Speaker says: "No, it is not admissible", the matter is ruled out and cannot be discussed in the House. And the other is to enforce strictly the Rules of Procedure, which are a guarantee for the minority. That is why you have a point of order. It is the duty of the Speaker to see that the proceedings are conducted according to procedure and in that duty every member should assist him. All these seem normal things, but it is in a crisis that the power of the Speaker and his influence on Parliament is really gathered up.

So far as the Secretariat is concerned, it follows inevitably that it must partake in some measure, however small, of the qualities of the Speaker. That is to say, in all its dealings with Members it has to be above politics. The Secretariat and its officers, have to advise members of all political parties, whatever be their affiliation. And it is for this very purpose that there is a constitutional necessity of keeping them away from the control of the executive Government. They are parliamentary officials in the true sense of the term. They have to work in the service of Parliament, in the service of all the Members and give impartial advice to the Speaker which, in their conscience, they feel is the right thing to do.

The Future of Parliament

I have given some account of the House and the Speaker. Now, let me, before I conclude, look a little ahead. Let us not only review the past, but see what the power of this Parliament may well be in the years to come. Every year we are modernising the procedure, bringing it up-to-date not so much on the lines of the House of Commons but in the light of our own experiences and our own discussions, I would say, taking into account the human experience in other countries. But what has impressed me most is this. I have repeatedly asked myself the question: where does the line of future development lie and in what way can Parliament become effective in the true sense of the term? I have come to the conclusion that the most effective line of development in the sphere of parliamentary activity is the formation of parliamentary committees. Parliament, as you know, discuss policy, and unless there are parliamentary committees which can discuss details and where those who run the administration have to give evidence where matters can be examined. Parliament's control tends to become feeble. Parliamentary committees are not functioning in a political atmosphere. In these committees, members, be they Congress, Communists or Praja Socialist apply their minds to the problems without any severe political bias. They have to take a true and factual view of the matter and make recommendations on merits. The conception of parliamentary authority, I think, was so new that when I was present at the first meeting of the Estimates Committee, which was the first Parliamentary Committee and I submitted a memorandum on the economies and the recommendations that could be made in the Ministry of Industry and Commerce, Members were taken aback. Our purpose was to present an impartial and objective view of the facts to the Committee. As I saw these parliamentary committees functioning in the United States and in France, which are the two important places where they have grown to great heights, this one Estimates Committee—the mother Parliamentary Committee—can in course of time break up into as many committees as there are departments.

I visualise before my mind's eye a whole block of buildings arising across Parliament Street where you see hutments. I do feel confident in my mind that across the Parliament Street will arise stately buildings. One day when this country becomes richer and greater there will arise these buildings in which will be housed the parliamentary committees not two but twenty. Each Parliamentary Committee will have a separate set of rooms; each committee will be assisted by its own separate secretarial staff, by expert advisers, research workers and others. Just imagine the *vast vista* that opens out by an expansion

of parliamentary sphere of investigation and control over Government when you have all these committees.

Then I imagine before my mind's eye a vast library arising—a library which may be as big as the Parliament House itself. All that we have today is only a nucleus. And in that library there will not only be books. There will be reference and research organisation in the true sense of the word an organisation that is easy to conceive, but difficult to develop, an organisation which helps each Member according to his bent of mind. There will be trained research workers who can help advise and guide Members in all matters without any particular bias, for or against. It is the spirit of objectivity that will be the ruling factor.

Then I see arise before me a vision which President Patel saw in the very first scheme that he devised but which has to this day not come into existence. He envisaged, although not in so many words, what I may call an Advice Section, where Members may get advice on all matters. Today, if a Member has got a question, a resolution, an adjournment motion or anything else, there is no adequate machinery for resolving his difficulties. There should therefore be an 'Advice Section' where Members can go and seek advice on various matters. Remember, in this great Parliament with over 700 members, if each one of them functions effectively, what will be the magnitude of the contribution that all these Members will make!

I imagine another block of buildings arising. Below Parliament Street, there will be underground passages as in the United States, where trolleys will take Members to their rooms. Each Member will have a set of rooms to himself, a small secretarial staff, where his files will be indexed where all his matters will be properly attended. In our country, at present, in view of financial considerations we cannot attain those standards, but I do have a very living impression as to how our Parliament can develop—functioning in various Parliamentary Committees, Members functioning in their offices, attending to their constituents' requirements, being advised in all matters, their knowledge being improved and aided by the library and research workers, advice being given to them in regard to the grievances of their constituents, and the necessary secretarial staff being provided for them. When all the Members thus apply their time fully, what a potent force an influence our Parliament will become!

It is my earnest prayer on this Jubilee Day, that all of us may, in our own spheres, to the best of our ability, make our contributions to the building up of this noble structure, slowly and gradually, but solidly and firmly.

I thank you all for the courtesy and the patience with which you have listened to this long address from me.

(ii) *Farewell to Shri M.N. Kaul given by Lok Sabha Secretariat Club on 10 November, 1964**

It is so good of you to have assembled here this afternoon to meet me, and I am so happy again to be with you for some time. In fact, although the legal connection has been severed, I do not feel that I am not still one of you. That feeling is so deep-rooted in me that I can never lose it.

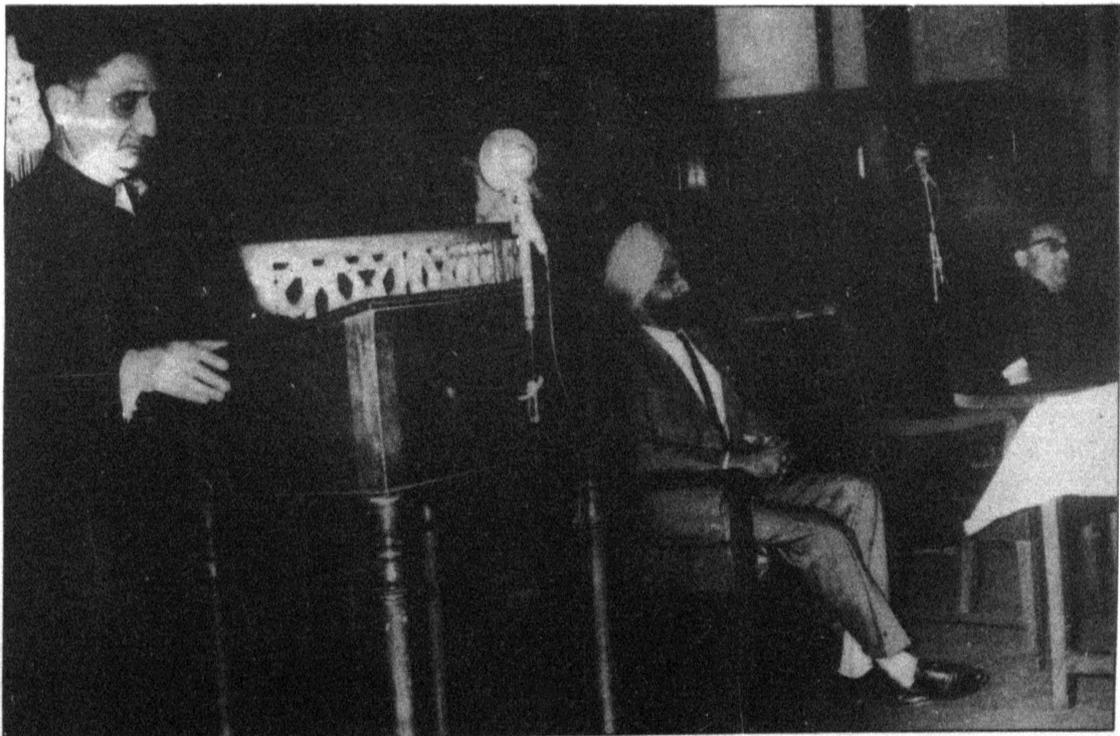
Many good things have been said by Shri Shaktiher and Shri Rikhy about me, and kind words were also said by the Speaker and the Prime Minister in the House. Well, my own reaction is that all that happens subsists in the moment; and in the moment it is all very nice to have heard these things, particularly at the end of what one might say a long career—although I feel that twenty-seven years is not long when I found last year during my visit to the United States that there was a Clerk of the Assembly in California who was there for fifty years, and there was no intention at any time of sending him away. I presume that was a life appointment. His voice was very strong, and as he called out the names of the Members it was very firm and everybody responded. I asked him if he has written a book and he said he has written one, and I got a copy of it and I found it an extremely well-written book.

Now Shri Shaktiher has covered so much of the ground that in fact there is very little that I should add to it. And that is as it should have been, because since 1950 he has been closely associated with me in all work relating to Parliament. And when two persons discuss, and discuss over a long period, it is very difficult to locate as to who started the idea, how it changed and developed, and who gave it the final form. In fact, I should go further and say that when we had discussed amongst ourselves and formulated our ideas, the third and the important person involved was the Speaker himself. All matters of importance, whether relating to rules or to the administration were at all times discussed with the Speaker himself, and he too made his contribution. I remember many occasions when as a result of the proposals that were made by us some very vital and important changes were made by the Speaker. And that is not only true of Mr. Speaker

* Reproduced from M.N. Kaul : *Parliamentary Institutions and Procedures*, New Delhi, National Publishing House, 1978 pp. 349-67.



Farewell to the First Secretary, Lok Sabha.



Speaking at his Farewell function.

Mavalankar but of his successors down to the present time. It is, as one Member once put it, a cabinet of three which mutually discussed all these matters and arrived at a clear conclusion. Although I was in the midst of Parliament and was in the midst of politics, I did not have that practical background of political experience which was so vital in coming to any decision in parliamentary matters, and it was the Speaker who supplied that political background—the feasibility of a proposal, whether it will be politically acceptable or not. Of course, each one of us played his part, and in a joint endeavour it is very difficult to allocate as to whose original idea it was.

What I have done is on record and for all to read and study. So much has been written about it. But whether the work of any man survives, and if it survives for how long is not dependent upon him. Take the case of May himself. He wrote his first volume in 1844. Before him Hatsell had written very memorable volumes, but they did not last. May's volume was written, and it may have had its day and passed into a matter of historical records. What made May's name famous was undoubtedly his qualities, but what has made May's name permanent in the annals of Parliament was his successors; he was followed by a long line of successors who cherished his ideas, who developed those ideas, and who edited and re-edited the book, and the final editing was done by Lord Compion. If you compare the two volumes, the original volume of May published in 1844 and the volume which ultimately Compion brought out, you will find that large parts of them will bear no resemblance to each other. As someone put it, Clive could not have been famous but for his successors. If his successors had mismanaged, there would have been no British Empire and nobody would have remembered him. So, what survives or what does not survive is a matter of chance, is a matter of history, is a matter which is primarily dependent upon those who succeed the author of the original ideas.

For me, it is sufficient that I did my job, and I did it to the satisfaction of those who were concerned with it, and I did it to the best of my ability.

Mine has been a rather unpredictable career in the sense that I did not anticipate that I would ever be in Parliament. I was trained as an economist, and I took a Barrister's degree. So, I had two strings to my bow. My original intention was that I should take up an appointment as a professor of economics. In fact, I was appointed to the Ratan Tata Chair of Economics in the Banaras University as long ago as 1926. But suddenly at the instance of my father, I declined that offer and took up and started practice, not in the province in which I was settled,

which was Punjab, but in another province, namely the United Provinces. That itself was a sudden decision. Then again, when I was there, I was being considered for the post of Standing Counsel, when suddenly at the instance of a Muslim friend of mine, I applied for this post in the legislature, little knowing that I would be considered and offered the appointment. It so happened that within a fortnight, the offer came, and I settled in the Legislative Assembly Department.

That change in 1937 was also very sudden change in my life. But since then it has been one even course in one career. I well remember the day when I joined my new office in Simla; I stayed in the Cecil Hotel and walked up to the nearby Assembly building which was a very beautiful building and commanded a very fine view of Simla. I had been allotted a room. That room had temporarily been given to one of the parties; I think it was the Nationalist Party. You will perhaps recall that whenever some allotment is made on exceptional grounds, a condition is made that it is made on a temporary basis. This room which was ultimately given to me was originally allotted to the Nationalist Party on condition that it would be vacated when I came. So, when I joined, they were asked to vacate the room and they did not like it, and so, to start with, they did not like me, and they thought why I had come at all because they had to vacate that room. That was an interesting side-story as it were. I recall these incidents, although a period of 27 years has elapsed, as though they happened just yesterday.

When I walked up the Assembly building, I saw one of the peons who had been allotted to me, whose name I later learnt was Fakiroo. I found him putting up my name-plate. I just walked into the room. Within just two or three seconds this remarkable peon intimated the Secretary Shri Rafi who came along and greeted me very cordially. He was a very competent Secretary, well versed in procedure and in methods of administration. I learnt a lot from him.

He met me and asked me whether I would like to accompany him to the Speaker, Sir Abdur Rahim, who was then known as the President. I said that certainly I would. On 20 September, 1937, I first attended the conference with the Speaker, which was held every day when Parliament was in session in the morning. Since that day, barring that one day which Shri Shakhder referred to, when I was abroad and the session was held for a day to deal with the currency question, I have been present at all the morning conferences with the Speaker without exception.

The first thing that Sir Abdur Rahim did was that he took up *May's Parliamentary Practice*, and said 'Here is the book that you have to master'. I grew up in the period of Gandhiji's struggles, and the temper at that time was of self-government, and to have things of one's own. I said to myself without mentioning it to anybody 'Why can we not have a book of our own on the same pattern?' It was on the very first day that this idea came to my mind. But where was the material? A few rulings cannot make a book. All the changes in procedure have to be carefully recorded, summarised and arranged in proper form.

It was a very interesting session that I attended in September, 1937. The first paper that I was asked to handle was the question of legislative competence, whether the Speaker should give a ruling on the question of legislative competence, that is, whether a particular piece of legislation was within the competence of Parliament. Those were days when one considered these matters at leisure and considered them thoroughly. The discussion on it lasted several months. I suggested, and that was the first letter that I drafted here, that we should refer to the Commonwealth Parliaments. U.K. provided no guide because it did not have a Federal Constitution. So, we turned to Canada and Australia, but found that there were no precise precedents to guide us.

Of course, in those days it was not permissible for this Department to enter into correspondence with foreign countries direct. Even today, except for the House of Commons, if we have to address foreign countries in any way, we always consult the Ministry of External Affairs.

So, this information was collected and I remember that when it was collected, it was analysed. We discussed this matter—Sir Abdur Rahim had the unique distinction of not only having held the post of Judge in the Madras High Court but also of having been a Minister in Bengal, and Speaker here; he had experience of all these three offices—we discussed this matter and ultimately came to the conclusion that it was not for the Speaker to determine this matter. One of the grounds which influenced him was that if the Speaker decided that the matter was *ultra vires*, he in fact barred the jurisdiction of the Supreme Court, because the matter would never be considered by Parliament and would never be framed in the form of a statute.

I always enjoyed discussions with him. There was no hurry. Matters were fully considered. Like a Judge, he carefully weighed every word and its repercussions, and his instinct always was to apply the doctrine, with which lawyers are

familiar, in *Quinn v. Leatham*, that is to say, offer an opinion or give a decision on the facts that have arisen in a particular case and no more; confine your decision to the facts of the case and do not go beyond it.

In those days, the Central Assembly presented a picture which varied from time to time. When the *Swaraj Party* or the Congress Party was there, it was one of the most vigorous Parliaments that I have ever seen and our present Parliament does not in any way excel the Central Assembly when the Congress was there either in talent or in attack on the Government or in other capacities. There were great stalwarts at that time. Of course, Pandit Motilal Nehru was there before I came. In my time, there was Shri Bhulabhai Desai; there was Shri Satyamurthi. Prof. Ranga was there.

When the Congress was there, the House was vigorous and there was much to do. In fact, the Speaker had always very anxious moments. The two things which always worried him were adjournment motions and closure. Now, closure, as Shri Shakhder explained, has vanished from the scene, as it were. We have solved that problem by devising the Business Advisory Committee and having a time-table. But so far as adjournment motions are concerned, the problem still remains today as it was at that time. It has been diluted to some extent by the invention of the call attention notices; but, I am afraid, not wholly. It still remains a matter of daily anxiety for the Speaker.

Now, one of the things that I did early in my career here was that I felt that I should become a part and parcel of the past that I had not witnessed, particularly the years from 1921 to 1937. So I met every Speaker beginning from Sir Frederick Whyte whom I saw in London. I knew my predecessor who was in office. I met Shri Gupta some years ago when he was 80 years. As you know, he died only recently. I found that his mind was very vigorous and fresh, and he recalled for me many incidents of the period in which he was here. I met not only officers of my Department and talked to them about the past; but I also met other officials because, as you know, officials at that time were nominated to the Central Assembly. I read every scrap of paper I could get. That quest of mine to explore those years when I was not present still continues. I have pictures of those events in my mind and if there is any detail which I can add, I do so.

A time came in my quest of the past when I ceased to think whether I was present on a particular occasion or not. I remember one day when I was describing the incident when Bhagat Singh fired the shots in the Central Assembly, someone

said, 'But you were not there'. I had almost lost myself in the description, because I had equipped myself so much with the details. In fact, we have brought out a pamphlet on that incident.

The incidents of those days are, to me, like images before my mind's eye. So, that in my mind is integrated the period not only while I was here but also that which goes back, I think as far back as 1909.

One of my worries in the early days was that the President of the Assembly shared powers with the Governor-General in the matter of adjournment motions, resolutions and questions. That seemed to me from the very first day a very odd and novel situation, because I had my initial training as a student in constitutional law in London and I attended lectures and in those days watched from time to time the proceedings of the House of Commons. So, when I actually had to deal with these matters, it seemed to me a very odd phenomenon. So, I looked into it and soon found that the Morley-Minto reforms of 1909 had first provided that the Viceroy himself should preside over the Council that was created by the Act of 1909. In fact, when some critics of Morley suggested that this would pave the way for a parliamentary form of government, Morley stoutly contested and said the Government had no such intention. Whether he did so because of political reasons or whether it was his faith, I do not know. I suspect that in that assertion of his, politics played a greater part, and perhaps his judgment was that it would lead on to some higher forms of parliamentary democracy.

So, that was the historical background and in the next phase of Central Assembly which lasted from 1921 till 1947, the Speaker shared the powers with the Governor-General. So, the problem in those days was how to expand the powers of the Speaker—that was the basic daily problem with which we had to wrestle.

I am dealing with those early days because my later days are well known to you, and since many of you will continue here till the 80's and 90's of this century, I thought it worthwhile to recall those early days in regard to which I can speak more freely, and illustrate how a Secretary has to function and how he has to adhere to his point of view if he thinks that it is the right course.

It has been my practice never to hotly contest propositions which are advanced, but to go step by step, because experience has shown to me that in the course of

discussion new facts, new situations, arise, and many points resolve themselves. I am always very thoughtful, watchful and earnest at the crucial stage.

I will give you one illustration. There was a rule which said that questions relating to external affairs, defence, tribal areas and Indian States should be admitted with the consent of the Governor-General. The rule however provided that where there was a doubt, the question should be referred to him. Otherwise, the initial responsibility was that of the Speaker. The question arose, what is the meaning of the words 'where there was a doubt'? The interpretation that we placed upon it was that 'doubt' here meant doubt in the mind of the Speaker. And then gradually we decided in actual disposals by recommending that the question raised no doubt. In that way, gradually, over a period of years, the number of questions that we sent to the Governor-General dwindled from about 50 to 2. Suddenly, the private Secretary to the Viceroy, Mr. Laithwaite, woke up to the situation and he asked the Speaker to reconsider the matter. He did not contest the Speaker's view as to the interpretation of the word 'doubt' in the rule. But he said that as a matter of convention no final admission might take place till the Governor-General had given his reaction, and he added that after the consideration of his reaction, it was open to the Speaker to disallow the question.

That matter exercised us greatly, and my instant reaction was ultimately confirmed by the Speaker. I am now in a position to disclose it, because his tenure has passed into the realm of history. When the letter was under discussion, I said to the Speaker: "Sir, I should like to know quite clearly what is at the back of your mind." I must say that he always encouraged me and treated me with great affection, and it was that which emboldened me to offer this observation.

He paused for a moment. He said the matter was not so important that he should quarrel with the Viceroy on it. He said there were matters of importance and there were matters which were not important. I said: "It is very difficult to determine them, because there are some matters of apparently trifling consequence in Parliament, which assumed grave import. So, this distinction itself should be studied carefully, whether it is an important matter or an unimportant matter." And on the spur of the moment, an argument came to my mind which proved conclusive, and he changed the draft. He said to me: "You suggest a change in the draft before me." I said: "I would say that the Viceroy's suggestion is admirable, but there is this difficulty that it will be highly embarrassing for the Speaker to disagree with the Viceroy, once he has expressed his opinion. It

may be misunderstood.” And then he added that he had personal confidence in His Excellency’s view and His Excellency would not take it amiss, but any future successor of his might take it amiss and misunderstand it. So, instead of maintaining friendly relations between the Viceroy and the Speaker, it might lead to bitterness and disharmony.

And later on at the secretariat level, I settled with the Private Secretary Laithwaite that he could informally give a ring if he had any particular point and I would put it to the Speaker. This is how it was solved.

The duties of the Secretary have been defined by Speaker Patel. I have tried to define and redefine them on many occasions. I had a long discussion with Lord Campion, and I asked him: “What is the chief qualification, in your opinion, of a Clerk of the House?” He paused for a while, and said it was a very difficult question, but as a practical man he could give the complete answer in one word, “experience”, but then he began to analyse it, and he said that the first qualification to his mind was the capacity to give advice. And advice has to be given in the light of a constantly changing situation. The most difficult period for the Speaker and Secretary is the hour before the Assembly meets, when notices are pouring in. There is no office note. Notices are based on the incidents of the day, and as you are discussing, new facts emerge, new information is obtained, the whole position is constantly changing. So, this capacity to give advice comes from long experience. What is experience? Experience implies success and failure. Every success and every failure is subconsciously embedded in your mind, and somehow guides and trains you to give an opinion.

The second thing is the capacity to apply rules to ever-changing phenomena. The situation is always changing. New facts are emerging, and you have to apply those rules to new facts all the time.

The third qualification which the Secretary should possess in abundant measure is his relations with Members. I have often described that. There was an excellent article by Shri Shakdher in the first issue of our Parliamentary Journal on an ideal parliamentary official. It somehow came to the notice of the new Clerk of the House of Commons, and he circulated it to all the Commonwealth Parliaments as an excellent account of how an ideal parliamentary official should function.

There is one observation which struck me as of great practical use, and it was a speech made by Lord Salisbury in the House of Lords on Sir Francis Lascells on his retirement from the Clerkship of the House of Lords. Lord Salisbury said—I am not quoting his words—that Sir Francis never gave an opinion unasked, but when he was asked, he gave it freely, fully and without reserve, and if it was not accepted he showed no resentment, except for a movement of the head which you may be able to notice or not I think that is a very good and practical rule in dealing with Members.

The Secretary is in the midst of the political scene. The drama is changing all the time, and he has to be vigilant. There is one remark with which I have always prefaced my advice in parliamentary matters, and it is this. The situation is fluid, and new facts may emerge in the House, and you may change your opinion if you think it is justified in the circumstances. That doctrine I first learnt from Sir Abdur Rahim, who, when Government pressed him to give an opinion in advance, asked me to say in reply that the opinion of the Speaker was a provisional inclination of mind, which was subject to revision on arguments being heard on both sides in the House. So, such is the nature of the business that the Speaker has to conduct, in which the Secretary has to advice.

I will refer to one thing, namely, research and reference section of the Secretariat. The idea was originally conceived by me along with Shri Mavalankar in 1952 when we went to Canada in a parliamentary delegation and paid a short visit to the Library of Congress in Washington. We started this idea and it has taken firm roots and the section rendered admirable service to Parliament. I was warned by Sir Edward Fellowes about one or two pitfalls in this system. The political system is completely different in the United States where the executive is independent of the legislature. That is not so in Britain and in India. He warned me that this research and reference section can prove to be a danger to the parliamentary system, if it was not properly safeguarded. The safeguard was this. We do not prepare speeches for Members; we do not prepare notes for them from any particular angle or point of view. We have always tried to be objective and furnish such information as they require. The work in this branch has been of inestimable value to the Members and they have often spoken to me in high terms about it.

The work in Committees is very arduous; so is it in other branches. I make no distinction. But, it was a new thing. I remember that when I first addressed Members of Parliament on the scope of the work of the Estimates Committee,

they were surprised. They did not believe that they had such ample powers. They were so enthusiastic in their work and great work was done by Shri Ayyangar who at that time presided over the Estimates Committee. His cross-examination was masterly and I remember the present Auditor-General Shri A.K. Roy was examined on Sindri project and he began to speak. Shri Ayyangar's method was to stop questions when a witness voluntarily spoke. Because to put it colloquially, he was off his guard and many facts come out which might be useful to the Committee. In that narration of Shri A.K. Roy at that time, it was revealed that the Sindri project was based on a eight line report and there was no further examination of it. That gave good material to the Committee for further examination. Shri Mavalankar conceived of these Committee's role as supervisory and he used that word 'supervisory' in a special sense. He said that we must not become a super-secretariat and we must not try to control the executive government. Their role was to supervise on behalf of Parliament and Parliament's function is to examine the current estimates. Its main function is to throw the searchlight of enquiry into the dark crevices which hide the bacilli of waste. One of the initial controversies was whether the Estimates Committee can go into questions of policy and it has only recently died down. When Lord Campion was asked to define 'policy' before one of the Committees, he said that questions of economy merge into questions of efficiency and questions of efficiency merge into questions of policy and it is difficult to draw a hard and fast line. As a result of my conversations with him, there is a direction by the Speaker to the effect that the Committee will not initially take up policy questions but in the course of their investigations if it felt money is running to waste, it may recommend to Parliament that the policy be revised, and our rules were amended accordingly. Work in Committees is difficult but you have got to be in love with parliamentary institutions. A lot of muddy water gushes out as if from a spring, as a recent writer says, but there are times when crystal clear water flows while the Committee takes evidence and the clerk on duty has to seize and utilise ideas. The political reactions of Members are brought into play in the Committees. Some years ago, I asked one of our Deputy Secretaries how he found the Committee and he said: it was like a fish market. I replied; oh, that is how you felt. But my mind was made up that he was of no use for parliamentary work, because he did not know in what way Members function and how to use that material. Without disclosing my mind to him or to anyone, when his term of deputation expired, I returned him to his parent Department. If at the Deputy Secretary level you have officers who have no love of parliamentary institutions, the work cannot get along. As Shri Shakhder had

written in that article, Parliament is sovereign and in that sense every individual Member shares that sovereignty and for a sovereign, as you know, he can be impulsive and that is a very good reason why Members are impulsive.

I have given you these actual instances, because I want that in young minds some of these things may remain, and fertilise and they may think over them and therefore I spoke by giving concrete examples.

There is one picture that I must give and that is of Shri Vithalbhai Patel. I studied him with so much care and so much attention that although I was not witness to the scene, I can imagine him and his stately presence in the House as he entered. In those days, the Speakers wore a wig and a gown and that was a very good practice. He was a striking personality of course. I had seen him and that helped to visualise his personality. The moment he entered, there was a feeling of awe and reverence in the House not only on the part of Indian Members but on the part of British members and some of his rulings stand to this day; others have been characterised by his successors as political rulings. Whatever the truth may be, it undoubtedly remains a fact that he fought in a very difficult period. I heard a very graphic account from Shri Dutt who remained for two years after I came; he was in the Chamber when Bhagat Singh fired his shots; Speaker Patel stood unmoved like a statue; others might have moved hither and thither but he was there firm as a rock. That was his presence of mind. His brother, the late Shri Vallabhbai Patel, pointed out to me one of the marks on a pillar in the official gallery where a bullet hit. I have shown that to some of you. That was the man who ruled the destinies of the Assembly. He was very stern; it was the regime of an authoritarian rule; and it fitted in at that time, and he could not tolerate any disrespect to the House.

The Commander-in-Chief, as you know, was the pivot of those days of the British rule. Any disrespect to him would shake the confidence of the army and would set in train ideas and concepts which might uproot the British Empire. One day, Sir William Birdwood made a statement in the House on the Indianisation of the Army. The Government would not accept the Sandhurst Committee Report which had advocated an accelerated rate of Indianisation. Mr. Jinnah gave notice of an Adjournment Motion, which the President fixed for the next day or the day after. Sir William Birdwood was not present, and Vithalbhai Patel administered a sharp rebuke. Of course, he only used the words "It is highly discourteous for the Commander-in-Chief having made a statement in the House and not to be present when an important Member had raised a debate

on it." But that one sentence, "it is highly disrespectful to the House for the Commander-in-Chief to be absent" was deeply resented by the Viceroy and the whole of the British Administration. At that time, because a foreign Government was involved, they attached great importance to it and looked at it from the point of view of stability of their own rule. His methods were so astute; he gave it to understand, through others, to the Viceroy that when Sir William Birdwood comes to the House next time, he would not call him unless he apologised.

Now, for the Commander-in-Chief in those days to tender an apology to any Indian presiding over the Assembly was something unheard of. There was a lot of correspondence between Lord Irwin and President Patel, and as a result of that correspondence he stuck to his position, and he said, "No; the Commander-in-Chief must apologise." And it was settled, and the Commander-in-Chief, before he made his next speech said that "there had been correspondence between me and the Speaker on this subject of my absence and I regret my absence." After he made that statement, Speaker Patel allowed him to proceed.

There is one thing to which I would like to refer. As in life, so in procedure, daily the procedure changes imperceptibly. You hardly notice it, but it changes nonetheless. The former practice was that at the end of a session, the proceedings were read and the rulings were called out. In that way, we completely missed the entire mass of procedure which was daily growing up. Procedure is never the same the next day. It has changed. You may not have noticed it, but the form, the method, the approach, the application, changes subtly. It is a problem—of which I have been always conscious: to catch points of procedure, because the procedure may have been crystallised in a single word or observation of the Speaker. The Secretary knows it; he has discussed it with him in the morning; he knows the background; he knows the significance. If he instantly gives instructions that this thing should be edited, that this background should be given and that it should be converted into a ruling, you have captured the procedure and built it.

It is, for example, like shooting the flying bird to bring it down. If you are not vigilant, you lose the change in procedure. This is a habit which I developed and which had persisted till the very end; that even in the heat of controversy, in the excitement, my procedural sense has precedence over every other thing, and it was a question of my sensing it and giving a decision then and there; it was noted in the minutes, it is in that way that we have built up this large body of case law. I have advised my counterparts in the States to adopt that procedure.

If today we have an answer to many questions, it is because we have passed through many experiences, which have crystallised and been edited and transformed into manuals and rules. But please remember, no manual, no rules, no directions can replace experience and memory. It was my practice before the session of Parliament started, that I took the book of rules without annotations and read them through. I liked an officer who could give me the rules from his memory. I still remember the numbers of the old rules of the Central Assembly, not so much the recent rules because they were re-numbered and changed. But when you read the rules every session, you begin to see in your own mind the interaction of the rules, and you remember their links and you are able to throw new light.

A time came in my experience when a question came up before me and I wanted to state my provisional opinion without reference to rules and manuals. I will give my instinctive reaction first. It happened at times that my instinctive reaction was different from the recorded rulings. I then asked the matter to be investigated and discussed with the Speaker—whether my latest reaction appealed to him or he would abide by the old ruling. In some cases he decided to conform to the old rulings and in other cases he accepted the new light which I threw on those rulings. So, it is a question of your keeping a fresh, open and vigorous mind in all these matters.

Shri Shakhder referred in great detail to many of the important works that I had undertaken. This is not the time to cover that ground. But I must say in fairness to him that it became at times very difficult to disentangle—in fact there was no effort to do it as to what ideas originated from him and what ideas were contributed by me. He first came into prominence in his work in the Estimates Committee. And remember, an opportunity always arises and you have to seize it. I had gone to the London Conference. He was new Deputy Speaker, Shri Ayyangar, who was very acute, saw his work, and when I returned, and when Shri Mavalankar was presiding at one of the annual functions, Shri Ayyangar said that he felt very diffident—Shri Kaul having left—whether Shri Shakhder, a new man, would be able to carry on. But he paid a tribute to him that he carried on the work excellently. And then Shri Mavalankar enquired from me as to who this officer was. And from that day, both Shri Mavalankar and Shri Ayyangar took keen interest in his work.

I say this not so much in praise of him but as an actual, concrete example, and that has been the experience in the House of Commons: the best way to come

into contact with Members is in the Committees; come in contact not with a view to please them and satisfy their needs, but come in contact with them intellectually. Remember always that a Member is very acute. He may talk to you nicely but he has an acute judgment about the officers; most of the Members will come to me and offer voluntarily their opinion about various officers.

Well, it has been a matter of great satisfaction to me to have handed over my responsibilities to my worthy successor, his able lieutenants and devoted officers in all the branches of the administration. I have great confidence in your ability, your integrity and your devotion to the ideals which have been laid down from time to time.

I have passed through momentous times. When I came, I was called upon to organise the entry of India into the federal system. Little did I know that I would be the first Secretary of independent India's Parliament. I saw the transfer of power taking place at this very spot on the midnight between 14 and 15 August, 1947 when the empire of 200 years vanished, as it were, in an instant and was replaced by our own government. I have seen British times. I have seen many occasions. I have seen the House in many moods, two of which I may recall. One, which deeply impressed me, was when Gandhiji took a fast unto death in 1943. The Assembly did not know whether he would be released or not. That morning's news was something very grave, and when the Assembly met, there was a gloom the like of which I had never seen in my career in the Central Assembly. That is a picture which is fixed in my mind. Another picture which remains in my mind was when the Chinese army swooped down on Sela and Bomdila and the Prime Minister spoke that Assam may be in danger. The next morning when we met, it was a gloom in a different context—the Prime Minister and everybody included. There was a gloom, a cheerlessness, a vacant look that I have never witnessed in Parliament. Suddenly the whole picture changed; the Chinese withdrew. So, I have many experiences embedded in my mind.

Shri Rikhy referred to international affairs. I might incidentally say that new dangers are looming on the horizon. The assassination of Mr. Kennedy, the passing away of Shri Nehru and the exit of Mr. Khrushchev have for the time being eclipsed the efforts of peace. And, on the top of it, there has come the explosion of atom bomb by the Chinese. You will have noticed the controversy in the All-India Congress Committee. This controversy is not going to die down. This is a great issue which has arisen. What will be the position if our massive armies are fired upon by atomic artillery? It is a great testing period, and in this

testing period the one sheet-anchor is Parliament. It is not the opinion of a Government or the Cabinet or a few individuals that is to prevail on this great issue. It has to be discussed. I do not know what will be the opinion of Parliament. Shri Nehru started with atomic energy for peaceful purposes. What he would have done we do not know. But he has left us in a position where the choice is ours, and this choice has to be coolly and deliberately taken. It has to be taken in a realistic way.

I am always reminded of the last conversation that I had in China when a Chinese gentleman sat at a dinner table with three or four of us. He said: "There is a fundamental difference between the Chinese approach and the Indian approach. I do not know how to explain it." He then lighted a cigar and said: "Here is a fire. Assume for a moment that two human beings, one Indian and the other Chinese, see this fire for the first time, and they have never seen fire before in their lifetime. What would be their reaction? The Chinese would say, here is something new that I have seen and he would ask what practical use he could make of it, whereas the Indian would at once go into contemplation and ask what is the ultimate reality behind it." That was the contrast that he made. I do not accept what he said. I do not in any way wish to decry the great philosophical traditions of India or our peaceful approach.

But the question is that the glimpses of world history teach us that if your neighbour has superior weapons and you do not possess them you will go under. It is in the light of that teaching of history that the whole thing has to be judged. What is the use of our going slow and not taking action in time? Actions should be taken in the light of known circumstances and realistically.

There are many dangers, and I do not know what is in store for this country. Troublous time may be ahead, both internal and external. But our one comfort is that in all this turmoil we have this great institution, the Parliament. As Prime Minister Nehru put it in a message to the first issue of our Parliamentary Journal technological progress has resulted in the nuclear bomb and that raises a great issue. Of course, his approach and our approach is the same. But the matter should be left to Parliament to decide and it should not be prejudged. There should be a full and open debate, a realistic debate, a debate which proceeds not on inhibitions, not on dogmas, not on rituals but which proceeds realistically on facts as known to the modern world. Let the Parliament then take a decision one way or the other. The decision may be a people's decision, if

in their conscience they are satisfied that the people will approve of that decision. But a decision on this matter has to be taken in the full light of publicity.

Before I end, I must recall that it so happened that my tenure as Secretary from 1947 till 1964 coincided with what, I think, will come to be known as the "Golden Era" of Indian politics, over which the late Prime Minister Nehru presided. I consider my work, my contribution, my secretaryship and all that as nothing compared to the influence through which I passed while sitting in the House. The greatest privilege was that I sat in close proximity to that great mind for 17 years. I heard his speeches without fail every day. If I was out for lunch I would rush back to the House and hear him. Every time I heard him, I got new light, I got new ideas and I marvelled at the mind which through those speeches gave out those ideas. I trained myself to watch and observe him. I could differentiate between what, I thought, was eternal and what, I thought, was ephemeral or political in his speeches. He would at times cast aside his notes. Then I would watch his expression and have a feeling that he has dived deep into the inner recesses of his mind to bring out something from the unfathomable depths of nature that reside in human mind, something he was trying to tap and give to the Parliament. I noted those words and I reflected over them. That is a part of my life which I value very much, because I was influenced by his words. My close observation of them enriched my mind and spirit and I had a feeling that I grew mentally and spiritually. So, I thank God that my period coincided with this great epoch.

Now, I conclude my observations. I wish all of you good luck, happiness and prosperity. There are times when you may be happy; there are times when you may be unhappy. Life is a whole and good and it must be taken together. I wish you the best of luck.

(iii) *Farewell to Shri M.N. Kaul given by the Officers of the Lok Sabha Secretariat on 15 November, 1964**

I have been very much overwhelmed by the references that have been made to me by Mr. Speaker and the other two spokesmen.

* Reproduced from M.N. Kaul: *Parliamentary Institutions and Procedures*, New Delhi, National Publishing House, 1978, pp. 368-81.

I find it difficult to express my ideas on this occasion. All I can say is that throughout my career and in my life, I have made an endeavour to live up to high ideals. Whether I have succeeded or not is in the ultimate analysis, I believe, one of the secrets of nature. All the same, I am deeply grateful to Mr. Speaker and to my friends for the kind sentiments that they have expressed.

I recall an observation of Lord Linlithgow made to a civil servant in three simple words—retire on crest. I have always kept those words in my mind because I have seen occasions when brilliant careers have ended not in praise but in mild disapproval. So, it is my conviction that it is all a matter of good luck whether eventually you win praises or not. I do not say it as a mere matter of form. I once came across a passage in Mr. Churchill's writings. I am fond of reading Mr. Churchill because he has great depth of thought and he has a knack of throwing in brilliant ideas in the midst of his analysis of war situations. I am giving you the gist. He says, "In 1942 there was an attack in Parliament against me; Britain was losing in all the theatres of war; Rommel was at the gates of Egypt; Germans were in Caucasus; Japanese were on the borders of India and it was anticipated that within the course of the year the two axis powers will meet somewhere." In that situation a point came when in the midst of the War he felt that the House of Commons might perhaps throw him out of power. Then he adds, "I escaped that situation; I was able to hold the confidence of the House of Commons." He adds further, "if the House of Commons had thrown me out in 1942, the opinion of historians would have been that Churchill had failed and that he was kicked out of power and the moment he retired the war situation changed." You will remember that the high tide of war against the Allies subsided gradually from the very next year. I have always reflected on that sentence and I have felt deeply within myself that whether a man's work is applauded or not is a mere matter of chance and good luck. So, there is one thing which is certain and that is, I had good luck this year; but that does not mean that I in any way undervalue the references that were made by you, Sir, in the House and here and also by my other friends here. I deeply value them and they will be a great joy to me.

No two persons are more closely associated than the Speaker and the Secretary of the House. I will give a short account of the morning meeting with the Speaker, because the morning meeting with the Speaker from 10 to 11 is the most crucial hour of what I might say a day in Parliament. It is there that the two individuals, the Speaker and the Secretary come to know each other and it is a relationship of utmost confidence. If I have been able to achieve any success, it is entirely due

to the fact that I have enjoyed the confidence of all the Speakers with whom I had occasion to work. I spoke to them freely and I was never misunderstood. But, the longer you know the Speaker the more you know him. It becomes unnecessary to talk at a great length. A sort of abridged vocabulary develops between the Speaker and the Secretary. So much is expressed in a single word, a monosyllable, and it has to be so, because the time is short and the notices are many—they are pouring in while you are discussing them.

I have always found, Sir, that you have given me a patient hearing and listened carefully to what I had to say. In fact, I could express my thoughts freely and I could also condense them, as my association with you grew, because I knew that a word was sufficient for you and you could fill in the rest as it were. It is only an inclination of the mind that you desire. What I had greatly appreciated was, you always brought to bear upon whatever advice was given to you or your own individual political judgment. A Secretary may be very competent. It is also true that he is in the midst of politics; yet by training he is not a politician. Therefore, he lacks something which is filled in by the Speaker. There were many occasions, as Shri Shakhder would know, when I have discussed with him subsequently and said to him how valuable was Mr. Speaker's intervention and the political judgment that he brought to bear upon the advice that was being tendered to him.

And so, you will see what great influence this morning meeting has on the course of events during the day.

As all of you are aware, in Parliament, matters require immediate attention. Things have to be disposed of that very day, that very minute. When I came here, I found that during session files piled up with notices of adjournment motions and all kinds of notices which were marked 'immediate', 'priority', 'urgent' etc. When time was short and I had to go to Mr. Speaker, I did not know exactly which one to pick out, until one day I found a solution; again, in one of Mr. Churchill's Memoirs where, during war time, he invented a red slip called 'Action this Day'. This slip, I think, is peculiar to our Secretariat. It had been very helpful to me, because I knew exactly when papers were with me, what it was that I had to take to Mr. Speaker and also to dispose of before I left Office. But, even then, I found that in the morning hour which is the most taxing it is not a question of 'action this day' but it is a question of action this minute, this minute before Mr. Speaker walks into the House.

So, you will see what a taxing job it is. There is another aspect on which I would like to dwell. All of you must be familiar with that great book by Gibbon 'The Decline and Fall of the Roman Empire'. I think its title is better known than the contents of the book. I happened to read that book when I was in Cambridge. But, I missed one sentence and that sentence was brought to my notice by the Clerk of the California Assembly and it has remained in my mind. Anything that Gibbon says is worth remembering. That great man had not only written history but he had all the images before him. He lived through those periods and there is the quintessence of wisdom as it were in what he wrote. Gibbon says:

The principles of a free constitution are irrevocably lost when the legislative power is dominated by the executive.

Now I pondered over that sentence and then I recalled another observation of Prime Minister Nehru in a letter to Shri Mavalankar when he persuaded him to stay on longer than he wanted to. He said that the 'Speaker holds a very key position in Parliament' and putting these two things together, I built up my concept that the fundamental role of the Speaker is to prevent this domination of the Legislature by the Executive, because that domination creeps in subtly and surreptitiously. It is not a question of dominating openly or whether a question is admitted or not admitted. What I call subtle domination is this, that a Minister taken into his head that a particular matter should not come up and that the Speaker should disallow it. Now, there is in this an element of domination. I am not thinking of open domination, because there is no question of any open domination. But, in various subtle ways, by carrying on a whispering campaign, as they did against Mr. Speaker Patel at one time, they try in a sense to dominate the Speaker and once that position is not controlled, then, in the ultimate analysis, our free institutions are violently affected. So, the Speaker has at all times to be completely vigilant about requests made to him. He has to watch carefully whether behind that request is a feeling of domination; do they want to dominate the Speaker or it is a simple request because they feel certain difficulty. I can pay a tribute quite honestly to our revered Speaker that he has been very sensitive to this concept of domination. In fact I have been assisted, in my analysis of this concept, by my association with our Speaker. I have felt that there was in him something inborn, something which he had learnt all his life from political experience and that judgment had always helped him in assessing the situation. The dangers of democracy are not open but are subtle;

if the Speaker who is in a key position is not conscious of it, there is a great danger, as Gibbon says, of democracy being gradually and irretrievably lost.

So, these are some of the things that I noticed and by which I profited during the time that I have been associated with your tenure, Sir, and I have no doubt that the longer you serve this Parliament, the stronger it will be. I can multiply examples. But, Mr. Speaker's tenure, as he said himself, is not yet a part of history. It is not fit and proper for me to talk about it more intimately excepting in a general way. But, I have given you the basic things which I feel are important. I have always in my association with him come to learn that opinion should be offered slowly and not abruptly because, as a student of psychology, I feel that to offer an abrupt opinion is to give a particular direction to the other man's mind and you are not able to benefit from his own individual thoughts.

I will illustrate it. You will recall the Lucknow contempt case which was eventually referred to the Supreme Court. We went to Mr. Speaker to discuss. The question was whether Parliament should be represented before the Supreme Court or not. I quietly mentioned the facts and paused to get his reaction. His instinctive reaction was that 'we should not submit to the jurisdiction of the Supreme Court; in any case, it was not our case; we are not concerned and we should not be a party to it.' That is something that he said instinctively and quickly and I noted that and then we discussed it amongst ourselves. We advised him to call a meeting, because there is one thing that I have learnt in parliamentary experience that whatever may be your view, and it may be an excellent view and a correct view, but you must create what Prime Minister Nehru once called 'a sensation of consultation'. He consulted Members and Groups and the opinion was divided on the question whether we should appear before the Supreme Court. But, he was able to convince them that, in his judgment, it was not wise for Parliament to be represented before the Supreme Court and now Parliament feels quite clearly that his instinctive judgment was quite sound and we have saved ourselves from a lot of unnecessary trouble by not appearing in that case. I give you these examples and have given you in some detail my approach, so that you may perhaps keep something in your mind and try to experiment with new methods if they appeal to you.

I might say a few words about the Secretary of the House. Now, as you know, the battles which Shri Vithalbai Patel fought with the Executive government of the day during his tenure ultimately secured quasi-autonomy for the Secretariat of the Central Assembly. If you have read some of the old files, you

will find that there is an extremely interesting discussion between the Secretary of State Lord Birkenhead who was a great legal luminary of the day and the Viceroy Lord Irwin. Remember, in those days, corresponding to every Department of the Government of India, there was in the Indian Office a small cell to control it. So, all important decisions were ultimately taken by India Office and Lord Birkenhead made it known to the Viceroy that in this matter he must be consulted at all stages and no final agreement should be made with President Patel until it had his approval. There were long discussions and legal expositions and despatches of what might happen in the House of Commons and Birkenhead, in consultation with the Government of India, devised a formula which satisfied President Patel. President Patel said: "My Department cannot be in the portfolio of a Minister who is daily appearing before me and who is subject to my jurisdiction and control." The British Government always had the genius of compromise. They said: this portfolio of the Legislative Assembly Department will not be with any Executive Councillor but it will be in the personal portfolio of the Viceroy. Lord Irwin gave an assurance to President Patel that he will not interfere and that compromise satisfied President Patel. The Legislative Assembly Department was in the personal portfolio of the Viceroy and files of appointment of higher officers did go to him and he gave his approval, but never interfered; so the practical control was that of Mr. Speaker Patel. Lord Birkenhead also devised a new formula whereby the Secretary of the Legislative Assembly Department was not only Secretary to the Legislative Assembly but also Secretary to the Government of India. As Secretary to the Government of India he controlled his Department which was in the personal portfolio of the Viceroy. Now, a new consequence flowed from this dual designation. The designation of Secretary to the Government of India gave him at once financial and administrative powers which really brought about the autonomy of this Department at that time. But, there was this consequence also that as Secretary to the Government of India the Secretary had a right, which was considered to be a valuable right those days, *viz.* the right of audience with the Viceroy.

I must say to the credit of the British Government that they never tried to influence either myself—I was there in the British times for ten years—or my two predecessors. They preserved this right of audience, but very wisely my predecessors decided in their judgment not to avail of this right of audience with the Viceroy and no Secretary at any time from the very beginning saw the Viceroy personally in connection with the affairs of this Secretariat, although he had the legal right to do so. That restraint was exercised and quite rightly

exercised by the Secretary and this paved the way for smooth and harmonious relations between the Speaker and the Secretary at all times.

There is another matter. I am not talking of recent things, because they are familiar to you. I am talking of the historical aspects, because it is important to remember them. As the great constitutional lawyer, Professor Maitland put it "We may bury the old forms and procedures but they rule us from the grave." It is always important to remember that observation, because the historical process which, in a sense, has lasted in India for nearly half a century, has its traces even in the present rules.

I would like to recall a recent incident in U.K. You, Sir, were present recently in the House of Commons when the Speaker-elect along with Members of the House of Commons walked over to the House of Lords, where the Speaker-elect received what is called the Royal approbation and then he was confirmed as Speaker. Before that the Sergeant-at-arms could not carry the mace. In fact, when our Speaker called on the Speaker-elect and a photographer enquired whether a photograph could be taken, the experts got busy and explored whether the photograph could be taken and they said that since the Queen had not given her royal approval, the Speaker-elect was not confirmed. No official photograph was therefore taken. In India also during the period of the Central Assembly the election of the Speaker required the approval of the Governor-General.

When I came here in 1937, I was taken to organise the work in connection with the Federation. Lord Linlithgow had decided to make a ceremonial opening of the Central Legislature. That decision was upset because war broke out and instead of inaugurating the federation, he came to the Central Assembly to announce the postponement of the federation. All that happened in September, 1939 in a matter of days.

Now, it is worth recalling the Viceregal opening of the Central Legislature. It was modelled on the U.K. pattern when the Queen or the king opens Parliament. The Viceroy appeared in his regal robes of which you must have seen pictures. There were the Ruling Chiefs. Then, there were the Executive Councillors and the Secretaries in their robes, pump shoes, silk stockings and gorgeous dress. It was a regal show and since the Secretary of the Assembly was also Secretary to the Government of India he had to conform to the rules.

When President Patel came on the scene he asked: "Where do I come in?" The Secretary said, "Well, you have a seat on the floor of the House as one of the

Members. This is the Viceroy's show; he is opening the Central Legislature." The only concession that had been made in the past before Mr. Patel came was that two chairs were placed on the Floor of the House, one by the side of the Treasury Bench and the other near the Opposition Bench, where the Speaker and the Chairman of the other House sat. President Patel said: "Look here; you go and tell the authorities concerned that I control this House and I will lead the Viceroy. I will sit along with the Viceroy on the dais. There is no question of my sitting with the members. It is impossible. I will not permit the Viceroy to come in." So, eventually in Lord Irwin's time it was settled and the Viceroy dropped the entire procession. It is worth recalling that Lord Irwin used to come from the Speaker's Gate right into the Speaker's Chamber and President Patel then conducted him to the House and he took his seat and then delivered the Address, Mr. Speaker Patel sitting by his side.

It is of some importance to recall that Shri Patel left in 1930 and I heard his speech in Allahabad. He went straight from Delhi to Allahabad—because Allahabad was the centre of politics then—and delivered his 'Peerage and Pension Speech', because on retirement from the House of Commons the Speaker gets a pension and peerage, and he recalled that during the speech and said: "My Pension and Peerage is now Prison."

Then Lord Willingdon came. He was a man of great pomp and show. He reversed the whole thing. The Speaker's position was reverted to what it was before President Patel. The Viceroy was again the boss of the show at the time of his Address to the Central Legislature.

When Shri Mavalankar was elected in 1946 he said: "that cannot be" and there were very anxious moments. I was entrusted by him to do certain things and it is at that time that I came to know both Sri Vallabhbhai Patel and Shri Mavalankar very intimately. They instructed me to see the Private Secretary of the Viceroy and tell him plainly that if the Viceroy wishes to have the Speaker there, then the Speaker is prepared to welcome him and give him all honour and respect; but there is no question of Mr. Speaker sitting with the Members. The Speaker will sit beside the Governor-General who was Lord Wavell at that time.

The situation was very tense, because the Congress Party had boycotted the Legislature. Another question which I had to deal with was whether, the Congress Party having boycotted the legislature, Mr. Speaker should welcome the Viceroy or not, and I found that both Shri Mavalankar and Shir Vallabhbhai

Patel took a very reasonable stand. My point of view was that since Shri Mavalankar had been elected Speaker according to the past precedent of Shri Vithalbhai Patel, he was in a certain sense a non-party man and if he does not welcome the Viceroy and attend the opening of Central Assembly, then his position becomes inconsistent and he will, eventually by force of circumstances, be compelled to resign from the Speakership. So, the consequences of any step that might be taken must be clearly analysed. I said it was a political question whether the Speaker should attend or not. What I was pleading for was that the logical consequences of those steps must be worked out and Sardar Patel decisively said that Shri Mavalankar should welcome the Viceroy. Unfortunately when the Viceroy Lord Wavell came, by accident,—it was a very tense moment—by some miscalculation of the Marshal, Shri Mavalankar and myself were not there at Gate No. 1 to receive the Viceroy and except the Viceroy, who did not know this, his personal staff were in high tension. Eventually we met where the Enquiry Office is now located and everybody, we learnt afterwards, was greatly relieved. It was not of design on anybody's part. It was just an accident which created great anxiety. Lord Wavell came and he delivered the shortest speech that has ever been delivered by any Head of State. The speech lasted for seven minutes and no more, and there it ended.

I have given you this account so that you can, in our mind, recall as to how these things have progressed. Our President's procession is based on the principle that Shri Mavalankar settled at that time.

Sir, I will give another recollection and then close. That recollection relates to the time of Sir Abdur Rahim. I think I can divulge this and speak about him, because he is completely a part of history. It will even satisfy the rule which has been laid down in reference to the Kings and Queens in England that their records can be examined after a period of 25 years' lapse. So, sufficient time has elapsed for me to talk about it a little freely.

As you know, he was a judge of the Madras High Court. He was a Minister in the Bengal Government. Then he became the Speaker. So, he was concerned with all the three great organs of the State. I referred the other day to my first meeting with him. I will refer to another matter. He first left on me the impression that he wobbled. I thought he said one thing on moment and another thing another moment. But I soon noticed that that was an individual trait of his. In fact he was thinking aloud and trying to make up his mind, because I noticed that once he was in the House he was firm as a rock and did not waver

from any decision that he had taken, because he had taken that decision after full and mature consideration.

As you know in the old Central Assembly there was the numerically large opposition of the Congress. So, they functioned very effectively and the Speaker had difficulty in dealing with them, particularly when he accepted a closure and closed the debate or when he disallowed an adjournment motion. There used to be on the first day as many as 120 adjournment motions and it took a whole week to dispose of those adjournment motions. It was a continuing list for a week or ten days.

When the House was stormy on a certain day, Sir Abdur Rahim asked me: "What do you think of the Speaker's job?" I said: "It is very difficult for me to say; how do you feel about it?" He said: "I think, it is basically a policemen's job." I said: "Do you think so?" He said: "Yes, I am using a colloquial expression. Just listen. Whether I give a wrong ruling or right ruling, it does not affect me very much. But it is the order that I have to maintain in the House. If I fail in that, there is a tremendous reaction." I have often recalled his words when I watched disorders in the State Assemblies that it is really a question of enforcing order in the House and that has become now, particularly in State legislatures, one of the most vital tasks of the Speaker. If disorder prevails, then all things as it were go to pieces. And he was always at great pains to see that there should be no disorder and he was terribly upset when there were scenes of uproar in the House. I told him that these are normal things and they should be taken in their proper light. But he attached very great importance to it. I must say that I learnt a lot from his observations.

I took great pains in familiarising myself with the entire past that had gone before me. I dug up the things in the archives and I read every scrap of paper that I could find. I have read almost every file from 1921 onwards and all the rules and other materials which are now embodied in the manuals and other publications.

There is one thing I recollected this morning, which possibly has not gone into our manuals. It was a very important discussion—in the British times—as to what was the place from which a Member should speak. It is worth recalling. An eminent and liberal Indian statesman and politician, Rt. Hon'ble Srinivasa Sastri, whose ninetieth birthday we celebrated this year, contended that the speeches should be from the rostrum and not from the member's seat. The

British civil servant, who was dealing with this matter, disposed it of in one sentence, 'we cannot have such an un-British practice'. Whatever be the language he used, I felt that it was a very vital decision, because if the British practice—we modelled ourselves on British practices—had not been adopted, the whole tenor of the debate in Parliament would have changed. Speaking from rostrum is completely a different thing and you cannot have that cut and thrust of the debate and also this kind of question hour; set speeches are delivered from the rostrum and it is a monotonous affair; and the power, as it happened on the Continent of Europe, ultimately passes from Parliament as a whole to the Committees. So, you find it extremely interesting to trace all these origins, because they throw a light upon important aspects of parliamentary matters. It is very difficult to say at the moment what is important and what is unimportant. You have got to trust your experience, your judgment and the wisdom that Mr. Speaker always gives to the whole matter that comes up before him. Political judgment is so important. I remember what Sir Edward Fellowes once told me. Lord Champion, when he was with Speaker Fitzroy, was explaining to him a point of procedure. Then the Speaker said, 'Tell me what is your advice; I have heard that you have examined the pros and cons.' A politician is a man of action; he has got to take a decision quickly; he is not interested in theoretical issues, in various doctrines at that moment; he wants a clear and decisive opinion to which naturally he applies his political judgment and that gives good results.

So, you have to imbibe all these things over the course of years and there are many things which escape all manuals. They are transmitted from successor to successor. During one of my visits to London, a civil servant gave a despatch written by Lord Curzon in 1902 on Secretariat Reforms. If you read that despatch you will find there that every concept that you can think of is explained. I wonder sometimes why our Government is appointing so many committees. There is no new concept which anybody has stated which is not dealt with in that note or in subsequent documents. The things are well-known. The question is one of implementation. Lord Curzon added one incisive sentence, "What I miss in India and what is present in the civil service in the U.K. is 'inherited memory'."

Now, inherited memory is something very important, because it is imbibed and then it is stated with authority. The clerk of the House of Commons, appearing before one of the committees, stated the practice and when one of the members asked him 'what is your authority', he said 'my predecessor'. The matter ended there and there was no further question. The oral authority of the heads of

department on matters on which they are confident to state the position is accepted without question, because much in Britain is still unwritten and is handed down from successor to successor as a sort of 'inherited memory'.

It has been my cherished desire that in this Secretariat we should build up a system of that character where things are learnt and grasped, as it were, in this manner, that is, you have to teach by your manner, by your exposition, by your words, which go to make a man's personality, because that personality has to be transmitted to the other man's mind and then he takes in as much as he is able to absorb.

I am grateful to you, Mr. Speaker. I have spoken a little longer than I thought I would take. I will now conclude my observations and thank all of you for the good sentiments that you have expressed.

(iv) *Farewell to the Speaker and the Deputy Speaker given by the Lok Sabha Secretariat Club on 10 March, 1967**

Mr. Speaker, Mr. Deputy-Speaker, Friends and Old Colleagues;

I deem it a great privilege to be present on this occasion. I think it was very thoughtful of the sponsors to have asked me to come. They had obviously in mind my long association with the Secretariat and in particular with Mr. Speaker and Mr. Deputy-Speaker, whom I have known throughout their parliamentary career and in particular while they held these great offices.

Shri Shakti has dwelt at length on various matters and it was very delightful to hear him speak and make an excellent survey, which I hope will be recorded, as a result of this meeting. I will say a few words of personal reflection.

My relations with Mr. Speaker, if I may quote a sentence from Gandhiji, outgrew the official relationship. I almost forgot when I was talking to him as a personal friend and when I was disposing of official business with him. They were always so cordial and so full of warmth and personal feelings that they gave me this particular special feeling. I think for an officer who is associated with the Speaker to have that particular feeling is not only an asset to the Speaker, and to the officer, but it is an asset to Parliament. The Speaker has no plethora of

* Reproduced from *Texts of speeches: Farewell to Sardar Hukam Singh and Shri S.V. Krishnamoorthy Rao, Lok Sabha Secretariat, 1967, pp. 12-20.*

advisers as in the case of Ministers. His sole adviser is his Secretary and that Secretary is with him, as Shri Shakhder pointed out, every morning. He gave you a very good account of what transpired in the morning meetings. I will put a rather different aspect before you. He did not explain how it was possible within a period of 15 minutes to survey 50 notices. The secret is: between Mr. Speaker and the Secretary there is a sort of telepathic conversation and conversation of symbols. It is only a word or two that is said in response to a notice and that conveyed a lot of meaning to the Speaker. The way the paper is handed over to him, the way things are expressed and disposed of is so brief and so quick that it is a delight for anyone who may be present there to watch. It shows how with harmony of mind and harmony of approach and understanding it is possible to dispose of matters in the shortest possible time.

I have always had a very delightful recollection of those morning meetings with Mr. Speaker, and I treasure those memories not only with Mr. Speaker but with all the past Speakers and they are of great interest to me.

Another thing, among the many things that I have imbibed in my long association with Mr. Speaker, has been a keen sense of duty. I will not speak in abstract terms, I will give you a concrete illustration. We were, in 1962, in Nigeria—Lagos. Suddenly we received a telephonic message and BBC broadcast that it had been decided to summon a session of Parliament. There was still a week to go, but Mr. Speaker decided then and there that his duty to Parliament was paramount and that he must leave at once. We took the next plane from Lagos and at once flew to Rome, where we waited for a few hours, and then straight to Delhi. That has always impressed me greatly. He was approached by several dignitaries including our Ambassador, the sponsor of the Conference, that he might at least wait for the opening of the Conference. He said: "No, my mind is not at ease, I must be at my place of duty when such a crisis is brewing in India". That is one instance, which I watched at that time and which left a deep impression on my mind as to how quick and prompt was the decision, what grave anxiety he felt at the coming events and of his being at the place of duty.

There is another aspect which I will briefly touch upon. I accompanied Mr. Spe

impressed by the way he headed those delegations. I will give you one example of his visit to America. That was a great occasion when we met President Kennedy, in July 1962, a few months before his assassination. We had a very long and delightful conversation with President Kennedy in which Mr. Speaker took a leading part and, in particular, he explained the Indian case over Kashmir

with great beauty and simplicity. I could watch at that time his great skill in diplomacy. He won great praise while he was there. This praise, I may tell you, was not formal, because on his return to India he received a very warm communication from the Speaker Mc Cormick, and I have reason to believe that that communication was prompted by President Kennedy himself. I do not remember the exact words—I hope Mr. Speaker has preserved that beautiful letter—but the substance of it was that 'rarely have we received from a foreign land an ambassador of that country who has explained the image of that country with such great simplicity and beauty and that has left behind memories which we all cherish.' He added: "You have added something to the relationship between India and America". I think it was a great thing to have earned that tribute from America, in particular, when we remember the many incidents that have happened between our country and America in the past years.

It is not for me, at this stage, to review the record of Mr. Speaker, his masterly rulings and his various pronouncements which Shri Shakhder referred to at great length. I think they are a treasure-house from which future historians will take and unravel many a gem. It is very difficult to assess their importance correctly now because we are too near the events. But I have no doubt that many of those gems will be unravelled which we are still unable to discern clearly.

I will not refer to those rulings. It is not the time to do so. We are primarily assembled here to do honour to Mr. Speaker, to evince our sense of loyalty and devotion to him and our feeling of great regard and affection in which we have always held him and will continue to hold him even though he may relinquish that office soon.

I have always been very much struck by one decision that Mr. Speaker gave. I think it has not been sufficiently noticed, but to me it is very important. In recent times, when scenes of disorder in the House rose to such a height that it became necessary to remove a Member bodily from the House, I always found, when I looked back from my seat in Parliament, that Mr. Speaker was most unhappy. I always noticed a pain of anguish on his face that he should be compelled to resort to such a procedure. Instinctively and in harmony with his innate goodness and character, I think, he devised a procedure which would be well advised for future Speakers to follow. He declined to execute the order of the House that the Member be bodily removed but in his own unfettered discretion he moulded, as it were, the procedure of the House and set up a new precedent which might guide future Speakers. He said, "Instead of having a Member bodily

removed and creating a scene, I will adjourn the House for five minutes." The House was adjourned; the Members left; the Member concerned also left the Chamber and the whole problem was solved. I think, it was this knack of his to mould procedure according to the exigencies of time which saved him from many an ugly situation in the House.

In a recent letter Sir Edward Fellowes, former Clerk of the House of Commons, whom some of you had met when he was in Delhi, surveying the Indian parliamentary scene recalled his own experience in the House of Commons in the 20s. I say this to show that the incidents that we have been watching recently in Parliament are not particular to India, such things had happened in other countries as well. In the 20s in the House of Commons there were Members from Clyde area in Scotland. At that time, it was a distressed area. There was unemployment and there was anger in those areas at the condition of the labour. The extreme Labour Members who were elected from that area brought to the new House of Commons the anger, the anxiety, the anguish and the troubles of those areas and whenever a rule came in their way they resented it. Sir Edward Fellowes said that they felt that these century-old rules were particularly devised to obstruct their functioning in the House. When they wanted to speak, they wanted to speak as long as they wanted to and on any issue that came to their mind; that issue must be ventilated. Of course, it was a passing phase; it disappeared and the House reverted to its norm. I say this to show that the incidents that we have been watching may continue for some time but they are bound to subside as the conditions in the country improve because, after all, the temper in the House is a reflection of the temper in the country as the General Elections have also shown in recent times.

It is said that our Rules of Procedure are voluminous. I think, they are too few to deal with the complexity and variety of matters that come before the House. It had been my practice while I was in charge of Parliament to read the whole set of rules from beginning to end. I developed this habit because I once heard my father, who was a judge, say that before he convicted a person, although he may have read a particular section a hundred or thousand times, he read it again and got a new light from it.

The rules are merely a sort of an epitome in a brief form of generalised situations. You cannot have a rule for every particular situation that might arise. The rules, I think, are few, but the situations that arise and their complexity is infinite and it is the duty of the Speaker at all times not only to enforce the rules but to mould the rules having regard to the exigencies of the situation.

I have come to see the Speakership of the House as one of the most difficult offices in the whole of the Constitution. It is a great responsibility that he has to discharge at all times and hold the balance even. Mr. Speaker, I may be partial to you because of my long association and high regard for you. But I have a deep and clear conviction that, as the years roll on, your Speakership will shine brighter and brighter and some of those who are today, I must say frankly, critical of you will say that it has been a great Speakership which will go down in the annals of parliamentary history.

Mr. Deputy-Speaker, Sir, my association with you has been a long one and I have always looked upon you with great esteem and regard. Shri Shakti referred to many of the things that I wanted to say myself and I myself associate entirely with all that he has said.

I would touch upon one or two incidents just to illustrate the role of the Speaker and the Deputy-Speaker. When things run smoothly, the two roles are not distinct. But when there is friction, they come into prominence. It is true that the Speaker must have a Deputy-Speaker. But one of the great difficulties and the beauties of our Constitution is that Mr. Deputy-Speaker, while he occupies the Chair, from the moment he occupies the Chair till the moment he leaves the Chair, exercises co-equal powers with the Speaker. Now, that makes the machine run smoothly but that has created difficulties in the past. I think, I may for the record refer to the incidents in the Central Assembly—they are now incidents of the past—and, I think, I can, at this period of time, recall them. The Speaker at that time was Abdur Rahim and the Deputy-Speaker, Deputy-President as he was then called, was Akhil Chandra Datta. There was constant difference of opinion between them on many occasions. I refer, in particular, to an occasion when Mr. Deputy-Speaker, while he was presiding, at the prompting of one of the leaders of the Congress Party, left the Chair, asked Shri Satyamurti to preside and walked into the Division Lobby and exercised his vote. It was a very difficult situation for me. Mr. Speaker, naturally, asked for my advice and Mr. Deputy-Speaker also called upon me to give him advice. I must say that I thoroughly enjoyed it because I was younger and I wanted to face difficulties and I wanted to see how the situation developed. I was not overwhelmed as one would be about his later official life by the risks involved in tendering the advice to two persons with co-equal authority. Of course, I made a rule for myself. I gave advice to the Deputy-Speaker, but whatever advice I gave to the Deputy-Speaker, I disclosed it to the Speaker. I did not do the contrary proposition, that is to say, whatever transpired between me and the Speaker was not disclosed to the Deputy-Speaker. That was the working rule. I devised and I never,

fortunately, got into trouble and I enjoyed the confidence of both the officers. In fact, they never asked me what I had told the other. I advised the Speaker that there was no power in the then Constitution to overrule the Deputy-Speaker but he could give guidance to the House in a vital matter of this character and pronounce his opinion and for the sake of a phrase that was invented at that time, in order that there should be certainty of procedure, he should advise the Deputy-Speaker that on future occasions, he should follow the advice that was tendered to him in open House. It was in that way that the matter was settled.

Another occasion was, when the Deputy-Speaker was presiding, during the lunch interval there was the Viceroy's function in the Imperial Hotel—the Executive Councillor came late, there was no quorum and without ringing the bell, he adjourned the House. He asked me what he should do. Young and impulsive as I was, I said that if he wanted to adjourn the House, he could do it. I myself did not like that no regard be shown to the Assembly. I was in a very difficult position because the Deputy-Speaker was questioned as to on what basis he did that. But he never disclosed that he had also consulted me and that it was on the basis of my consultation. He said that it was his decision. He did not like that the due importance should not be attached to the Assembly.

That matter was also taken up by Government before the Speaker, Shri Abdur Rahim, and he was asked whether it was right and proper for the Deputy-Speaker to have departed from the established practice, that is, the rule did not require that the bell should be rung, but the established practice is that before the House should be adjourned for want of quorum, the bell should be rung. The Deputy-Speaker's decision naturally being final, was upheld, but the Speaker gave his opinion for the future that bells should always be rung before the House is adjourned for want of quorum and since that day that rule, I think, has been uniformly followed. I cited a few illustrations to show how difficult a situation can be if there is no harmony between the Speaker and the Deputy-Speaker. In the present case, I can say with confidence that the Deputy-Speaker had never done this, as some Deputy-Speakers had done in the past, in the olden days, in the Central Assembly, namely, paraphrasing, commenting, elucidating and in that way giving expression to their own views and personal opinions on matters on which the Speaker had pronounced a decisive opinion; so, the result was that the House could clearly discern that there was a rift of opinion between the Speaker and the Deputy-Speaker. The great beauty and merit of this Deputy-Speaker in this particular case was that he never expounded the Speaker's ruling; he took it upon himself that it was his duty to enforce those rulings and in his own characteristic way, he would enforce those rulings in a few words and

repeat those rulings, so that the House never got enough ammunition from him to carry on an argument. I heard a few Members on the Opposition say, "what can we do with this Deputy-Speaker; he will not speak enough and, therefore, we have not got the necessary ammunition; we cannot tackle him in arguments". So in that way the Deputy-Speaker, in his own characteristic way, solved many difficult problems. I say that to show that each presiding officer has his own qualities, has his own approach to the problem, has his own characteristic way, and he should bring out that approach and that quality. So far as this Deputy-Speker is concerned, these human qualities came to the fore as I gave you in that example which I cited above. With great wisdom, with great dispassion, with great equanimity, he has tackled all the problems that arose in these troublous times since 1962 and I think that it will, for all time to come, be a memorable record.

Sir, I wish both of you good health and prosperity in the years to come. I am confident that whether you hold an official position or whether you work in your private capacity, with your character, discipline and high qualities you will make a fuller and greater contribution to the causes that you hold dear.

PART THREE

AS PARLIAMENTARIAN
SELECT SPEECHES DELIVERED IN THE
RAJYA SABHA

A

Constitutional Issues

(i) *Sovereignty of Parliament**

I am in a happy position of having witnessed not only the making of the Constitution but also I have watched the passage of the twenty three constitutional amendments that have been adopted so far in Parliament.

I have many memories, but I will restrict myself to two of them only. One relates to the happening in the Parliament itself and the other took place behind the scenes. I will first narrate what took place behind the scenes. The hon. Members may not have perhaps vivid recollection that this is not the first crisis with the Supreme Court. The first crisis took place in 1950. What happened in 1950 was that the Mahajan Court struck down several Zamindari Abolition Acts with the result that not only some Acts were struck down but many other Acts of State Legislatures were in danger of being struck down. That was the position with which the Government of the day was faced in 1950 and that was the first crisis with the Supreme Court. Now, when so many Acts were involved, Shri Jawaharlal Nehru, as Prime Minister, summoned a conference and I was also present there representing the Speaker. Various difficulties were brought before him. He did not go into the details of those difficulties but made certain observation. He said this is a matter on which we have thought for long and it relates to abolition of zamindari and we have been charged by the electorate to put this into effect. That must be put into effect, whatever the difficulties. Will you devise a method by which this matter can be taken outside the purview of the courts? And the method that was adopted at that time was that a schedule of all the Acts involved was drawn up and in the 9th Schedule of the Constitution as many as 64 Acts were recited and then it was provided in the Constitution itself that all those Acts which were recited in the 9th Schedule, all the 64 Acts, were

* Participating in the debate on Constitution (Twenty-Fourth Amendment) Bill, 1971 (*R.S. Deb.*, Vol. LXXVII, 10 August, 1971, cc. 266-270)

beyond the purview of the Supreme Court, they could not be declared void. Now, the executive of the day was driven in this position because of the attitude of the Supreme Court in 1950. But after that the Supreme Court did not interfere. The Supreme Court kept quiet from 1950 to 1967. What the Supreme Court did by a majority of one vote in 1967 could have been done in 1950 or in the years between 1950 and 1967, but in their wisdom, I think, in their superior wisdom, the Supreme Court did not do it. Even those who held conservative views did not adopt this course.

It is important to remember that this is a second conflict. The Supreme Court Chief Justice Subba Rao was driven to this extreme position due to the previous device that was adopted, namely, putting the Acts in a schedule and keeping them outside the purview of the court. The slender majority took the view that as the Constitution stood the fundamental rights could not be changed, such an extreme position could never be sustained for long. That was a black-out, as it were, of the parliamentary sovereignty and it is high time that it should go. Today, we have a great advantage in the Cabinet, we have a trio of eminent lawyers who can among themselves discuss and then present proposals to the Cabinet.

I think the three Bills that have been brought forward have been logically thought out, and very neatly arranged so far as I have been able to apply my mind to them. Now what I feel is that the first Bill which is before us cannot perhaps go to the Supreme Court as it is because as we all know before the Supreme Court concrete cases must go, cases in which the rights of the individuals are affected and when they file suits. The Supreme Court does not deal with abstract questions. So far as the second Bill is concerned, that too I believe cannot perhaps go to the Supreme Court because by merely amending the Fundamental Rights you do not affect anybody's interests at all till in pursuance of the amended Fundamental Right you bring concrete legislation affecting individual rights. It is the third Bill, namely, the Bill relating to the abolition of the Rulers and the Privy Purses, that is bound to go before the Supreme Court in view of the present temper and mood of the Princes. And then incidentally, these two other Bills will also come up and the Supreme Court will be invited when occasion arose to reconsider the Golak Nath case. Now, here what is the line that government has taken? The government have tried to frame the first two Bills—I have no time to go into details within the four corners of the decision in the Golak Nath case because Mr Justice Subba Rao could not deny to Parliament the right to amend the Constitution. He says that they could do it

only under the residuary provision. That matter will be tested before the Supreme Court.

So far as the question of property is concerned, I have another vivid recollection that when this matter was dealt with in the Constituent Assembly there was one phrase which was used and that is 'balancing authority'. It was stated by Jawaharlal Nehru at that time that so far as the balancing of various considerations is concerned, the balancing authority should be Parliament and only in a case where Parliament awards an illusory and nominal compensation the court may have the ultimate power to override Parliament's decision. Now, the Supreme Court's decisions have swung from one line to another line and the latest position is very conservative.

Now, a great deal has been said about the sovereignty of Parliament and so far as that is concerned, the position is perfectly clear. We became independent on 15th August 1947 and between 15th August 1947 and 26th January 1950 when our new Constitution came into force there was no restriction on the power of Parliament as there were then no Fundamental Rights. The restrictions arising out of Fundamental Rights became operative from 26th January 1950. And what are these restrictions? There has been a great deal of misconception on this question of restrictions, as one eminent constitutional authority put it, these so called restrictions on the sovereignty of Parliament are self-imposed restrictions; because some restrictions have been incorporated in the Fundamental Rights it does not mean that Parliament's sovereignty has been restricted. In the exercise of its sovereignty Parliament has imposed on itself these restrictions. They are self-imposed restrictions lest in the heat of the moment, in the excitement of the moment and the temper of the country some legislation may be rushed through. These self-imposed restrictions can be removed from time to time and that is the acid test of the sovereignty of Parliament which has the right for all time to amend any part of the Constitution. The only restriction on the sovereignty of Parliament is that in some cases the amendments carried through Parliament cannot become effective unless they are ratified by more than half the number of States. That is implicit in the federal nature of our Constitution. It is not a real restriction because the State legislatures are also legislatures. Parliament and the State legislatures put together can perhaps be called in a sense Grand Parliament. So, it is wrong to argue that there is any restriction of the sovereignty of Parliament. These restrictions are self-imposed and if public interest requires that these restrictions should be removed these restrictions can be changed from time to time.

Now, there is one other matter to which I would like to refer. It is a good provision I think that the Bill will receive automatic assent of the President. I think it was a wise and right decision; this provision will for all time make a distinction between a Constitution (Amendment) Bill and other Bills passed by Parliament.

Much has been made by the Supreme Court of the phrase ordinary process of law. Now, for the first time, a sharp distinction has been drawn, between the decision of Parliament to give effect to its will to amend the constitution in the form of a Bill and the President giving his assent nothing should supervene. The assent is only a formal automatic act. Nobody, neither the Cabinet nor the President exercising any kind of discretion should come in. I think this is a good provision. Although some criticism has been made it has not got any force.

There is only one point to which I would like to refer generally. In his own judgment, I have read the judgment carefully. Shri Subba Rao cites an eminent constitutional authority who says:

“An unamendable constitution is the worst tyranny of time, or rather the very tyranny of time.”

He cites that, but I have not been able to follow this argument. He has not given an effective reply to the point that he has cited from an eminent authority.

Now, it has been argued that in exercise of its sovereignty Parliament will abolish the Fundamental Rights, will do away with the rights of the minorities, will restrict the freedom of the press and the judiciary will be abolished. That line of argument is a travesty of logical thinking. Parliament will always act for the good of the country. Parliament may act hastily and it may make minor deviations or mistakes, but it will not make such large-scale blunders. We must always presume that Parliament will act for the good of the country and not for the destruction of the country. If we do not have that fundamental faith in Parliament, we do not have faith in the parliamentary form of Government.

(ii) Abolition of Privy Purses*

I shall be very brief and place only a few points for the consideration of the House. Madam, the whole concept of the privy purses, I think, has been misunderstood.

* R.S. Deb., Vol. LXI, 31 July, 1967, cc. 1531-35.

The position before independence was that the freedom struggle had not penetrated deep enough in the Indian States. If the freedom struggle had penetrated deep enough, then there would have been representative governments in those States and the privy purses would have been fixed on the same basis as the President's emoluments are fixed. This did not happen for various reasons and the Princes were in an advantageous position because they were mixing up their privy purses and the general revenues. That consideration should be borne in mind. The second difficulty which Sardar Patel encountered was that the British Government had declared that paramountcy had lapsed. If you read his speech as a whole you will see that it is a political speech. He made it quite clear that the circumstances were not propitious and time was running out. He had to settle with the Princes. The paramount intention in his mind at that time was the integration of India. The payment of money was a secondary consideration. Even then he had based his calculation on a rough estimate made at that time. Taking all the Princes together, it was found that they were having more than Rs. 20 crores from the revenues of their States and he settled the figure at Rs. 5 crores. That was the best that he could do in the circumstances. A sentence is being cited to show that privy purses were a kind of *quid pro quo* for the Princes surrendering their sovereignty. But, I say that in a political speech it was put in that way as Sardar Patel was describing the political realities at the time, if the provisions that Sardar Patel put in the Constitution are read as a whole and if the judgments of the Supreme Court that I will refer to are taken into consideration, it will be quite clear that Sardar Patel did not bind the hands of future Parliaments or State Legislatures; I will refer to three judgments of the Supreme Court.

One case that went up to the Supreme Court was in relation to a suit against a 'Ruler' which was filed without the sanction of the Central Government. There the Supreme Court was compelled to give a verdict in favour of the Ruler because the Court said that this provision had been put in Sec. 87B, Civil Procedure Code, with a view to implement the agreements with the Rulers which were at that time in the general interest of the unity of the country as a whole. At the same time, the Court made an observation which has profound significance. They said that with the passage of time the validity of the historical conditions on which section 87B of the Civil Procedure Code is founded will wear out and the continuance of the said section in the Code of Civil Procedure may later be open to serious challenge. That is a very vital judicial pronouncement and it should be borne in mind.

The second case that came to the Supreme Court was with regard to the income that the Ruler derived from his agricultural lands. The Supreme Court held that the taxation was valid. They interpreted article 362 of the Constitution in a very progressive manner. The contention before them was that Parliament or a State Legislature was enjoined to make laws with due regard to the guarantee and assurances given in covenants with the Rulers. The argument on behalf of the Ruler was that in view of the words "due regard shall be had to the guarantee or assurance given under any such covenant or agreement" in article 362, the guarantees and assurances in the covenants and agreements should be deemed to be incorporated in the relevant law. The Supreme Court rejected that contention and laid down a very important doctrine. The Court said that article 362 is a recommendation to Parliament or a State Legislature. You can see the wisdom of Sardar Patel. Article 362 according to the Supreme Court is a recommendation to Parliament or a State Legislature. It is open to Parliament or a State Legislature in the general interest and in its wisdom to disregard that recommendation. I can confidently say that Sardar Patel put in this elastic provision because he did not want to bind future Parliaments.

In another case which went up to the Supreme Court, that Court held that "personal privilege" meant purely personal privilege and it did not imply guarantee in relation to any personal property of the Rulers.

So, it is quite clear that the Supreme Court in these three judgments that I have cited, has taken a progressive view in the matter, that is to say, they have taken the view that with the march of time and with the development of democratic traditions in the country, some changes will be necessary and the necessary power is effectively vested in Parliament or a State Legislature and there is no power in the Courts to interfere in such matters. The Constitution-makers also envisaged that with the passage of time changes would be quite legitimate and fair.

Now, I come to the crucial article, article 291 of the Constitution. Article 291 says that privy purses shall be charged on and paid out of the Consolidated Fund of India. We know what that means. Privy purse sums are not presented to Parliament in the shape of estimates and Parliament does not vote them. That is the constitutional provision. It is further provided in this article that "the sums so paid to any Ruler shall be exempt from all taxes on income." That is a very vital provision. This is an exemption which the Princes enjoy in an exclusive

manner. I will just give an illustration to show how large is this exemption. There are other wealthy persons, but amongst the fraternity of the wealthy the Princes with a privy purse of over one lakh enjoy a pre-eminent position. I have made a rough calculation. Suppose the privy purse is Rs. 20 lakhs. A wealthy person in India must make a gross income of between one crore and two crores before he can retain a net income of Rs. 20 lakhs for himself. That aspect, the taxation aspect of the matter is very important. Let the privy purse remain as privy purse, but let this tax exemption go. If this exemption of taxation provision goes, then the burden on the exchequer due to the privy purses is considerably lightened. It could never have been the intention of the framers of the Constitution that this should be a perpetual concession. Their intention is also clear from articles 362 and 363.

These political settlements were not subject to judicial review. Taking all these sections together and also the interpretation of the Supreme Court, it is quite clear that what was done in 1950 and in the earlier years was in the nature of political settlements and the intention even at that time, as is apparent from the provisions of the Constitution, was that with the passage of time and the formation of public opinion these settlements could be varied. They contain exceptional privileges which are quite contrary, as the Supreme Court has said in its judgments, to the fundamental right of equality before law.

Madam, I am one of those who believe that in the first instance there should be negotiations with the Princes. But if negotiations fail then I suggest that this provision giving exemption from taxation should be taken out from the Constitution.

(iii) Report of the Committee on Defections*

It has been shown in the course of this debate that defection is not a post-1967 problem, but it has existed for a long time. It came into relief after 1967 because of instability in some of the States, particularly, Haryana, Uttar Pradesh, Bihar, Punjab, Madhya Pradesh and West Bengal. In one State, I must point out, it had an opposite effect. In fact, there defection has led to stability and that is Rajasthan. The Chief Minister of Rajasthan has so managed the affairs of that State that although the Congress was in a minority.....

* R.S. Deb., Vol. LXIX, 12 August, 1969, cc. 3790-94.

In 1957, they had a comfortable majority. In 1962, they were in a minority and in 1967 also they were in a minority. But the whole thing was so skilfully managed that there has been stability. At what cost is a matter of political judgment. But, that is the sole exception where defections have, in fact, led to political stability. In regard to the other States, in Haryana, there were first rewards for defections and then there were penalties for defections in the elections. In Uttar Pradesh, there was the same old problem of factions and defections. In Bihar, we had the spectacle at one time of defectors being Chief Ministers. In Punjab, we had a very curious example of a Government by defectors. In Madhya Pradesh, political defections became a routine. In West Bengal, it was in addition to the problem of defections a challenge from the United Front which succeeded in the last general elections in that State.

* * * *

...the main characteristic in that State was that it was a challenge from the Left. Defection was part of the problem. The main thing was the challenge from the Left, and the severe defeat of the Congress.

My personal opinion is that the challenge from the Left gathered momentum because of the dismissal of the Ministry by Governor Dharma Vira. I took the view when the crisis arose, and I have adhered to that view, that that was a mistaken constitutional judgment which led to very important consequences. But, opinions may differ on that point.

Now, when I look at the composition of the Committee, it is a very strong Committee. But I am afraid the same cannot be said of the report. The report really does not present any clear-cut solution of the problem. There is one school of thought which says "Let conventions evolve, and a solution will come by itself." There is the other school of thought which believes that some constitutional remedies should be adopted to curb this growing evil. Now, the House is aware of the classical example, which has often been cited, of Mr. Churchill. He began his parliamentary career as a conservative in 1900. He defected from the Conservative Party and crossed over to the Liberal Party in 1904 on the issue of protection *versus* free trade. Churchill, however, announced in Parliament that his constituents were entitled to be consulted on the change of allegiance and if they so desired he would resign and submit himself for re-election. That was not pressed in view of the impending general election. But, the important thing is the statement made by him in Parliament itself that if that was the

wish of the electorate, then, he should resign. That is to say the British model that we have adopted, assumes and proceeds on the basis that when you have been elected to the House on the label of a particular political party, then, it is assumed that you will adhere, that you will stick, to that political party. Of course, that political party must give you freedom of vote in certain matters and the whip should not be very rigorously applied. That has been stated in this House also with which I agree. But if he discards that label, if he renounces that label, then, he must resign. He must resign his seat and seek re-election. That is a strong convention and those who do not follow that convention in Britain, lose in political stature. That is the convention. In India, it will take a long time, for a code of conduct to develop...

So, there are two schools of thought. One school believes and that is the view represented by the Committee that small changes like limiting the size of Ministries and barring the appointment as a Minister of a defecting legislator for a period would suffice for the present. On the other hand, the Lawyers' Committee clearly stated after a very careful consideration of the constitutional and legal position:

“As standing for election to Parliament or State Legislature is only a statutory right as distinct from a fundamental right, it is open to Parliament to impose such restrictions or conditions on the exercise and enjoyment of that right as it considers necessary or reasonable in the public interest. On this basis it is possible to provide in a special legislation that a legislator who renounces his membership of or repudiates his allegiance to a political party, shall be disqualified from continuing as a Member of Parliament or of State Legislature.”

Now, that is the basic solution. That is the one real, quick, surgical operation that should be performed and that will tend to improve the situation. That view the Committee has rejected. And one should mark the words in which the Committee has rejected it:

“The proposal would have the effect of freezing political parties in their present state and thereby hinder their organic growth which was an essential part of democratic process. In the present situation it would be harmful to do anything that would prevent polarisation of political forces; splits, mergers, amalgamations, etc. were part of the process of ideological consolidation and they should not be interfered with.”

What it means to a person like me when I read it—the impression that it conveys to me—that behind those who agree with that view, and perhaps behind most of the political parties, there is a subconscious feeling that in the present state of political affairs in India, defections may favour them some time or the other, in some circumstances, to capture power in a particular State. So, they do not want to give up what amounts to 'privilege of defection.'

Now, I have another point to make in regard to the size of the Ministry. I agree with Shri Chagla that you cannot place an artificial limit on the size of the Ministry. The size of the Ministry must be based on scientific principles. I spoke on this matter some time ago in this House and I suggested that Parliament should devote its attention to this subject. In our Constitution, the executive has been given the power to make as many Ministries or Departments as it likes by advising the President and issuing a Presidential order. The country which we follow is Britain and in Britain they have built up their conventions. The whole thing is regulated either by well-established customs or by legislation. Ministries are created by an Act of Parliament. The Education Ministry was first created by an Act of Parliament. Similarly, in the United States of America departments are created by Acts of Congress. An impartial committee should assess the quantum of work, how it should be scientifically divided, how it should be rationally divided, how it should be divided into various Ministries. And there should be no change in that basis until you come to Parliament. I remember an example which one of the officials told me as to how things proceed particularly at the time of Cabinet formation. One of the Secretaries was rung up at 1 O'clock in the night and asked, "Shall we separate this department and call it a Ministry?" He replied, "Do as you like. I am feeling very sleepy." The way Ministries and Departments are divided to suit the whims of particular individuals, to suit particular political conveniences, is something very unscientific, and if the Parliament does not play its role in regard to this, there will be confusion. The working of the Government of India Ministries and their regulation is not a matter that should be left entirely into the hands of the executive. It should be debated. It should be settled by legislation and till that provision is made in the Constitution, the Parliament should insist that the Government should, during the course of the present Parliament, make a statement on this matter. Let a statement be laid on the Table of the House that these are the Ministries into which the work is divided. And once these Ministries are settled, they should not be changed without reference to Parliament.

Particularly the practice of splitting up Ministries has led to great confusion. Let me disagree a little. Take the case of Shri Manubhai Shah. In this House,

the other day a question arose that when he was a Minister he gave wrong information in regard to a certain supplementary question. I asked the present Minister, "Where is the old pad?" And the Minister replied, "The pad is not there." It so happened that Shri Shah spoke to me about this. He said he kept a pad. Files are not traceable in Government departments when Ministries are broken up several times.

I think we should find a proper approach to this question. I entirely agree that it should not be left to the whims of the executive to fix the number of Ministries. It should be a matter for decision and approval by the Parliament.

(iv) *Parliament vis-a-vis Judiciary**

Mr. Chairman, Sir, I share the privilege, with a number of other Members, of having listened to the debate in the Constituent Assembly in 1949 and all the debates relating to the subsequent amendments of the Constitution. Now, so far as the question of paying compensation for property is concerned, in his speech in the Constituent Assembly Prime Minister Jawaharlal Nehru made it clear that the Legislature should be the balancing authority in these matters. And that has been the consistent attitude of Parliament led by the Government of the day. From 1949 till today Parliament has done absolutely nothing new, and has adhered to what it had declared. I remember an official conference that I attended where Prime Minister Nehru told the Draftsmen: Please ensure that the Court's powers are restricted. Use words which would make our intention clear. Now, from time to time Parliament has amended the Constitution to make its intention clear. Sometimes the intention of Parliament and the interpretation of Courts have coincided, but in the last bank nationalisation case the Supreme Court has again gone back to their older view. So, Parliament was again driven to study the judgment carefully and amend the Constitution so as to retain the power of balancing various considerations to pay adequate compensation for acquisition of property and not pay the full market value. I do not know whether Parliament has succeeded in this or not because the final authority is still the Court. It is yet open to the Court to fasten upon the word 'adequate' and in a case where Parliament paid less than the actual cost, they may strike down the legislation. The courts may make mistakes. But their decision is final. Having had this experience in regard to the insistence of the

* Participating in the debate on Constitution (Twenty-Fifth Amendment) Bill, 1971 (*R.S. Deb.*, Vol. LXXVIII, 8 December, 1971, cc. 48-50)

Courts on the market value being paid the Government was driven to the conclusion to bring forward legislation before Parliament which barred the jurisdiction of the courts to the maximum extent that is possible under the Constitution. But the inherent jurisdiction of the court, cannot be taken away by any legislation. So long as the protection of property is retained in the Fundamental Rights, the inherent jurisdiction of the court can never be taken away. A new chapter is now being opened in the relationship between Parliament and the court. Now the court will exercise its inherent power and examine whether the nexus between the Directive Principles and the proposed legislation is illusory, is shadowy. The power of the court can never be taken away. And my anticipation is that the courts will now lay down new principles on which they will act. I was recently discussing with a retired Chief Justice of the Supreme Court. He said that so long as the protection of property is in the Fundamental Rights, the inherent jurisdiction of the court can never be taken away and in interpreting and laying principles, the court is the final authority. To suggest that judicial review has been completely taken away is a misrepresentation of the position and power of the courts. I have no doubt in my mind that this is a new chapter—that Parliament has been compelled to take departing from the old ideas, and there will be decisions which will involve new principles. We should trust the courts, we should bow to the courts and accept their decision. But our right to amend the Constitution remains intact. And if the Government and Parliament see that there is a certain legislation which is struck down by the court in its inherent jurisdiction, even then Parliament can have recourse to the old precedent of agrarian reform, that is to say, put that act in a Schedule and say that it is absolutely beyond the purview of the courts. Parliament respects the courts, it bows to the courts. But it has its own opinion as to what is in the interests of the society and what should be done at a particular moment. They will always do it. That process will go on so long as the power inherent power of the judiciary is there and there is protection of property in the Fundamental Rights. So, there is no question of raising any alarm. It is a new chapter which has opened. It will be tested by the court, and the court will lay down new principles. We should look to the Courts to evolve new principles. Shri Setalvad* said yesterday that the Government should evolve them. I think that would open the gates of litigation, if the Government tries to paraphrase the Directive Principles in its own way. Let what is in the constitution stand as it

* Shri Setalvad, a nominated member.

is and it is for the courts to interpret it. I feel that the courts will now interpret their inherent jurisdiction more widely than they have done hitherto.

(v) *Procedure for Removal of Judges**

Mr. Vice-Chairman, Sir, the Home Minister in a brief and lucid speech has carefully and correctly, in my opinion, analysed the provisions of the Bill and the past history of this measure. I had the privilege, as he pointed out, of giving extensive evidence before the Joint Committee on the Judges (Inquiry) Bill 1964, the constitutional position and the procedure relating to such notices in regard to removal of a judge as I had dealt with in another capacity. I will just refer to one or two sentences from that evidence, with your permission. I was dealing with the old Bill which the Home Minister referred to and I stated:

“Now all this procedure which I have described is at one stroke completely cut away under this Bill; because nothing can happen in Parliament till the report of the tribunal is laid on the Table of the House. I should say that if ever Parliament enacts legislation of this type, it will be a piece of self-destructive legislation because it removes the constitutional prerogative of Members to give notice of a motion to initiate proceedings in Parliament. It would take away the power of the Speaker up to a certain point. It would, therefore, destroy at one stroke all the conventions and practices that have been built up by patient labour.”

In another sentence—and that will do—I said:

“I would like the Committee to examine it. What happens here under this Bill is that instead of the Speaker being on the scene, the President comes on the scene, which in other words means the Minister or the Council of Ministers.”

Now, Sir, there has rarely been a Bill, so far as I am aware, in the annals of parliamentary history, which has undergone such transformation as the present Bill. The Joint Committee, on the basis of the evidence tendered before it, and after careful thought, transformed the position, as the Home Minister pointed

* Participating in the debate on Judges (Enquiry) Bill, 1968, (*R.S. Deb.*, Vol. LXV, 31 August, 1968, cc. 5709-14).

out, that instead of the President or the Council of Ministers being in the centre of the scene, the Parliament should have control of the matter from the beginning to the end; and at no stage does the executive come into the picture. That, Sir, as was pointed out, is a very good piece of work that has been done. Having said that, having made it clear that that fundamental position has been accepted and the Bill has been transformed, I give my support to the general provisions of the Bill. I will, however, make a few observations, not in a critical spirit but with a view to placing on record my views in regard to the matter of details that I placed before the Joint Committee. The report of the Joint Committee consists of the majority report and some minority reports. In some of the minority reports, some of the contentions which I put forward on matters of detail have been accepted. But the majority report did not include those suggestions in the Bill that they proposed for the consideration of Parliament. Now one of the suggestions that I put forward was that the present procedure where notices are dealt with by the Speaker in his discretion, should remain. That is to say, notices in regard to removal of a judge should not stand on a different footing. I stated that my preference was for the existing procedure and I dealt with three cases which were disposed of by the former Speaker, Mr. Mavalankar. I will not go into the details. But I still hold the view that when the matters are dealt with under the existing procedure, the Speaker gives the least publicity in regard to notices of motions for removal of the judges. No one knows to this day who were the judges involved, or which was the High Court involved. The matter was dealt with carefully by Mr. Mavalankar. He entered into correspondence with the Chief Justice concerned who placed full material before him. And the entire position was remedied and the matter never came up before the Parliament. Now the disadvantage in providing it in a compulsory manner that the notice must be given by 100 Members of the Lok Sabha or 50 Members of the Rajya Sabha is that the matter no longer remains secret under the existing procedure when a Member gives notice of a motion for the removal of a judge, the matter is entirely between him and the Speaker. And in the three cases which I had dealt with, the matter did not go beyond that sphere. The file on the matter was kept by the Speaker himself or it was in the personal custody of the Secretary and it never saw the light of day. Now if you say that no notice should be entertained unless 100 Members of the Lok Sabha or 50 Members of the Rajya Sabha give notice of this matter, there is undoubtedly publicity involved. A Member, in order to get the support of 99 or 49 other members, as the case may be, has to explain the position to a large number of Members and that, I feel, will give undue publicity to the whole matter. This change in the current procedure is, I think, not for the better. The current position should have been retained. The honourable Home Minister emphasised that a further safeguard

is the effective power of the Speaker. Speaking from my experience I would say that where hundred Members give notice of a motion, the Speaker's power is rendered almost ineffective. I can hardly conceive of a Speaker who will disallow a motion when hundred Members have sponsored it unless those large number of Members have not discharged their duty in a responsible manner and have carelessly or thoughtlessly appended their signatures. Then the Speaker can certainly test the position by interviewing the Members. But in the cases where the Members have satisfied themselves that there is a *prima facie* case, the Speaker would in normal circumstances admit such a motion. As I said, the Joint Committee examined me on all these matters carefully and I indicated my preferences. My first preference was that the existing procedure should be retained. My second preference was, if you want to provide that a certain number of Members should sponsor the notice, the number should not be large. I feel that the present number is excessive and I would suggest 25 Members in the Lok Sabha and 10 Members in the Rajya Sabha. I think that would have been a sufficient safeguard. That is my view on the question of how a notice should be given.

Now, the other matter with which I would like to deal is the question of investigating committee. Now, so far as the investigating committee is concerned, I put my views in the form of preferences. I gave my first preference for a Parliamentary Committee. But I did not rule out the power of the Parliament to appoint a tribunal. I said that the option should be left to the Parliament as to whether it will appoint a tribunal. In complicated cases, the Parliament may appoint a tribunal on simple cases it may either throw out the motion or investigate the matter through its own committee because, I argued, there is considerable legal talent in both the Houses which could be drawn upon by the Speaker or the Chairman, as the case may be or jointly where the matters come simultaneously within the purview of both the presiding officers. Now, the procedure adopted in the present Bill which is based in the report of the Joint Committee is, as the honourable Home Minister has pointed out, that there shall be a tribunal of three, one from among the Chief Justice and Judges of the Supreme Court, the second from among the Chief Justices of the High Courts and the third shall be a distinguished jurist. Now, in substance what does it mean? To borrow a phrase from the British Constitution, the matter will be considered by the peers of the Judge. It is the peers of the Judge that will finally determine the matter. The distinguished jurist will also belong to the legal profession. In substance, what the procedure amounts to is that it is the peers of the Judge who will decide whether there is a case against the judge or not. If the tribunal holds that there is no case, the present Bill provides that the matter

is concluded and the notice shall not be proceeded with in Parliament. But if the tribunal holds that there is case, then of course, the Parliament has full power to consider the matter and if necessary, to appoint its own committee a Select Committee on this matter or a Joint Committee, as the case may be, to go into it thoroughly, to agree with the Tribunal or disagree with it. Sir, this would be a law made by the Parliament and so and restrictions on the powers of the Parliament are in the nature of, what are called, self-imposed restrictions. If any restriction is placed on the powers of the Parliament, it is the Parliament in its wisdom that has placed that restriction. And for the time being, if this Bill is passed, one restriction is that in case where the three judges hold or the majority holds that no case has been established, then the matter is concluded and the Parliament is debarred from considering this matter further.

There is one further difficulty in this case. Suppose there is a difference of opinion between the three judges. There is a majority of two and a minority of one. What is to happen? Under the Bill as it stands, where there is no case in the opinion of the majority, the view of the majority prevails and the Parliament cannot look into this matter. Now, that is an unsatisfactory position. We know of cases where minority opinion have been considered by public opinion to be more correct than the majority opinions. Under the provisions of the present Bill the Parliament cannot investigate into such a case. I should have thought that a better procedure would have been that in case of such difference of opinion, the Parliament's authority to dispose of the matter itself should have been preserved and that would have been a more satisfactory provision. But, the present Bill excludes that. It proceeds on the basis of a majority report. If that majority report is in favour of the judge, the matter is not proceeded with further. Of course, if the majority report is against him, the matter is dealt with in the Parliament. In a sense, without meaning any disrespect, the Government have not applied their independent judgment to it. When I say "independent judgment", what I mean to say is that they have generally examined and agreed with the report of the Joint Committee; they have not thought of altering it in any way. Possibly, it has the support of the judges also. And the Government, therefore, accepted the compromise proposed by the Joint Committee.

So, although I hold a different opinion in these matters of detail, I am not prepared to be dogmatic about them. I cannot say for certain which procedure will work better, particularly when one remembers that the cases of judges that will come up will be few and far between. And if at any time the present procedure devised in this Bill proves unsatisfactory and gives rise to difficulties,

the matter can again be brought before the Parliament. It is not such a thing in which perfection should be the objective.

I would, however, suggest one point for consideration. Where the majority hold the view that there is no case against the judge if both the majority and the minority reports are published, the minority report would certainly cast a slur on the judge. There will be a whispering conversation in the Bar Library and many members of the public and many members of the Bar may say, "Look at the minority judgement. It is well argued. That is the correct judgment." How can we have a judge sitting on the Bench of a High Court with such whispering campaign about him? I had to deal with such a situation viz. majority and minority views, in connection with the reports of the Financial Committees. I suggested a procedure to the Speaker, Mr. Mavalankar, and that suggestion was accepted by him and was incorporated in the rules. In such cases I would suggest, where there is a majority opinion and minority opinion, we should follow the Privy Council's precedent where the Privy Council advises the Crown. It is not revealed how the Privy Council voted in the matter. The report of the tribunal under the Bill should be considered to be in the nature of advice to the Parliament. In the Bill there is a power to make rules and that power, the honourable Home Minister pointed out, vests in the Parliament. I think the Joint Committee of Parliament would be well advised to provide by rule that in such cases the reasons of the dissenting opinion may not be published, although if the dissenting judge insists that they may be indicated in a general way, the report can say that one of the judges did not agree with this view and the matter should stop at that. That is the suggestion that I throw out in order to work the present Bill in a satisfactory manner. I think that on the whole, this Bill deserves general support and I give that support to it.

* * * *

Sir, I would just say a few words*. This is one of those Bills for which the Government is not to blame at all.

They have accepted the recommendations of the Joint Committee. They could have applied their own minds and come to different conclusions, but they have

* Speaking on Clause 3 of the Bill dealing with investigation into misbehaviour or incapacity of a Judge by the Committee, (*R.S. Deb.*, Vol. LXVI, 21 November, 1968, cc. 796-806).

decided on the whole that it is better to accept the majority report of the Joint Committee. They have adopted it and presented it to the House. On their own they have not made any changes in the Bill as it now stands before the House.

I myself while giving my evidence before the Joint Committee, indicated that my first preference was for a Parliamentary Committee. In that I was supported by Shri Setalvad*. I said that the Parliament should be free to appoint a tribunal and the matter should be left in the hands of the Parliament itself—whether it will appoint a committee of its own or it will appoint a tribunal by a motion adopted in the House. Now, the Joint Committee, by a majority, came to the conclusion that a tribunal should be provided for in the statute. So far as the sovereignty of the Parliament is concerned, it is not affected at all, because this procedure is now being adopted by the Parliament in its own wisdom. This is what the constitutional experts call a “self-imposed restriction”. If at any time in future the Parliament feels that this self-imposed restriction and the procedure that has been adopted thereby has not worked very well, they can amend it. After all, cases against judges will be very few and far between. So, although I took a different view, I think that the Bill should now be supported in its present form because one cannot be dogmatic about the procedure. There is no cut and dry formula by which I can test that my procedure will work well. There are grounds for the majority opinion of the Joint Committee. It proceeded on the well-known principle that the matter should, in the first instance, be decided by the peers of the judge concerned. That is, the tribunal should say that the conduct is reprehensible. To that extent the power of the Parliament has been restricted...

As I indicated in the beginning, my first preference was for a Parliamentary Committee. Further, if the Parliament considers that a tribunal is necessary, then a tribunal may be appointed by a motion adopted in the Parliament. That is my view.

So it is really not a question on which one can be dogmatic. We know what the Government is proposing to do through the Bill. It shows a certain respect for the judiciary. It establishes the principle of cordial relations between the judiciary and the Parliament because the Parliament has conceded to the judiciary that they have trust and confidence in the judiciary and that the Parliament, in a case where the tribunal feels that the conduct of the judge was

* Shri Setalvad, a nominated member.

not reprehensible, will abide by their verdict that this case may not be enquired into by the Parliament. That is the restriction implied and I say that this is a self-imposed restriction. There may be no case at all for many years to come. But if at any time the Parliament feels that this power which they have vested in the tribunal out of their own volition should be taken away, the Parliament can do so at any time. I am not prepared to say that the procedure is so bad, that it should be expunged from the Bill. I am not certainly prepared to go so far....

I am speaking only as a member of the House saying that I indicated my preference for a Parliamentary Committee and I adhere to that view. But I think that the proposals made in the Bill which have been suggested by the Joint Committee may be adopted for the time being. They should be tried. I have given an argument in favour of the procedure adopted in the Bill. It is something which shows respect to the judiciary. That is to say, if the judges, or the tribunal says that there is no case, we will close the chapter. But, please remember that in a case where the tribunal says that the conduct of the judge is reprehensible, there is nothing to bar the Parliament from reversing that judgment. Let us be quite clear that in a case where the report of the tribunal is against the judge, the matter comes before the Parliament and the Parliament can, if it thinks fit, appoint a committee of its own and come to a contrary conclusion that the judge was not blameworthy. I think the hon. Minister will agree that that is implicit in the Bill as it stands....

I say that where the tribunal says that there is no case, the chapter is closed. That is the provision in the Bill. But where the tribunal says that there is a case against the judge—when they hold that *prima facie* his conduct is reprehensible—in that case only the matter is before the Parliament.

Where the tribunal holds that the conduct of the Judge is not reprehensible and he is not *prima facie* guilty, in that case the chapter is closed and Parliament will not look into it. That is the net result of the provisions of the Bill. But where the tribunal holds that the conduct of the judge is reprehensible, the matter comes before Parliament and Parliament can go into this matter and if it deems fit, appoint a committee of its own to examine the matter and come to the conclusion, if it so decides, that the judge will not be proceeded against.

Now with regard to restrictions on the notice, that is to say, the notice must be sponsored by so many Members of the Rajya Sabha, the normal rule is that any

individual Member can give notice, although in the case of a no-confidence motion in the other House it must be supported by 50 Members. The procedure that a specified number of Members may give notice is not an abnormal procedure; provision can be made, i.e., before the Speaker considers it, it must be supported by a specified number of Members. Such a rule of procedure Parliament can adopt in its wisdom under the normal procedures. Now so far as this point is concerned, I have expressed my view quite clearly before the Committee that the current procedure may be retained, that is to say, notice can be given by any Member and the Speaker should consider it. From my experience, I find and also from the cases which I cited before the Committee that that procedure gives the least publicity to the conduct of the judges. I gave details of the procedure for the first time because I alone knew the procedure; the file had been kept confidential so far. What happened was that the matter was settled between the Speaker and the Chief Justice concerned. Speaker Mavalankar wrote to the Chief Justice and said "I will hold my hand; if the Judge delivers the judgments, I will not bring this matter to Parliament". Thus, the chapter was closed and nobody knew about it. I gave that evidence before the Select Committee.

Speaker Patel pointed out in the early days that the fundamental power of the Speaker was to admit a motion. Particularly in such cases the Speakers exercise their power with utmost care and they need not admit all the notices. I recommended that because it involves the least publicity; those cases never got publicity and the matters were effectively disposed of. Even the Central Government did not know up to a point till Speaker Mavalankar brought it to the notice of the Prime Minister and the Home Minister. In fact, the Chief Justice of a High Court wrote a letter thanking the Speaker, because he had been handicapped to deal with certain Judges who did not do their job properly, they were on the verge of their retirement. Once they came to know that the matter would go before Parliament, they immediately disposed of their work and the whole chapter was closed. I argued very extensively that the current procedure should remain. Then I suggested that if the Committee came to the conclusion that some restriction should be imposed and it should not be the unfettered right of an individual member only, there might be a lesser number. I did not want a large number as has been put in the present Bill. In fact I have given notice of an amendment that the numbers should be reduced to 25 and 10. So, I am expressing my view and these are my preferences.

Now, as to the line that I propose to take, speaking for myself, it is this: I am looking at the question impartially without being tied down to any particular view. On reflection I feel that I may be attaching too much importance to the disposal of these cases in the time of very distinguished Speakers. When I say this, I do not mean that their successors are less distinguished, I have no individuals in mind. Therefore, I thought there might be a Speaker who may not retain that high standard set by Speaker Mavalankar. I am again making it clear that I am not making any allegations against anybody, because I have no individuals in my mind. But, there have been Speakers and Speakers in the annals of Parliaments, in the annals of the House of Commons. So against such a type of Speaker it may perhaps be a safeguard. So, we have to balance these things. The procedure recommended in the Bill gives unnecessary publicity but under the current procedure there is no publicity. In any case it is for Parliament to consider these things. Let me tell the House quite frankly that what might happen in practice is this. Normally, of course, the Government should move this motion because they have the best information from the States as to when a particular motion should be brought forward. But private Members also have an equal right to move such motions. In the case of Government, it will present no difficulty because they can ask their Whips and get the signatures. In the case of private Members also, there may be no difficulty. I am not making any allegation against anybody, but I have seen sitting in this House how sometimes signatures are appended without reading the notices. So, I do not know whether the safeguard is a real safeguard or not.

After all, Sir, political life is so complex; there is a variety of facts. In the case of signatures a duty is cast upon the Speaker. He has got to satisfy himself that the signatures that have been appended have been done after seeing the relevant evidence and it is the bounden duty of the Speaker to examine by groups of 10 or 5, put them questions to test whether they have put their signatures after comprehending the thing or have done so innocently and in a proper case, he can disregard the signatures which have been put totally or refuse to admit it or admit it on grounds of his own judgment. So, you will kindly consider that there is such a variety of facts, such a complexity of facts that no one can say for certainty. I, speaking from my individual experience, indicated my personal preferences but I must also take into consideration the fact, the great concession that has been made from the executive side. As it came from the executive side, they had placed the executive and the President as the central figure in the whole scheme of things. That position has been completely reversed. Now the

Parliament is in the centre of things and through this Bill even the Government proposal which they have sponsored is ultimately left to the judgment of the Parliament. That is a political decision. The Government cannot be held to blame because every Government is competent to come to a political decision. That is a political decision: "This matter is thoroughly scrutinised. We will not reopen this controversy between the minority and majority and we will support the Bill as it is and defend it". They feel that the arguments, I presume, have convinced them in support of the Bill. The Government must be convinced of the Bill supported by the majority of the Joint Committee and therefore they have come before the Parliament. Now these are the various considerations that are involved. Let me only mention that only one case ever came before the Lok Sabha and that was of a Judge of the Supreme Court. He was not well. He was not submitting himself to medical examination. So, one of the Members of the Lok Sabha pursued this matter and the way it was dealt with by the Speaker and the executive was really praiseworthy. The executive placed all the materials before the Speaker. The Speaker scrutinised every detail himself and made every possible effort to prevent this matter coming before the Parliament but the Judge would not yield. So, ultimately the Speaker decided: 'Let this motion be published on the Order Paper'. The motion was published on the Order Paper and after the publication, the Judge relented and everything was solved. The matter never came up for discussion. In other cases, the mere fact that the thing would be mentioned in the Parliament was enough and in still earlier cases, which never came to the Speaker, I gathered from Pandit Nehru that the mere threat that there would be an enquiry—though there was no statute at that time—was enough to have the matter solved. So I feel that the cases will be very few and far between and now we have got a procedure which involves a concession in favour of the Judges.

There is another point which should be present in the Parliament's mind. It is not the procedure alone which influenced the majority opinion. What influenced the majority opinion, that matter the Parliament may carefully examine. There is another provision—section 121—which says that Judges should not be brought into discussions. What the majority of the Committee thought was this: 'Let the conduct of the Judges be not discussed at all till the tribunal have reported against them'. That is the concession really implicit in it because they thought there is a provision in the Constitution that the conduct of a Judge will not be discussed. So, let two Judges plus a Jurist say that the conduct is blameworthy. In that case, the Parliament will consider. These are concessions

to the judiciary that are involved but they are concessions which can be justified—not that I agreed with them, I took a different line. They were concessions which I think possibly reconciled articles 121 and 124 because you cannot rule out the possibility that if the Parliament passes a statute that is finally subject to the interpretation of the Supreme Court, that if a procedure is defined which is not in accordance with the provisions of the Constitution—I am not indicating my view, I am indicating a contrary view—if the Parliament lays down a procedure which is not in accordance with the provisions of the Constitution, which does not reconcile articles 124 and 121, that provision may be struck down. So possibly the majority of the Select Committee did not want to take that risk. The Judges are very sensitive about it that without there being a finding against the Judge concerned by the tribunal, the conduct of a Judge be not discussed because if you put down the motion, then the conduct of the Judge will certainly be discussed and all sorts of things will be said and then for that Judge to function subsequently, will be very awkward. So, it is one of those things where the matter has been discussed thoroughly and one cannot vouchsafe that one view is correct and others are to be excluded. Therefore on general grounds, I support the Bill and its provisions.

* * * *

Madam, I move:*

6. "That at page 4, line 28, after the words 'contains a' the word 'unanimous' be inserted."

My point in moving this amendment is to place on record my views that this matter may become very complex. Now the tribunal is composed of three persons. If two persons hold that the Judge about whom they are enquiring is not guilty and one Judge holds that he is guilty, according to the Bill as it stands Parliament is precluded from going into that matter; that is to say, where the majority in the tribunal is in favour of that Judge and the minority is against him, Parliament cannot consider that matter. That is why I have inserted the word 'unanimous'. Now imagine how the matter stands. There is a report which

* Moving an amendment to Clause 6 of the Bill (*R.S. Deb.*, Vol. LXVI, 21 November, 1968, cc. 815-817).

would be laid on the Table of the House. Two members of the Tribunal say that a particular Judge's conduct is not blameworthy while one member says that his conduct is blameworthy. The observations of the members of the tribunal come before Parliament and under the Bill as it stands Parliament is precluded from examining into the conduct of the Judge. But the report will become public and there will be a whispering campaign in the Bar library. I do not know what the Press can do about it. There will be two sides with different opinions. And as is well known in judicial history the minority reports by competent persons have been considered by some to be good reports and the majority reports have been considered to be wrong. So here Parliament should not be precluded from further looking into this matter. It is in the interest of the judiciary itself that the matter should be considered by Parliament and the conduct of the Judge is held either as blameworthy or as not blameworthy in the judgment of Parliament. The matter should not rest in the state of 2 to 1 report by the tribunal. A political body voting by a majority is quite a different matter from a judicial body voting by a majority. Under the Bill as it stands, the result is when a whispering campaign is going on—of course Judges can haul up anybody for contempt, that is a different matter—the Judge will not be in a position to do his judicial duty with such dignity as would have been the case otherwise. So, this matter should not remain in suspense like that. That is my view of the matter.

Now, if the Government think and they take a general line that they agree with my view, I have a set of amendments which I have not moved and which are consequential amendments. But, in view of the fact that the Government have taken the view that they will accept the majority report, which means that they will try this experiment, my amendment may be rejected, or on hearing the Minister I may not press it. But then there is a further suggestion which I have to make to obviate or in any case to mitigate the difficulty which I have enunciated. Clause 4 (2) says:

“At the conclusion of the investigation, the Committee shall submit its report to the Speaker or, as the case may be, to the Chairman, or where the Committee has been constituted jointly by the Speaker and the Chairman, to both of them, stating therein its findings on each of the charges separately with such observations on the whole case as it thinks fit.”

Now, I will refer to this matter in quite a different setting. In the case of the Estimates Committee or even in the case of a committee which enquires into

matters from the financial and other points of view, it was felt that presenting before Parliament the majority and minority reports was not a very satisfactory position. We suggested and that is now current parliamentary practice, that it is the report of the committee and the Chairman signs it. Under the directions of the Speaker, it is provided in the case of the Estimates Committee where there is a majority opinion and a minority opinion, unless the minority insists the report will be on behalf of the majority. So, normally the reasoning of the minority does not see the light of day. But, where the minority insists that their point of view should be stated, it is very briefly indicated that there were certain Members or may be one single Member, who did not share that view or shared the view with certain reservations. In other words, there is no majority or minority report as such in the case of the Estimates Committee. There is one report signed by the Chairman, report of the Committee as a whole and in that report the views of the minority can be briefly indicated. Now, if this Bill is passed as it is, there is power to make rules. It says:

“There shall be constituted a Joint Committee of both Houses of Parliament in accordance with the provisions hereinafter contained for the purpose of making rules to carry out the purposes of this Act.”

I would suggest for the consideration of the authorities concerned that in due course some provisions should be inserted whereby we do not get the spectacle of a majority judgment and a well-argued minority judgment. A member of the tribunal may have the right, if he insists, to have his dissenting view briefly indicated. We may also consider the Privy Council precedent where their Lordship never indicate that there is a majority opinion. It is an advice. Similarly, I suggest that that precedent be considered. It is advice to Parliament. I feel that the provision as it stands is full of difficulties but since the Government have made up their mind to go through the Bill as it is, I have nothing more to add.

(vi) *Treaty Making Power of the Executive**

Madam Deputy Chairman, I have listened with great interest to the debate in this House as also the debate in the other House and kept an open mind on this

* Participating in the debates regarding the Award (19 February, 1968), of the Indo-Pakistan Western Boundary case Tribunal on the Rann of Kutch, (*R.S. Deb.*, Vol. LXIII, 5 March, 1968, cc. 3348-54).

question. Now, the first point that arises is the treaty-making power of the executive. So far as our Constitution goes there is no express provision in it conferring power on the executive entering into treaties and agreements with foreign countries. But if two or three provisions of the Constitution are taken together, the necessary implication is quite clear. Entry 14 in the Union List provides:—

“Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.”

Now article 73 says:—

“Subject to the provisions of this Constitution the executive power of the Union shall extend (a) to matters with respect to which Parliament has power to make laws.”

So, it is made clear that the power of the executive to enter into treaties with foreign countries is co-extensive with the legislative power. That is the position which corresponds roughly to the position as prevails in Britain which we have inherited in this country in our Constitution.

It is clear also that there is no provision in our Constitution as there is in the United States that agreements entered into with foreign countries by that government should be subject to ratification by the senate. But, there have been cases where Government in their discretion have provided in the agreements themselves that the agreement should be subject to ratification by Parliament. There was one such motion which was moved by the then Prime Minister. It was a treaty with Iran. The treaty itself provided that it shall come into force when ratified by the Parliament of the two countries. So, it is no doubt true that it is not obligatory on the Government to bring an agreement for ratification before Parliament in the technical sense of that word. It is still open to the Government to provide in the treaties and agreements themselves that they will be subject to ratification by Parliament.

Modern writers on these matters hold the view that a provision for ratification should, in a majority of cases, be included in agreements, and the reason that is given is that it gives an opportunity to the States to have an opportunity of re-examining and reviewing instruments signed by their delegates before undertaking the obligations therein specified.

Often, a treaty calls for amendments or adjustments in Municipal law. The period between signature and ratification enables States to pass the necessary legislations or obtain the necessary parliamentary approvals, so that they may thereupon proceed to ratification. The third ground that such a provision should be included in agreements is that there is also the democratic principle that the Government should consult public opinion either in Parliament or elsewhere as to whether a particular treaty should be confirmed. It may well be that public opinion violently disapproves of the treaty, in such a case a signatory State might feel constrained not to ratify the instrument.

What I say is that we should draw some lessons from this episode, and one lesson that is clear is that in respect of an important treaty there should be a provision or ratification by Parliament; otherwise many complications arise. For instance, one question is still unresolved, namely, whether in implementing this Award, cession of territory is involved or not. I think that is a moot point. Our case was that both parties agreed that the relevant date for ascertaining the boundary of Sind would be 18-7-47, the date of the passing of the Indian Independence Act. That is quite clear. There was war in Kutch in April, 1965, subsequently, this war was ended by the London Agreement, it was clearly provided that the *status quo* should be restored. That is to say, both the parties should go back to the position that they occupied on 1-1-65. That is to say, one of the benefits of the London Agreement was that Pakistan was immediately and conclusively deprived of the fruits of the aggression that were achieved at that time, and we reverted to the boundary and the position which we maintained before the Tribunal. So, I feel that it can be argued with force that it would be inconsistent with our stand from the very beginning and also our stand before the Tribunal who were confronted with maps to say that there is no cession of territory involved in the Award. There is cession in the sense that as a result of the Award certain territories have now to be given over to Pakistan which, according to the well-established boundary belong to India. So, the Government has to proceed very cautiously in this matter.

It may be that they may consult the Supreme Court. That is one of the courses open to them. But my own feeling is that the course that they are likely to take is that they will go through this Award according to the time schedule and take the risk of some one from Gujarat or elsewhere challenging the award in the courts, and there is always the risk of the courts issuing a stay order. And then the Government will say to Pakistan, "Well, so long as we are governed by our courts and so long as the stay order subsists we cannot go ahead." So, this is a

question which is very important question and which still remains unresolved. How the future events will develop is difficult to predict.

Now, a great deal has been said and the matter has been argued extensively that the Award is a political Award. When it is said that it is a political Award what is meant is that the majority have gone beyond the terms of reference. Now much can be argued on both sides. So, far as I am concerned, as a lawyer I do feel quite clearly, in any case, in one instance the Chairman has gone beyond the terms of reference. If you read his own words, he says:

“In my opinion it would be equitable to recognise these inlets as foreign territory. It would be conducive to friction and conflict. The paramount consideration of promoting peace and stability in this region compels the recognition and, confirmation that this territory, which is wholly surrounded by Pakistan territory, also be regarded as such...”

Now, if you read that, can there be a clearer internal evidence to show as the Chairman himself has said, that he has given those enclaves, as we are accustomed to call them, to Pakistan on the ground of promoting peace and stability? I do not question his motive, honesty or integrity. But, equally according to the words used by him, it is clear that he has gone beyond the terms of reference. And he went beyond the terms of reference because he knew for certain that this award could not be questioned. It was said in the agreement “provided the decisions of the tribunal shall be binding on both Governments and shall not be questioned on any ground whatsoever.” He also knew that the terms of reference were not demarcation only, but both determination and demarcation. “Whereas it is necessary that after the *status quo* has been established in the aforesaid Gujarat—West Pakistan border area, arrangements should be made for determination and demarcation of the border in that area...”

Now, in future we should draw a lesson from this episode that the terms of reference should not be as conclusive as they are in this case. We should not be bound hand and foot to a tribunal however eminent that tribunal may be. There should be internal provisions in the terms of reference itself which will enable the parties to challenge...

There should be some internal provisions in the agreement itself which would provide a mode of challenging the award. So far as this reference is concerned, you will always be open to the charge that you have not honoured the agreement. It is not a legal question. The question is that the then Prime Minister put his signatures or authorised signatures to be put on the document. I do not know

whether he himself signed it or any plenipotentiary signed it. So, it is a question of honouring our word. That is the sole ground on which I put it. The Award has gone beyond the terms of reference. I feel that the Government of the day was wrong in not providing for ratification in the agreement, in not providing for other safeguards and so on. The lesson that has to be learnt—I am more concerned with the future, is that such agreements should contain internal provisions of safeguard. The present agreement does not contain internal provisions of safeguard. It is true—I have consulted authorities—that Parliament has the sovereign right. It is not a question of Government. The successor Government has decided to follow the course that of Mr. Shastri approved and took. But Parliament can throw out the agreement. Look at the practice in U.K. which we have adopted. The texts of most international agreements are laid before Parliament for its information. Approval of the agreement or treaty is not required, but an adverse vote would prevent their ratification. Nothing legally and constitutionally can prevent ratification of this award except an adverse vote in Parliament. So, constitutionally that is clear. The Government is able to get through this award because it is its opinion that this award should be honoured and it has certain political advantages and they have the requisite majority to carry it through. But technically and constitutionally, the paramount and sovereign power is vested in Parliament. Whatever signatures may have been appended by Ministers and Prime Ministers, Parliament can always, in the exercise of its sovereign power, override Government and pass an adverse vote. Parliament is not bound in a matter on which its approval has not been obtained. That is the constitutional and legal position in this matter and that is absolutely beyond doubt.

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*Interruption**

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There may still be an opportunity for Parliament if the courts in India declare that the Award involves cession of territory. Government will have to bring forward legislation and when they bring forward such legislation—I have not studied the matter carefully—a special majority will be necessary in both Houses to pass it.

* Shri Sundar Singh Bhandari: Can the area be transferred without a constitutional amendment?

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Interruption*

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If it is held by courts that it is cession of territory there will have to be an amendment of the Constitution. But the Government take a contrary view. They say that it does not involve cession of territory. I think it would be inconsistent with their stand to say that it involves no cession of territory. It does involve cession of territory unless the courts take the view that the boundary determined by the Award should be deemed to be the boundary at the time of partition.

This debate in both Houses has been a very healthy and good debate. But if the lessons are not drawn, if they are not crystallised in resolutions formally moved and approved here, the same kind of mistake may be made by the Executive. The Executive is prone to make mistakes. It is the duty of Parliament to be watchful and correct these mistakes. About this particular agreement, there is no question of throwing it overboard except by an adverse vote of Parliament.

(vii) Governors : Role, Powers, Functions and Method of Appointment**

The vital section in our Constitution is: there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions except insofar as he is by or under this Constitution required to exercise his functions or any of them in his discretion. This provision of our Constitution in regard to Governors is in sharp contrast with the provisions in regard to the President. There is no such discretionary power vested in the President. That is important to remember.

Authorities have been cited, Shri Chavan's^{***} earlier speeches have been cited, as to what are the provisions in the Constitution which vest discretionary power in the Governor. I feel that such a list can never be exhaustive because though there may be express words in the Constitution vesting discretionary powers in the Governor, there is also another rule of construction that even though such words may not be used, they may be implied as it were, as the lawyers say, by

* Shri Sunder Singh Bhandari: Will not a constitutional amendment be needed?

** *R.S. Deb.*, Vol. LXII, 20 November, 1967, cc. 213-21.

*** Shri Y.B. Chavan, the then Minister of Home Affairs.

necessary implication. You have got to look to the context, and if the context clearly indicates that in any particular matter the Governor is to exercise his discretion, then he has the discretion even though express words may not have been used. For instance, in article 164 it is said that the Chief Minister shall be appointed by the Governor. Now, it is clear that although there are no such words as "in his discretion", the Governor must exercise his discretion in appointing a Chief Minister who will be in a position to form a Ministry with majority support in the House. I cite that as an instance to show that in order to determine whether the Governor has discretionary power you have got to apply in some cases the doctrine of necessary implication, and you have sometimes to read a number of provisions together to discover whether the Governor has discretionary powers or not. So, we should not be limited in our conception in this matter. That does not mean that we should try to extend the discretionary power. I think that even having regard to the rule of construction that I have cited, discretionary powers are very limited. Normally the Governor is a constitutional head and must act on the advice of his Ministers.

Now, the basic question that has been raised in this case and which Shri Chavan raised in the other House—is that we have got to construe the words "The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor". Now, those are the crucial words "during the pleasure of the Governor", and the issue, at the moment is whether the Governor can, under these words, dismiss a Ministry in office. Now, I suggest for the consideration of the Home Minister and of the House that we have got to give full effect to the other provisions in the same article, namely, that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State. The Supreme Court in a number of cases has clearly laid down the rule of harmonious construction; that is to say, every part of the Constitution has got to be given full weight and effect, that no part of the Constitution is on a higher footing than any other part. And in order to give effect to this rule of harmonious construction, you have got to consider all the parts together and give a consistent interpretation. I suggest for the consideration of the House that so far as the power of dismissal is concerned, it is limited in one respect; that is to say, the power to determine whether a particular Ministry enjoys the confidence of the House; in other words, whether a Cabinet in office has a majority to support it, in the House. That idea is imbedded in this doctrine of collective responsibility to the Assembly. It is a prerogative of the Assembly, it is for the Assembly and the Assembly alone to determine whether a particular Government has a majority or not. Therefore, applying that rule of

construction, the Governor cannot dismiss a Ministry on the sole ground—and I repeat on the sole ground—that it does not enjoy a majority in the House. That is my contention on the constitutional aspect. I do not deny that the Governor has the right to dismiss the Ministry in other circumstances. We have not examined them. Napoleon once said—and Mr. Churchill quoted him—that the best constitution is one which is vague. What he meant was that you should devise such words as are large enough to contain the many situations, as it were and which can be interpreted according to the changing circumstances in different ways. The words may be vague but in the present context—and as they stand in the Constitution—there cannot be any shadow of doubt that it is not for the Governor to determine as to whether the Cabinet enjoys the confidence of the House or has a majority. I concede, that so far as the initial appointment is concerned, the Governor must of necessity—in exercise of his discretionary power—ascertain as to which is the party or groups which can form a Ministry and who is their chosen leader. But once he has installed a particular Government in office by ascertaining the position by such means as were at his disposal and that Government is in office for some time and it enjoys the confidence of the House during the preceding session, then whatever happens during the inter-session period, it is not for the Governor to determine, on the basis of letters that he may have received from the defectors or on the basis of information that he might have gathered, as to who commands the majority. The matter must be determined while the Assembly is in existence, by the Assembly itself, and by no other body. That is the constitutional position.

Now, let us apply the constitutional position to the facts. What are the facts? The facts are clear. The West Bengal Government enjoyed the confidence of the House during the last session. During the inter-session period, as Mr. Chavan stated in the other House, an important member of the Cabinet resigned and his followers withdrew their support from the Government, and from newspaper and other reports it is gathered, that the Government does not now enjoy a majority in the House. That is the position. But I say, in order to determine whether the Government has a majority or not, our Constitution requires, in view of the provisions that I have cited, that the matter must be debated on a proper motion made in the House; a proper motion of no-confidence must be moved and it should be debated and a vote taken. A Government in office, if it is to be dismissed on the ground that it does not command the majority of the House, it must be dismissed after a motion is carried in the House, a motion which has been deliberated upon and on which votes have been recorded. There cannot be any doubt about it.

Now, let us examine the fact, I should say that so far as the West Bengal Government is concerned, in the light of the situation that has arisen, it should have resigned. I would recall one classic example of Mr. Lloyd George. After the First World War, in 1922, at the famous Carlton Club meeting the coalition, which was under attack by Baldwin and his colleagues, broke up and it was decided at that meeting that a large body of Conservatives would withdraw from the Conservative Party, and Mr. Lloyd George, within a matter of minutes, resigned the office of Prime Minister.

Therefore, it is the constitutional duty, and I say that political honesty demands that the West Bengal Government, of their own accord, after new situation developed, should have resigned from their office. There cannot be any doubt that constitutional precedents, precedents in other countries, are in favour of that course of action. We are today in a situation where the West Bengal Government, contrary to known constitutional conventions, are holding on to office in spite of the fact that it is publicly known that they do not now command the majority. I say, that is the position.... (*Interruptions*) I have to express my opinion. Now, it is for them to resign of their own accord but they are not doing it. I think that is politically very wrong...

...and should be condemned on political grounds. But will not, because of the attitude that they have taken, depart from the interpretation of the Constitution which I have given, and I will have my remedies to suggest as to what is the line of thinking that the Government should pursue in this matter.

Now, so far as the Governor is concerned, there is not a shadow of doubt that so far he has acted most properly and honourably in a very difficult and intriguing situation.

For instance, he has not claimed the right to summon the Assembly. The West Bengal Government has suggested 18th December. He has pleaded with them and asked them that they should advance the date. There would have been no occasion for the Governor to ask the Ministers if they had resigned of their own accord. It is because they have not done so and have put the date forward to 18th of December, that he is pleading with them and asking them to advance the date. In pleading with them, he has exercised considerable patience. I will argue that, that patience should be extended because I hold a particular and a very definite view, as I have already stated, on the constitutional position, namely, that on the sole ground that they do not command a majority, they

should not be dismissed. Because they are acting wrongly, the Governor should not exercise the power, in the long run it is in the interests of the country, in the interests of democracy, that the Governor should not exercise that power. It is a prerogative of the Assembly to pass a vote of no-confidence in the Government.

I would plead with the Government to explore all possible avenues to avoid a situation of that kind. It is against the Parliamentary instinct of my whole career that a Governor should dismiss the Ministry on the sole ground that it does not command the majority. That, I am certain, is the prerogative of the House.

Now, the position has boiled down to this. The Ministry says that the Assembly be summoned on the 18th December. Today is the 20th November. Madam, I say that the Government of India have put up with the West Bengal Government for nine months; I will not recall any incidents but the very words, "Naxalbari," "Gheraos", "the judgments of the High Courts" and the critical situation in the various areas and the statement of the Chief Minister himself with regard to some of his colleagues having extraterritorial links, should be sufficient. The Central Government has waited patiently. The Governor has waited patiently, and let the patience not be exhausted. Let that patience continue for a little more time. Let them concede even this point to the West Bengal Government. Let that Government continue in office and let the Assembly meet on the date suggested by them. The situation is such that one should not take drastic action. After all, what can the West Bengal Government do? The Central Government has sufficient power to issue directions under various articles of the Constitution. There is this interval of a few weeks? If the peace and tranquillity of the State is disturbed they can issue directives. If the financial credit is disturbed, if the Treasury is being emptied or, if, for instance, there is infiltration in the services, or if civil liberties are being suppressed, they can issue directives. There is a clear provision in the Constitution, article 365, which is not generally referred to, namely, if the direction of the Central Government is disobeyed, it means a breakdown of the Constitution.

Further, the Governor has ample powers. I picked up a story in the lobby of the House of Commons. When Lord Mountbatten was offered the Governor-Generalship by Pandit Nehru he consulted Churchill, who said, "Go ahead. You have unlimited right of information. You have the power of delay". The Governor has the tremendous power of delay. There is no provision in the Constitution that when papers are to be put up to the Governor he should pass orders on the

same day. He can ask for reconsideration. He can delay action if he thinks that the action proposed by the Government, whose life may be very short, is contrary to the Constitution. So, there are ample provisions in the Constitution.

Finally, I will refer to article 355 which says:

“It shall be the duty of the Union to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.”

I think sufficient attention has not been paid to this provision of the Constitution. On the doctrine of implied power, where the Constitution imposes this duty on the Central Government to ensure that the government of the State is carried on in accordance with the provisions of the Constitution. I think the Central Government also has the necessary powers. I am, *prima facie*, satisfied that the Government of India can give instruction and direction to the State, if they so feel. The Governor cannot enforce an early meeting of the Assembly. But the Central Government's powers are ample. They can issue many directions to enforce their decision. And if there is a failure to act, then, of course, there is an administrative breakdown.

There is one other point. The West Bengal Government has raised a series of points, and the last point is with regard to dissolution. With regard to dissolution it is clear that dissolution stands on quite a separate footing from summoning or prorogation. Dissolution is linked with the formation of the Ministry. I feel quite satisfied that so far as dissolution is concerned, the Governor has discretionary powers because the whole question of dissolution is linked with article 356, namely, breakdown of the Constitution. He must report to the President and he must make efforts to form an alternative government. If all that fails, then he can dissolve the Assembly. He must consult the President. He is not autonomous in his rights though he may have certain discretionary powers.

I wanted to say a few words about the appointment of Governors but I will now close. I read the speech of the Home Minister on the appointment of Governors and I am perfectly satisfied that he has acted constitutionally and in the best traditions.

B

Political Issues

(i) *Should India go Nuclear?**

Mr. Vice-Chairman, I am grateful to you for giving me a chance to say a few words on the burning issue of the day, namely, the recent nuclear explosion by China. A year or so ago, when we were in London in connection with a parliamentary delegation, I had opportunity to visit the atomic establishments there. Naturally, the question was on our minds as to how long it would take us to make the bomb if we took a decision. We put that question to the experts and they said: "If you make your decision today, then from the date of the decision it will take at least two or three years for you to make the bomb. You have the technical know-how to a certain degree. We know your capabilities, but the point is that for making these weapons you have to set up an entirely new set of workshops and everything new from beginning to end and all that takes time. It is not a question that you have the technical know-how and you can switch over from some existing establishments to adopted ones by making certain changes. You have got to have a completely new set of workshops and adopt a completely new pattern." Then, they said: "All the secrets are not known to you. You can find out those secrets as every other power, that has tried to make the bomb, has had to do. Some of the secrets you will have to find out by experiments. For that, you will have to do a little experimentation of your own. So, it will take at least three years to set up the thing, to do your experiments and then you will be in a position to explode the bomb". That was their estimate. When the Foreign Minister said this morning that we have the technical know-how, that may give rise to an impression that within a short time we can switch over from our existing establishments and make the bomb. If this impression is created in the public mind. I think that impression should be clearly removed and it should be established beyond doubt as to what is the opinion of the technical experts, what time it will take from the date of the decision to make it. Government should

* *R. S. Deb.*, Vol. LVI, 11 May, 1966, cc. 1124-27.

make it clear as to what is the expert opinion. Then, incidentally, we got into conversation with some junior people in the establishment, who were very intelligent. The junior people, with whom we had talks, said: "Your Prime Minister...."—referring to Shri Lal Bahadur Shastri—"Your Prime Minister thinks that the present policy may not be the policy for all time and we are also watching very carefully the mounting public opinion in India. That leaves an impression upon our minds, in foreign countries, that India is moving slowly and gradually towards making the bomb and, particularly, under the impact of public opinion and the activities of China in this field, Government will be forced one day to make the bomb." They said: "If you ultimately make the bomb, then you lose time. Suppose you make the bomb after five years or ten years, then you would have lost those ten years. You cannot, by any accelerated process, make up these ten years, because even though you may have the knowledge, so much experimentation is necessary, as the Chinese experiments have shown." So, they said: "If you have to make a decision, make the decision at once." My plea today is, whatever be the decision, let that decision be taken and the decision must ultimately be taken by Parliament. Let there be a full-dress debate in Parliament in both Houses. All issues should be clearly stated. All opinions should be given and the matter should be determined by Parliament, after a full debate. And if we have ultimately to make the bomb, because of the pressure of public opinion, is it wise to wait, or is it better to start now?

Now, so far as the Disarmament Conference is concerned, we have put forward our various proposals. Those proposals have not found favour with the great powers. It is no use, I think, relying upon the shield. The reliance that we place upon the nuclear shield is because we think that any use of atom bombs will lead to a world war. Now, all these things are pure speculation. As politicians, we have to proceed on something more solid than sheer speculation. The danger is facing us.

There is only one more point that I would like to make. I would refer to a statement by Mr. Dean Rusk, who said a week or two ago: "If China, sooner or later, comes to discuss matters with us, then China herself will be a very powerful supporter of non-proliferation of the bomb." That is to say, China wishes to get admitted into these disarmament conferences as a full member, as a potentially great power, and then will join the other powers to stop the spread of nuclear powers.

Then they also made the point, some of the people who talked to us, that greater delay has also another danger, namely, that various economic pressures will be

applied by great powers, that is to say, they may withdraw economic aid and apply other threats to prevent us from making the bomb. I feel we have already delayed a decision and time is the essence of the matter. Whatever be the decision, let it be left to Parliament to decide; but the decision should be taken now and here for a long time to come.

(ii) *India vis-a-vis International Situation**

Sir, the statement** made by the Defence Minister yesterday which was supplemented by the Foreign Minister this morning is the most disquieting news that we have received during the last few months. It is time that we look back and view the whole thing in its proper perspective. My mind goes back to 1947, namely, the division of India. That I think was the first blow administered to this sub-continent by the British before they withdrew and I think we are still reeling under the forces released by that blow. In one of his conversations which was reported somewhere Mr. Nehru told Mr. Attlee some time in 1949: "You have divided India but I feel that the forces that this division has released will have their effect for a long time to come not only in the east but they will shape the course of world history to a very large degree." I think Mr. Nehru was in one of his prophetic moods when he made that statement. I recall another statement of his in 1959 when the Chinese hostilities began in a small way. He said in one of his reflective moods when he put aside his papers: "These are perhaps the first phases of a chapter which is opening and may last for the rest of the century." So we must envisage that we are today moving in the midst of forces which are not going to last for a short time but which will have their repercussions throughout the century and may be later too.

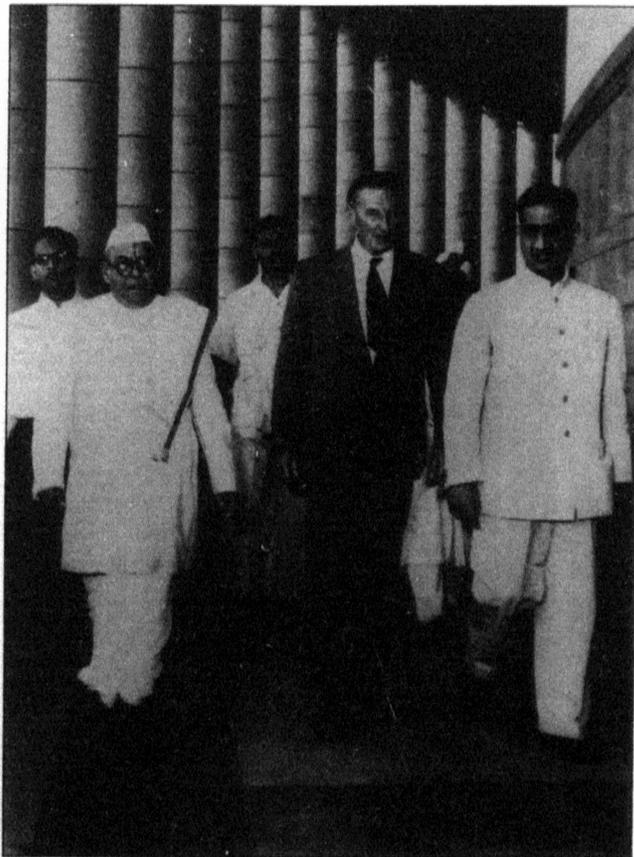
The second blow that was administered to the sub-continent of India was by the United States in 1954 when Mr. John Foster Dulles took the decision to enter into a military pact with Pakistan. Mr. Nehru gave warnings of the future course of events that would flow from this but Mr. Dulles was adamant and went ahead with it. We said at that very time that the arming of Pakistan was one of the most dangerous ventures which they were undertaking and that these forces will ultimately be used against India but the United States paid no heed to our words and the Press reported at that time that the consideration for this was

* *R.S. Deb.*, Vol. LVII; 9 August, 1966, cc. 1955-60.

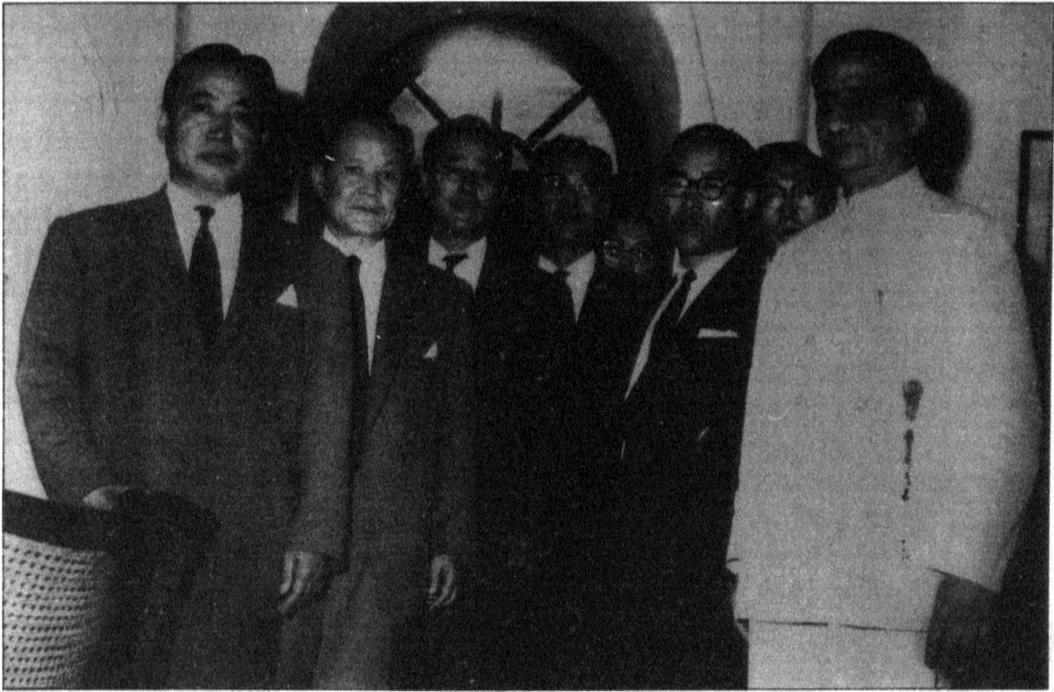
** The statement was made regarding reported massing of Pakistani Armed Forces on the cease-fire line and consequent threat of two-pronged attack on India.



With the visiting Turkish Parliamentary Delegation, 12 March, 1953.



With the visiting U.S.A. Congressional Delegation, 19 September, 1960.



With the visiting Japanese Delegation, 4 September, 1961.



With the visiting Rumanian Parliamentary Delegation, 28 March, 1962.

the bases that the United States got in Chitral and other areas from which ultimately we found that the U-2 flew and a general reconnaissance of the whole of Russia was undertaken by the planes that flew from this region. Whatever may be the truth of the real consideration that flowed from Pakistan, history has shown conclusively in 1966 that the forecast which Mr. Nehru made proved completely true. So, I say that before the bar of history both Britain and the United States will stand on trial as it were for these two deeds, namely, first the partition of India and second the arming of Pakistan.

Speaking only a few weeks before his death—and I think it was his last speech in the Lok Sabha—Mr. Nehru said that “with the coming of China, as more or less an ally of Pakistan, Pakistan has become even more aggressive. I do not know what understanding they may have come to with each other but such understanding cannot be of advantage to India. It is extraordinary that even in these circumstances some of the Western Powers incline towards Pakistan and help her in regard to Kashmir. The Kashmir issue would have been solved long ago but for this Western help to Pakistan.” I think the situation which Mr. Nehru summed up at that time still remains true. On a cool analysis one is able to comprehend the policy of the United States. They tell us that they are fighting the war in Vietnam to save freedom and that River Mckong is the real frontier. Whatever may be the truth in those observations the fact remains that they have taken in the past and are likely to take in the future steps to arm Pakistan which weaken not only India but Pakistan also because my approach is that these actions of the United States weaken the whole of the sub-continent. If there is any bulwark against the expansion of China, it is the Indian sub-continent which has the largest armies in the east and any steps that the United States take to weaken India and consequently Pakistan also—because that will be the result of a war between the two countries—will ultimately weaken the forces of peace in the east.

Now, that a war between India and Pakistan has taken place and the United States is also fully aware of the expansionist tendencies of China it passes our comprehension how they can still imagine that aid to Pakistan is for the good of the world and for the good of the American policies. It is now patent that China will operate under the cover of Pakistan and it may well be that the next invasion may not be in Kashmir but may be somewhere in the East. Pakistan has always felt the military weakness of her eastern region. I well remember how Mr. Liaquat Ali Khan came here to negotiate because Mr. Patel had threatened that in order to save the minorities we would march into East Pakistan. Fortunately,

that step never became necessary but that has been one of the biggest factors in the mind of Pakistan that before they take any large-scale operations in the west it is necessary for them to safeguard their military position in the east and I think in this China is their ally. Such is the position to which we have come now and which the United States is unable to comprehend. I do not for one moment forget the good side of the United States' activities for instance, the support both moral and material they gave us in 1962, the food aid and the economic aid that has flowed from the United States. I am well aware of the generous impulses and the democratic instincts of the American people and I am therefore unable to comprehend this divergence in their approach to the problems of the Indian sub-continent.

While I was in the United States in 1963 with a parliamentary delegation I had very good opportunities of talking to a large number of officials in the State Department and we found that however much we explained to them the collusion between China and Pakistan it left no impression on their minds. This is something which we found that in 1963 in any case their mind was completely closed. They seemed to believe that Pakistan is with them and that this alliance with China is merely to equip themselves in various ways to launch their offensive against India and that it is not directed against the United States or their policies. I feel that this is a very short-sighted view in which American diplomacy is at the present moment enmeshed. It was a refreshing contrast from these officials to go to President Kennedy and sit in his presence. It was a meeting that we had with him a few months before his assassination. We found the President a remarkable person. He analysed the whole position and the Kashmir problem for us with great skill and understanding and explained to us that he himself felt that these problems were very difficult; he was not prepared to offer any advice and stated that the problems could only be solved by mutual understanding which could not be built up in a day. He cited to us the example of Monsieur Monnet of France who in his private capacity undertook the task of building up a united Europe and a rapprochement between Germany and France. He suggested that the best way to deal with these problems would be that at unofficial levels there should be various meetings between Pakistan and India and some leading personalities in both the countries should not only talk from time to time but should exchange their ideas and evolve proposals at various levels which should then be propagated and inculcated in the public mind. We found the President very farsighted. As we left him I reflected: what is this disharmony between the President explaining the whole thing in a

manner which carried conviction and the Administration acting in a different manner?

At that time, I recalled an observation of President Roosevelt to Mr. Churchill. At one of their meetings Mr. Churchill was very much disturbed at a certain proposal which President Roosevelt was determined to enforce. When he found that Mr. Churchill was very unhappy, he soothed him with this observation: "Remember, my dear friend, the President of the United States issues orders, but the administration is so vast, so complicated, that I do not know what ultimate shape and form my orders would take." It is a curious phenomenon of American politics that you get now and then Presidents like Woodrow Wilson, Roosevelt and Kennedy, who were far-sighted, but in the short tenure of their regimes they were not able to inject into the slow-moving American administration their ideas, so that they may last a long time. I narrate the story in order to show that I know both sides of the picture. I feel very disturbed that America is not changing its policies. What we would have welcomed not only in our own interests but also in the interests of the entire sub-continent was something on the lines of Marshall Aid. Look at the aid that America gave to Europe to put it on its feet. That is the kind of aid that the United States should have given to both India and Pakistan, economic aid, to put them on their feet, in a massive way. That would have been the biggest contribution that the United States would have made, out of its own prosperity, towards the prosperity of the East, but that step they had never felt bold enough to adopt. And I have always felt that it was a great tragedy that President Roosevelt died because from his writings, memories and notes that have survived it is apparent that he had a different vision of the post-war world. But that did not happen and we are now faced with the present situation.

Here is America, involved in Vietnam. Now, what is the position in Vietnam? My heart goes out to those simple people of Vietnam, who are undergoing great sufferings at the present moment. That impinges on our mind. These people are really fighting for their freedom. I marvel at their bravery, that, in the face of all these attacks by the United States and the military might of that power, they are still confident that they can go ahead. Whatever our own views and proposals may be, we should not forget that they are a brave people. I cannot say much about South Vietnam. As Mr. Antony Eden, in a recent article, says—and he was one of the architects of the 1954 Geneva Agreement—in the South the United States Government which enjoys the confidence of the South Vietnamese people. That is the biggest weakness of American diplomacy in the Far East.

It was said in the House of Lords in 1946 or 1947 that when the British withdrew from India there would be a vacuum in this area from the Yellow River to the Red Sea, because they had filled the role of a dominant power in this region for two hundred years. The struggle, as we view it even today, is between the great powers and the incipient power of China. Today why America is in Vietnam is, to my mind, plain. They want to resist the extension of the spheres of influence that were settled at the end of the last war. I would recall to the minds of Members the earlier days of colonialism when Portugal and Spain were in the field. At that time, there was a lot of conflict as to the spheres of influence between Spain and Portugal. The Pope was at that time the ruling authority. He took a blue pencil and drew a line across the world. He said: "This side is for Portugal and the other side is for Spain". His decision was adhered to and there was no conflict between these two powers. Unfortunately, the Pope does not have that power today and there is no corresponding authority to replace him. The real struggle is that the great powers resist an extension of the spheres of influence as they existed at the end of the last war. That is the struggle which we watch from a distance. As Nehru said in one of his speeches in Lok Sabha, and I think that is an observation that we should always remember, ultimately in deciding these matters it is the great powers who count. We can only give a helping hand. When Members suggest to the Government 'Do this, do that', they should know what the exact position is. It is not India which is ultimately going to decide. It is the great powers which will settle this issue and India can only give a helping hand and that helping hand it has given in a very admirable manner.

C

Administrative Issues

(i) *Reforming the Administration**

Madam Deputy Chairman, on the hundredth day of her office the Prime Minister was interviewed by journalists, and she is reported to have said this: All along the line administration has deteriorated, at the Centre, in the States, and even in the lower rungs of the governmental set-up. Toning up would have to be done. New procedures might have to be evolved. New and fresh recruitment at all levels will have to be considered. Asked whether Government would await the report of the Administrative Reforms Commission before taking action, she said that something had to be done immediately, that in fact certain steps had already been initiated. I consider that a very welcome announcement because it shows that the Prime Minister is alive to the necessity of administrative reforms. I was apprehensive that the Secretariat might postpone reforms on the ground that the Administrative Reforms Commission was considering various matters. That doubt has now been completely set at rest, and the Prime Minister has given a very wise direction in the matter.

I propose to say a few words, Madam, on the question of administrative reforms. My special competence to deal with this matter is in a sense limited and in another sense it is wider. I was charged by Shri G.V. Mavalankar in 1948 to go to the House of Commons and study the procedure of the financial Committees which I did, and on my return the Estimates and the Public Accounts Committees, under the control of the Speaker were set in motion. During the last fifteen years, I have had opportunities of watching the administration at close quarters. I have seen almost all the Secretaries appearing before the Estimates Committee and the Public Accounts Committee, and I had a better picture as a whole than anyone else would have, of course, from a parliamentary angle, from my seat in the Committee, and later in administrative control of those Committees.

* *R.S. Deb.*, Vol. LVI, 7 May, 1966, cc. 596-606.

My interest in administrative reforms, therefore, goes back to 1950, and whenever I went abroad, I took pains to study the procedures and systems in other countries in order to equip myself and be in a better position to advise the Committee in the course of their work. In the initial stages, they relied greatly upon me because there was a prejudice in the mind of the Committee that they would not take any person from the administrative Departments. I had, therefore, to carry single-handed this burden for at least five years in the beginning. But I found my work in the Committees very exhilarating, and it gave me an impression for the first time of how vital it was for a Secretariat official or even a Parliamentary official to be in contact with Members. They bring new ideas. They bring as it were the feelings of the people, and it is very interesting to watch them and to listen to them. I have always greatly benefited by sitting in those Committees and I developed a special relationship with the Members. They would listen to me and I would react to what they said, and that close association with the Members enabled me to participate in their discussions and in a sense mould their opinion and my opinions were moulded by their reactions. So, when I rely upon the reports of these financial Committees, I am relying not on just bare reports but they are to me in the nature of living documents, documents in the shaping of which I have participated, and I have a background of those decisions of the Committees. Madam, administrative reforms is a very vast subject and with the limited time at my disposal, I made a selection of the subjects that I would deal with today.

The first subject that I have selected is the question of the reorganisation of the departments. This question was first taken up many years ago and the Committee, after a very thorough examination, recommended that there was considerable overlapping and that allied subjects were being dealt with at various places, with the result that there was non co-ordination of work and unified control over the same kind of subjects and policies relating thereto. The Committee felt that urgent and effective action should be taken to reorganise the work of the Secretariat on better and more methodical lines. That was, I think, said as far back as 1951. In pursuance of this recommendation of the Committee, some action was taken by the Government. But at no time was the problem reviewed as a whole and the matter has dragged on in that fashion.

I consider that the question of the rationalisation of the structure of the Ministries and departments and attached offices with a view to ensuring compact and integrated working and to avoiding the multiplication of departments and attached offices which leads to runaway expenditure being incurred

on staff and establishment, is one of the most urgent questions that calls for Government's immediate attention. In its latest Report submitted last month, the Committee has again said:

"Expenditure on the pay and allowances of staff excluding Posts and Telegraphs staff, in 1965-66 showed an increase of 64.7 per cent as compared to that of 1960-61".

Then they say:

"The Committee apprehend that the increase is due not a little to multiplication of Departments, e.g. Heavy Industries, Social Security, etc., which have lately been shuffled and reshuffled at short intervals without strictly correlating the staff strength to the work-load".

The matter has been raised in Parliament from time to time in connection with question and there have been references in debates. But there has never been a full-dress debate in Parliament on the reorganisation of the departments. It is interesting to watch—hon. members will recall—what happens at the time when ministerial portfolios are reshuffled and Cabinets are reformed. There have been changes and *ad hoc* arrangements have been made. The general impression that one gathers is that there has never been a scientific and rational examination of the whole matter. Those Ministers who are important and have a pull, have their say. A Cabinet Secretary, if he is powerful, has a voice and these changes are decided in an *ad hoc* manner. I do not want to refer to any department nor to name the Ministries because that would recall to the Members minds some individuals, some Ministers and their officers. I would merely say that this matter requires a thorough examination, and it is one of the first things that the Administrative Reforms Commission should take up. That is to say, there should be a scientific examination of the whole matter as to how the work of the Government should be divided up between the various departments and Ministries. And that part of the report should be discussed in Parliament. I feel that there should be no changes in the short run. When once we have reorganised the Ministries in a certain way, that reorganisation should suffice at least for a period of five years, which can be co-terminous with the life of the Lok Sabha. I suggest that this question may be urgently taken up now and before the next General Elections, the Administrative Reforms Commission which may make their Report which should be discussed in Parliament. I think Parliament should be brought into the picture because if Parliament discusses, all concerned

will see to it that all points of view are represented in Parliament through Members. The Minister himself will be more thoroughly prepared with the subject as a whole than he would otherwise be if he had to deal with the matter departmentally while noting on the files.

This matter of the reorganisation of the Ministries has been commented upon by the Press many times and it has been the subject of jokes even amongst the officials. I remember one Secretary who was concerned with this matter told me that when the Cabinet formation was going on, he was rung up. He being an expert on the subject at the dead of night and asked whether a certain part of a Ministry should be taken from one department and attached to another department. He did not comprehend the matter. He was feeling sleepy and in order to cut short the matter, he said, "Yes, go ahead. It is all right." There is a general feeling amongst the Secretaries that this matter is dealt with in an *ad hoc* manner, particularly at the time when Cabinets are formed and reformed. There are instances of several sections—if one were to trace their history, one will find it—passing through many departments and Ministries. At the Institute of Constitutional and Parliamentary Studies of which I happened to be a Director for some time, I had initiated a study because—I found that it would be a very interesting study—and it has now commenced a study from 1947 as to what has been the composition of the various Ministries, how new Ministries have developed, what subjects have been allocated sometime to one Ministry and at other time to another Ministry. I consider this is very important because if the departments are self-contained and compact then inter-departmental references will to that extent be reduced.

The next question that I wish to deal with is the important question of the relationship of the Ministers with the Secretaries. Now in this matter I can speak with some experience because, sitting in the Committee for the last fifteen years, I have noticed many changes in the quality, calibre and competence of the Secretaries. I have seen Secretaries who came before the Committee and showed a mastery of facts. They knew their subject; they did not rely upon their subordinate officials. In fact, I remember one Secretary, as soon as he entered the Committee room, asked all the officers who came with him to withdraw and single-handed, with the compact brief before him, he answered all the questions. It is very easy for these Committees when they examine these officials, and when they see them over a period of years, to judge the competence of those officials. An official who fares well before the Committee is the sort of official who will competently deal with matters and give good and firm advice to the Minister,

because he is able to handle his subject with mastery. Now, that picture was there fifteen years ago, ten years ago, even five years ago. But the changes that have taken place during the last five years rather depress me. I do not want to make any generalised statement that there is no competence now; I think there is high competence among many Secretaries. The subject I am dealing with is administrative reforms and what are the new trends that are developing and I think that Government should watch those trends. In order to lend weight to my observation, I would just cite one or two facts from the latest Reports of the Estimates Committee:

“The number of Secretaries in 1962 (‘Secretaries’ includes Additional Secretaries, Special Secretaries and *ex-officio* Secretaries) was 47. In 1965 it was 64. The number of Joint Secretaries in 1962 was 85. In 1965, it was 116”.

Now clearly, when expansion goes on at this rate, promotions are quickened and the Secretaries cannot be of that calibre as before. Now, this question has to be carefully analysed because it is a matter which is even known abroad. For instance, when I went to West Germany, I found that the Ministers, officials, businessmen there knew our officers individually. They have to deal with them on various occasions and they know the quality of the officers and they also know that there has been a slight deterioration in recent years. So, that is a fact which is not only known to us but it is also known abroad. When you get into confidential conversation with these people, they frankly confess that some of the men that they have to deal with now during the last five years or so are not of the same calibre. Obviously, when promotions are so rapid and quick, you cannot achieve the best results. What is all this due to? What is the cause of it? I consider that because of the huge task that we have had to face in the, post-partition period and the many developmental problems that have arisen, the two wars with China and Pakistan, all these problems forced on the Ministries at the Centre a heavy burden, and in taking on the extra work one fundamental principle has been lost sight of. That is that the Secretariat should lay down the policy and should not discharge executive responsibilities.

I think the most urgent need today is that the work of each Ministry and each Secretariat should be examined closely to see as to what part of the work relates to policy-making and what part of the work relates to the discharge of executive functions. What is needed is compact departments and settled policies and a control over those who are in charge of executive action. There is a great deal of

blurring. I think the most precise way of settling this issue is to ask each Secretary to submit a memorandum of the work that he disposes of, the work that is allotted to him and that he actually disposes of. That memorandum should be supplemented by a day-to-day account of the work actually disposed of by him over a period, say, a fortnight or a month. That will give to the Commission—if the Administrative Reforms Commission takes up the matter—a precise idea as to how much time is devoted to policy-making and how much time is devoted to the exercise of executive functions which should be delegated to other authorities and should be controlled by the Secretaries.

Now, there is another feature to which I would like to draw attention. Take, for instance, the Ministry of External Affairs, the Ministry of Finance and the Ministry of Home Affairs. Now, in the External Affairs Ministry there are three Secretaries. In the Finance Ministry, there are three Secretaries. Similarly, in the Home Ministry there are, perhaps, three Secretaries. I ask myself: Who is the Secretary? A year or two ago I was in London and they asked me this very question. They said that they are unable to follow the new developments in India.

Take, for instance, the External Affairs Ministry. I was present yesterday at the Informal Consultative Committee meeting of the External Affairs Ministry. I asked the Minister of External Affairs, "You have three Secretaries. I quite agree that you have abolished the post of Secretary-General. That officer did not co-ordinate any work in the Ministry. He did such jobs as the Prime Minister of the day assigned to him. It is quite clear, therefore, that it was necessary to abolish the post. But if there are three Secretaries, who co-ordinates the work?" When I pressed the question, he said, "I co-ordinate". My opinion is that this is wrong. A minister is entitled to an integrated, co-ordinated advice from the civil servant. I told him that from his answer it seemed to me that there was no such person at the civil service level in the Secretariat. He said that these three Secretaries came to him and discussed matters with him. I told him that when the Secretaries came to him as three persons equal in status, they hesitated to offer their independent opinion. Each waited for the other to give advice. Personally, the Minister may be competent to handle the affairs and co-ordinate but then, the Minister became his own principal Secretary. And suppose in a reshuffle after the general election, the Minister is assigned another portfolio, then what will happen to the knowledge and the tradition that was in his mind? He might be able to assist in a Cabinet Committee, but when he would not be

in direct charge, there would be no Principal Secretary as repository of the entire past picture and tradition to advise the new Minister.

Madam, I have reflected over this problem and I attach the greatest importance to it. I had an interview in the fifties with Mr. Winston Churchill. There was one sentence that struck me and which shall ever remain in my memory. He was advising me on the work of Committees. I had seen him in that connection. While talking about administrative reforms, he said, "Remember one thing. If the head is solid, the subordinate liquids freeze into solidity. The man at the head must be solid". And by 'solid' he meant that he must have full competence and responsibility. He must have the full confidence of the Minister. He must be the only adviser of the Minister. He must be an equal of the Minister in every sense. He is subordinate only in one sense, that is to say, when the Minister takes a decision, that decision has to be loyally carried out by the Secretary.

I remember General Marshall whose name is associated with the Marshall Plan. When he took up a civilian job, he summoned his secretary and told him, "I know nothing about the civil jobs. You have to advise me. And if I act foolishly, you should not hesitate to say that I am acting foolishly". It is that kind of independence of judgement that has to be encouraged.

I have read, Madam, in connection with my work, all the reports on administrative reforms. The old ones dating back from Lord Curzon to Tottenham, Wheeler, Bajpai and Mr. Gopaldaswamy Ayyangar in our own days. In these reports, there is valuable material. I find that these reports have practically covered the same ground. There is nothing new that you can say on the secretariat procedure. The important thing that I remember was the memorandum which I saw in London. In a hand-written note, Lord Curzon had this sentence. He said, "What we have in Britain and what is most valuable is", what he called—that was his own expression—"inherited memory. We have at the Foreign Office here a permanent Secretary who has been brought up, trained and by stages has reached this position. And there he remains for five years or more. During that period he has an under-study whom he trains up, and that under-study succeeds him." So, he said that there was an unwritten body of tradition, something which could not be written down in notes, but which was communicated by word of mouth and is imbibed, which is passed on from an officer to his successor. I ask: How is that tradition to be built up? It is the men in office who will make the administration run, not mere administrative reforms. And for that tradition to be built up, I think it is necessary that the Ministries should shrink to their

proper size. Their work should be confined to policy making alone. All work which is of an executive nature should be developed on other authorities. I do not want anybody to be demoted. Secretaries of all kinds, who are there, let their pay be guaranteed. Let it be their personal pay. But all departments, not only some, should be in charge of a full-fledged secretary of experience and high competence who should co-ordinate the work and be available to the Minister at all times to give him advice. Unless we introduce that system, it is impossible to make any appreciable impact on the administration.

It is the approach that matters and unless we change the approach, nothing will happen. Recently, the Auditor-General gave an example which is very telling. He said, wherever there is a failure there are two elements, the human element and the procedure element and generally attention is drawn to the procedure element. He said that the procedure would go on getting complex and complex everyday unless the approach changes. If the approach changes the whole thing will change. He gave an example. In the External Affairs, a diplomatic representative is granted a representation allowance, that is for entertainment. He remitted that representation allowance to India. Now instead of dealing with this matter individually and administratively, what the Ministry did was that they revised the procedure and decided that accounts be maintained. Then, it was said "We want staff". Clerks were sanctioned. Then the other Ambassadors said they wanted a social secretary to organise this work, and there was a social secretary. Then the system of accounts was revised; then flaws arose in that system of accounts and then other things came in. I thought that was a very telling and a very good example of how procedure will never get simplified unless the whole approach at the top changes and the approach at the top will change if experienced men who can wield authority deal with the situation.

(ii) *Reforming the Police**

Madam Deputy Chairman, let me, first of all, welcome the new Home Minister** to the new responsibility that he has now taken over. He has already won laurels in the field of defence and it is now up to him to continue that good work. Let me state at once that the new responsibility is heavier than the old one. In the

* Participating in the discussion on Police Forces Restriction of Rights, Bill 1966 (R.S. Deb., Vol. LVIII, 14 November, 1966, cc. 1029-35).

** Shri Y.B. Chavan.

old job, he had to tackle the enemy without. In the new job he has to tackle the enemy within, which is a much more difficult task and needs more tact, more industry, more energy and all the qualities that he can command.

We are, at the present moment, passing through a very difficult phase in Indian history. If I were to go back to the past and go as far back as 1946, I could recall a similar situation. I was at that time in the Central Assembly and from my seat there I watched the then Home Member, Sir Robert Thorne making a statement on the police strike. It was the first time that I noticed that a Government spokesman made a speech not in a authoritative tone, but in a very subdued tone. I could notice that pain and anguish on his face as he spoke, and it is vividly fixed in my mind. There was pain and anguish on his face because as representative of the British Government he knew that one of the main instruments of governmental authority, be it foreign Government or be it our own Government, was the police force to maintain, internal order. At that time, they thought that if this force was weakened. The days of the British rule in the sub-continent were numbered, and events moved in quick succession. I will only recall a major incident, namely, the naval strike at Karachi. It is those incidents which happened in India at that time which led to the appointment of the Cabinet Mission which came here to enquire into political matters. I will skip over many of the subsequent events and come to a speech which Mr. Attlee made in the House of Commons at the time of the Independence Act. Referring to the incidents he said: These are just surface events; in India there are many hidden fires which may flare up at any time. It was in that background that he spoke to the House of Commons and persuaded that body to hand over political authority into the hands of the Indians.

I feel that in a different set of circumstances, we are passing through a similar phenomenon. Look at what happens. There is an agitation regarding a steel plant in Visakhapatnam. There is student unrest. There is a border dispute. Whatever be the incident, it quickly and immediately converts itself into a violent agitation. That is the temper and situation in this country today, and it is a very dangerous situation and we cannot take it lightly. We have to be equipped properly to deal with that situation. Therefore, I think it is absolutely essential and it is right that the Government has brought this Bill. This Bill does not take away any legitimate right of the police forces. They can form their associations and ventilate their grievances. What it takes away is their right to create trouble in the police forces and to break down the morale and discipline of those forces. That certainly cannot be permitted by any Government, and this

Bill is just intended to save the country from a breakdown of morale of the police forces.

It has been one of my biggest surprises that those who fought in the freedom struggle and suffered at the hands of the police have taken so long to reform the police itself. During the last so many years the Government has not taken a comprehensive view of the police problem. I think this problem should be viewed as a whole. Bringing a particular Bill, for instance, the Bill which is before us, or appointing a Police Commission, will not solve the problem. The entire police problem has to be viewed as a whole. We have to reform the police as Sir Robert Peel did in the last century in England. We have to take a comprehensive view and look at all the elements of the situation and come to quick decisions. What is essential is that the police force should be a force which should be disciplined, which should be contented and which should serve the people. We would like to have a time when the people will look upon the police as their protector and not something which they should fear. That situation we have not yet achieved, and that we can achieve if we go into this problem thoroughly. I think the Government, so far as the police is concerned, would give up the idea of appointing Commissions and other bodies. I was recently reading the memoirs of an important statesman and there I found this sentence: "If you want to kill an idea, entrust it to a Committee". The new Home Minister should select a proper and competent Secretary and he should himself, along with that Secretary go into the whole problem and take the assistance of the head of the Police Department. But the Committee should be an informal one which he himself should head. He must select a proper man, entrust him with responsibility, and trust him because that is vital; the moment there is breach of confidence between the Minister and the Secretary, the whole administration goes to pieces and nothing can save it, as it happened on the 7th of this month. He should himself look into the problems; he should take the assistance of the Secretary, and he should summon all important persons from all over India who are in charge of police administration, whether at the Centre or in the States, and having reviewed the problem he should come to quick decisions and then implement them. The whole question of recruitment and training and organisation of the police forces has to be taken into consideration. The question of administration is also important. I had been dealing with the police force in my capacity as Secretary of the other House for a long time so far as the parliamentary police as it was concerned, and I found that the parliamentary police was at one time very antiquated. I will give you one example. There was a foreign lady who was

crippled and came with crutches to attend one of the sessions, and the man on duty thought that since a stick could not be permitted, therefore the crutches must be taken away. The gentle lady gave up the crutches and with great difficulty took a seat in the gallery and afterwards quietly reported the matter. That was the sort of antiquated police that we had to deal with so far as the police that was posted in the Parliament House was Concerned. I often cited to those police officers who came to discuss with me the example of the House of Commons. There the police officer who was in charge told me: We post in the Parliament House the pick of the police for two reasons: we must impress Members who have to vote the money that we have first ratemen; secondly, foreigners from all parts of the world come to the 'House of Commons' and they must know what the standard of the British police is. I have repeated these observations to many police officers and insisted that the police personnel should not be quickly changed, that they should be able to assist Members, that, they should act unobtrusively and not push about in the Parliament building. We have made some improvements but much remains to be done. What I have always felt is that the changes could be quickened if the Ministers and Secretaries took a keen and vigilant interest in all the matters that come within their purview. I cite this example in order to show how urgent the reform of the police is. Once that reform is undertaken and implmented; we will have a disciplined, contented and efficient police force which will be respected and with which the people will co-operate everywhere. This is a problem which, to use an old parliamentary phrase, brooks no delay. It may be said, let the reform of the police await a better time. I think that would be tinkering with the problem. The reform can go along with the suppression of any lawlessness and disorders that take place in the country. I am here reminded of an observation that I read in one of the memoirs of Mr. Churchill. When the British withdrew from Burma, at that very time he ordered that a scheme be prepared for the reoccupation of Burma. That not only maintained their morale but kept a scheme ready which actually, with minor modifications, was implemented when the British reoccupied Burma. My point is that the idea of putting off comprehensive reforms to a later date when the situation becomes calmer is not the sort of attitude that should be adopted by the Government.

The general elections will soon be held. Three elections we conducted without any violence. The whole world is looking to the next general elections, and I hope that the elections throughout the country will be held without any bloodshed or violence worth the name in any part of the country. That will be the acid test of the Government's policy and how they implement it. The police is not only

charged with the internal problem of maintenance of law and order but its various other wings, particularly the intelligence wing, have got to be strengthened.

Now, so far as the Intelligence wing is concerned, I think they are clever. But a lot of co-ordination is necessary. I saw a note by Prime Minister Nehru in a question file regarding a report from Pakistan. These reports were put up to him without being digested by the higher officials. He pointed out that there was a contradiction between the statement on page so and so and another statement on page so and so. Now, that is not the way in which intelligence reports should be put up. The brother of the American Secretary of State, Mr. Dulles, who was in charge of Intelligence at one time pointed out that the task of the chief is to co-ordinate the reports. He gets all sorts of conflicting reports. That is why after events have happened, the police can take up a document and say, here is a warning to the Government. In the USA, the function of the head of the Intelligence Department is that he should sift, analyse, go through all contradictory evidence and have the whole picture in his mind and make a recommendation by which he should be bound. That was not happening in Pandit Nehru's time and that is not happening even today. Intelligence reports come but the undigested reports are put to the Minister to make something out of them. There should be a single person whose duty it should be to absorb all those reports and build up an intelligent case for the information of the Minister.

Another side that has to be carefully looked into is the civil intelligence and the military intelligence. Now, it is reported that there is a lot of conflict between these two types of intelligence reports. That problem even today exists in the United Kingdom. And Lord Mountbatten was appointed as the head of a committee to go into this problem. It can land us into many difficulties if we allow these contradictions between civil intelligence reports and military intelligence reports. The art of Government is a very difficult art. You should never sleep over any matter and all the time you have got to devise new organisations, new methods, and have the whole picture in your mind.

Then, so far as the Minister is concerned, it is the job of the Minister to have an overall picture of the disturbances and upheavals; he should have before his mind's eye a view of the position in the whole country. I think the time as urgently come when there should be a Control Room in the Home Ministry and the various disorders that are taking place in all parts of the country should be located and pinned, and the Minister should go through them every morning,

make his own guesses and reflect whether there is inter-relation in these happenings. He should get all those reports and make his own observations. I remember, Mr. Churchill in his bed used to read all those reports. And one day he read a report that a German broadcaster said that they had built extensive fortifications along the Atlantic coast and he said that those fortifications were impregnable. In his zeal, he said that the sun was shining on those fortifications. The moment Mr. Churchill read that phrase, he drew a circle round it and asked for the latitude and longitude of that place. He fixed the position and he came to know about it. By that small slip that that broadcaster made, Mr. Churchill was able to locate the exact place about which he was speaking and he sent a thousand aircraft. It is not enough that the Minister gets his reports or that he gets his telegrams. It is a whole-time job. He has got to digest them himself and make his own contribution.

D

Economic Issues

(i) *Monopolies and Restrictive Trade Practices Bill, 1967**

Madam Deputy Chairman, I have listened to this debate on various occasions with a great deal of interest. The two things that are confused are the big enterprises and the monopolies. Now, this distinction should be borne in mind because in the present structure of industry big enterprises are inevitable; otherwise, you do not exploit the economies of production. I was much impressed by some observations by a member of the Joint Committee:

“Large companies and large-scale production are essential to secure economy. Optimum efficiency of operation demands large plants and costly research and highly developed marketing arrangements. Large scale units are necessary to be able to raise the necessary capital, to take risks, to improve technical efficiency and competitive strength in international markets and to increase exports which are so vital to our economy. Only big concerns will be able to develop new markets and create demand for new products.”

The growth of big enterprises is inevitable in the modern industrial structure. Now, it is only when these big enterprises tend to become monopolies that the mischief starts. And what is that mischief? The mischief is, as one Finance Minister put it, when the concentration of power operates in keeping prices at high level, in cornering supplies, in ultimately exercising some kind of political patronage. These are the mischiefs that arise from big enterprises when they tend to become monopolistic. So far as this Bill goes, it places a curb on the monopolists. But the procedure that is set out in the Bill which is based on experience of other countries and of our country is a slow process. And I think the anticipation is right that we will be faced with a very tedious process indeed

* *R.S. Deb.*, Vol. LXIX, 23 July, 1969, cc. 647-52.

to break up these big enterprises which operate as monopolies. Let us always be reminded of one thing. Our Constitution-makers did place a limit on this matter. I will refer to the Directive Principles which should be carefully read:

“The State shall, in particular, direct its policy towards securing— ‘that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment’.”

Now, these four words “to the common detriment”, are enshrined in the Constitution itself. The Constitution makers envisaged that big enterprises were inevitable. Ultimately the idea is that they should be under public ownership. That will take a long time to come about in a large sphere. In the meantime, the Government can proceed only in accordance with the declared objective of the Constitution, that is to say, they break up these big enterprises when they tend to become monopolies or when they operate to the detriment of the common good. And please remember that the Government is not omnipotent in this matter because the expression ‘public detriment’ is justiciable; the matter can be taken to the courts. The views of the courts are a determining factor in the execution of this Bill. The first limitation is that of the Constitution itself. The Bill proceeds on the basis of constitutional provisions. The second limitation is the opinion of the courts. The 11 or 12 Judges in the Supreme Court have their own views of the matter. That has been one of the major hurdles in America at one time. The judiciary can knock out certain actions that the Government wants to take; they can knock out certain provisions of the Bill; they have ample powers and their word is final in the sense that if certain provisions are in contravention of the Fundamental Rights, then the sovereignty of Parliament itself in regard to that matter is restricted. So let us be quite clear that this Bill will not achieve miracles.

There seems to be a misconception that if you break up big enterprises, that would have a magical effect in bringing about happiness all round. This is a complete misconception. The point is that the composition of the national production of each year has got to change in such a manner and distributed in such a manner that it results in the welfare of the masses.

Now while we are on this subject, it is important to remember one thing. I have been reading some biographies of American millionaires; of course they are very big. Carnegie says in his biography that the wealth increases so fast in the

present industrial system and it does increase because bigness has to come about in view of the economies that are involved. Even an individual millionaire and his family, howsoever extravagant they may be, they cannot spend even a small fraction of their total wealth. I wish calculations were to be made as to how much of the total wealth that is produced over a period by these big houses has been invested in the industries themselves and how much of its has gone towards their personal expenditure. My own surmise is that a very large percentage of the surpluses of these industries has gone as investment into those very industries or allied industries. It is true that they retain the ownership because that ownership gives them a certain control over extensive areas of industry which may be exercised in wrong ways.

I am one of those who believe that the political consequences of big enterprises are more important than their economic consequences, because after all, apart from monopolistic actions, the surpluses that are saved are invested in the same industries or allied industries. Further, look at the amount of percentage that is taken away in taxes. If you abolish all these big enterprises by one stroke tomorrow, I think a very large slice of revenue by way of income-tax, super-tax and other taxes will be lost to the State. It is not that the thing is wholly evil; one has to view it dispassionately, the good and bad consequences of these big enterprises. Carnegie himself has pointed out that after a stage is reached millionaires are not interested in the wealth as such; they are interested in the wealth because it gives them control over larger and larger areas and they become steel kings, coal kings and all kinds of kings.

The late President Eisenhower referred to what is called the military industrial complex. That has now become a political expression. That is so because on various kinds of atomic programmes and other programmes the military spends such huge sums of money; they are interlinked with big enterprises and they want to keep certain things going and with their influences in the Congress, in the Senate and in many other places they want to so manipulate things that the President's hands are tied. So we have to be watchful that political influences do not percolate in our system. Whatever we may do, we can only limit it; it is inherent in the system and in human nature.

I was reading the scandals that are associated with the space programme, in millions. If any Member is interested, he can see the last three editions of the 'Sunday Times'. There were allegations against Senators and other important people whose names have been given, how they managed to give contracts to

their favourites. We should look at the other countries. Sometimes, sitting in the House, I am depressed that only the bad is emphasised and the good is not coming into light; there is reason for it. In America there are big millionaires and side by side the standard of living is also rising and therefore the corruption in that society and the bad influences in that society are not highlighted to such a great extent. Why are they highlighted in India? The true reason is that the standard of the masses has not risen so appreciably. I suggest that the true solution is not in breaking up big enterprises but we should curb the anti-social practices and restrictive trade practices. We should not carve out such small units which will be unproductive and will raise the cost of production.

Now we have been going to foreign countries. Let us take the Communist countries. What have they achieved? There we see that the common man gets all sorts of help. The rent that he pays for his house just covers its repairs. Then he has free medical aid. Then his children are educated right up to the university standard free of cost. Then we find that transport is cheap and we also find that all the essential articles like food and clothing are provided at minimum rates. I think that is what we should do. Merely breaking up big enterprises will not be sufficient. We can achieve the welfare of the poor man if we produce what he needs and then the things can be properly distributed. If the Government builds up surpluses by high taxation and by profits of public enterprises, then those surpluses can be utilised in providing to the masses the things which I have enumerated above.

The true solution, Madam, lies in the extension of public ownership and that can come about only slowly. If it is proceeded with at a rapid rate, it will destroy the very ideals which we all applaud. The quality of the Administration has also to be built up.

I regret that this expression 'mixed economy' was conceived. The Governor of the Bank of England, while talking to a journalist the other day, said that it is a sort of mixed up economy. I believe the real thing is gradual public ownership. That is really our policy; gradually and by stages we should take as many private enterprises as we can under public ownership if it is in the national interest to do so. That is the true solution. In the meantime, the welfare of the people, of the masses, should be achieved in the manner suggested by me so that larger and larger surpluses in the budget are devoted to those objectives.

(ii) Devaluation of the Rupee*

Mr. Vice-Chairman, Sir, I am grateful to you for giving me a little time to express some of my ideas. No subject has, in recent times, been discussed so thoroughly, both inside Parliament and outside, as the subject of devaluation. It has had a great educative influence on the minds of the people.

Briefly speaking, the impression left on my mind is that the discussion lies within a narrow field. What are the facts that are either established or not proved? The one fact that stands out is that the cost of imports will go up, that we have to provide more funds in rupees in order to repay the foreign debt and the interest that we have to pay on that debt and that all our charges abroad, the maintenance of embassies, our international obligations, our contribution to the various Funds, will all go up. Members have from Government documents stated what would be the individual items in which the expenses in rupees will go up by 57.5 per cent. But I think no one has yet totalled up the whole amount. It will probably be disclosed in the next Budget and will come to a massive figure. There is no question that so far as our Budget is concerned, the increase as a result of devaluation will be a massive figure.

The second fact that has been emphasised is that the increase in the cost of the imports will give an impetus to new industries being developed in India or what is called import substitution. Now that is a thing of the future and it cannot be proved today as to what will be the effect of devaluation in this field.

Taking the export side, the position is that so far as the traditional items are concerned, they constitute about 80 per cent. of our exports and it is said that so far as these exports are concerned, devaluation was not called for. In fact, the bounty given to these traditional industries as a result of devaluation has been mopped up to a large extent by the Government by the imposition of export duties. And in the balance of 20 per cent, you have new industries of the Western type, the indigenous industries, industries based on agriculture and all these will take time to develop. Therefore, it is clear that so far as the immediate future is concerned, devaluation will not in the short run result in any substantial expansion of the export trade. I was talking some time ago to a Swiss banker who told me that devaluation is really beneficial for a developed country. When he said developed country, he meant a country which has large export industries

* *R.S. Deb.*, Vol. LVII, 23 August, 1966, cc. 3676-81.

and in which there are surpluses or industries which can be quickly expanded. In such cases, if Government takes a devaluation decision, the surpluses are disposed of and the industries can be quickly expanded to take advantage of the more competitive prices that they can quote in the foreign markets.

So, it is clear that on all these counts you cannot defend the decision of devaluation and ultimately you come to this argument that the industries that were developed during the Five Year Plans were not running to full capacity and in order to have spare parts, components and raw materials for them it was necessary to devalue the currency. Now, that is in a sense a political decision; that is to say, it is the decision of those who are in a position to give us all these spare parts and other things or to provide us with the foreign exchange to buy these things. They thought that unless we devalued they would not give this aid to us. I am not concerned whether there were political pressures or not. It may well be that the Government was convinced that all the efforts made through the Five Year Plans will come to nought as it were if a great part of the industrial capacity that had been built up were to lie unused and so to get non-project loans from abroad they devalued the currency. You may call it pressure of circumstances, pressure of monetary authorities but whatever it is, I feel that the decision of the Government was mainly influenced by these circumstances. If it were so, I should have thought that they should have planned the devaluation well in advance; that is to say, six months to a year in advance; they should have tried to stabilise the prices; they should have tried to negotiate with the monetary authorities regarding the re-scheduling of the foreign loans and they should have made earnest efforts to secure authoritative statements that the 900 million dollars promised will, in fact, come. We do not know yet whether this money will actually come in the course of this year or not. In any case, the value of the promise is confined to one year only. We do not know what will be the circumstances during the coming years. So, we are faced with this situation.

Now, the decision having been taken, what about the future? The Government will be applauded or condemned by two circumstances, whether they are able to control the rise in prices and whether the balance of payments difficulties are relieved. If the balance of payments difficulties are not solved in the future and the prices go on rising, then the Government will be subjected to severe criticism. So far as the rise in prices is concerned, I think very urgent steps are necessary. If I may coin an expression, the Government is in a sense a 'monopolist of the legal tender'. It is they and they alone who can issue legal tender but on the

basis of that legal tender the banks issue credit. So the Government is not fully able to control the situation that arises in the monetary sphere. I think it is absolutely urgent that there should be—I do not like to say nationalisation of banks but I would like to put it this way that there should be a monopoly of the State in the banking sphere throughout the country. It is only then that they will be able not only to control the issue of the legal tender but also control the creation of further credit. That is a vital step that the Government should seriously consider and take as soon as possible.

Another suggestion is with regard to unaccounted money. Unless the unaccounted money is tackled, prices will go on rising and the way to tackle it is to demonetise the currency down to the hundred rupee note. It was done once in British times down to one thousand rupee notes. I think the time has now come to take effective steps to demonetise the currency. So far as demonetisation is concerned, I was talking to some experts and they said that you have to plan it, as you plan a military operation, that is to say, the decision should actually be confined to the Finance Minister and his adviser. All steps should be laid down and they should be so given out to various authorities that they do not know why those instructions are being given. The whole thing has to be planned and executed secretly. It requires a great deal of planning and a great deal of thought. I think the Government should give serious consideration to the demonetisation problem. I am myself very interested in it. I had occasion to discuss it with one of the predecessors of the present Finance Minister and I could find no reason against it, except the administrative reason, which I am convinced can be solved.

Finally, I would make one suggestion in regard to the constitution of a Committee of Members of Parliament, with whom the Government should keep constantly in touch. I refer to this matter because I was concerned with it, at the time of the last devaluation in 1949. At that time, Mr. Speaker Mavalankar used the weight of this authority with then Finance Minister, Dr. John Matthai, and the Deputy Prime Minister, Sardar Patel, and pressed the Government to accept that suggestion. I quote from the speech of Dr. John Matthai:

“Suggestions have been made by honourable Members to the effect that there should be a suitable machinery which would enable Government to take into their confidence representative elements of the House so that the proposals which the Government have in hand might be formulated and might be implemented with their assistance. Government have decided to appoint a Committee for this purpose, an *ad hoc* committee, for the purpose

of considering what measures should be taken to meet the problems created by devaluation and also to determine whether adequate progress is being made in the matter of implementing these proposals from time to time. Government have accepted the proposal made by honourable Members to that effect and I hope, with the approval of the Deputy Prime Minister to make a very early announcement of the composition and terms of reference to the Committee.”

In accordance with the promise made by the Government to the House, the Government of India in their Resolution dated the 29th October, 1949 constituted an *ad hoc* committee in the following terms:—

“The Government of India have decided to constitute an *ad hoc* Committee for the purpose of considering measures that should be taken to meet the problems created by the devaluation of the rupee and to review the progress made in the implementation of these measures.

2. The personnel of the Committee will be as follows:—

1. The Hon'ble Finance Minister.
2. The Hon'ble Commerce Minister.
3. The Hon'ble Minister for Industry and Supply.
4. The Hon'ble Food Minister.
5. The Hon'ble Minister for Parliamentary Affairs.”

Then, there are ten other members. At that time, it was unicameral Legislature which was in existence. Now, if a committee is constituted, it will have to be a Joint Committee of both the Houses. I earnestly plead with the hon. Finance Minister that he should follow this precedent and set up this committee because the mood of the moment is such that unless confidence is inspired, the Government will not be able to tackle the problem. I saw this morning a cartoon in a paper. There are two men facing each other. One of them is obviously a Minister, because he holds a file, the devaluation file. The caption is “I think we've decided on the follow-up action—a second devaluation.” Now, this is the temper that we

have to face in the country. Only three or four days ago, in a leading article in one of the daily papers of Delhi it was stated:—

“The original mistake was, of course, the failure to have thought out in detail all the elements of the post-devaluation situation and not to have provided all the relevant answers in advance.

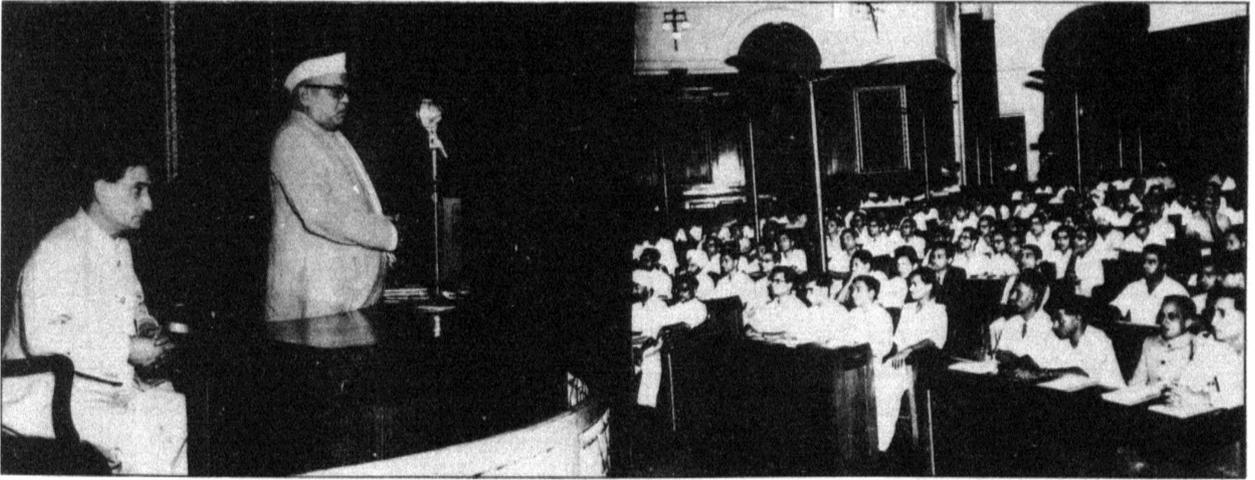
The difference to the mood of the country would have been enormous if all the related decisions had been taken in advance of devaluation and announced in quick succession within a fortnight of the decision.

Unless this miasma of inaction lifts, the psychological and actual advantages of devaluation would be irretrievably lost.”

I think a committee entirely composed of Members of Parliament will be of great advantage to the Government. Members of Parliament must be continuously kept in touch with the follow-up action. We have seen that when the Government and the Members of Parliament meet together, they stimulate the thoughts of one another. When we go into the inter-session period, all that contact will disappear. If the Government decides to accept this proposal, the Members will be able to bring up new ideas and will be able to test whether the Government is really earnest in the follow-up action, about which they have spoken from time to time.

PART FOUR

ARTICLES BY SHRI M.N. KAUL



At the Fifth Training Course with the Lok Sabha Secretariat Staff, 2 June, 1956.

(1) *Evolution of Administrative and Financial Autonomy of the Lok Sabha Secretariat**

The question of the financial control over the Secretariat of Parliament has been discussed from time to time since 1947. Mr. Speaker Mavalankar was of the view that Speaker was not only Head of the Legislature but represented the sovereignty of Parliament, and on that basis the Speaker's autonomy in his Department in all matters including finance should be recognised. He was of the opinion that the approach to the question of the Speaker's autonomy should not be legalistic or financial in a narrow sense of the word. Whatever may be the implications of the provisions in the Constitution, it was always open to the Government to come to an arrangement with the Speaker and recognise by convention his autonomy in financial matters. Having stated the position of the Speaker, he made it clear at the same time that he on his part was prepared to accept the normal financial rules and regulations and provisions in regard to the orders that were applicable to the Ministries and Departments of Government. In his opinion the autonomy of the Speaker did not imply the abrogation of normal checks, which the Speaker did himself gladly accept, as such acceptance on his part would assure not only Members of Parliament but all concerned that the Speaker's Department was being administered under normal provisions and normal checks were provided for.

The Speaker further made it clear that if he thought it necessary that there should be certain changes in the normal rules and provisions, so far as the Speaker's Department was concerned, these matters could be discussed first at the Secretary level, i.e. between Secretary, Lok Sabha and the Finance Secretary, and if it was unresolved or there was difference of opinion, the matter could be discussed between the Speaker and the Finance Minister. He felt that if a procedure of that kind was evolved there would be no difficulty in coming to a certain arrangement both from the point of view of autonomy of the Speaker and of the necessity of having normal financial control.

This position has now been accepted, and in point of fact has worked in a satisfactory manner.

Clause (1) of Article 98 of the Constitution states that each House of Parliament shall have a separate Secretarial staff. This provision carries the necessary

* Reproduced from the *Journal of Parliamentary Information*, Vol. IV, No. 2, October 1958, pp. 99-101

implication that as soon as such a separate Secretariat staff is created rules and regulations governing it should be framed in respect of all matters including financial matters. This is a specific provision of the Constitution creating a separate self-contained Secretarial staff for each House of Parliament, and therefore such staff does not form part of the normal Executive machinery of Government. Otherwise there would have been no need for a provision of this kind. This provision obviously means that each House of Parliament must have its own staff and if it is to have that staff, then financial and other provisions must be made for it. The Constitution does not expressly provide for making specific rules in this behalf and therefore no such rules have been made. Since, however, the President is the custodian of public money there has been an arrangement arrived at between the Government and the Speaker that the Secretary of the Lok Sabha Secretariat should have all the powers that a Secretary of a Ministry of the Government of India enjoys, and if the Speaker thinks that any change or variation in those powers is necessary changes to that effect can be made by agreement with the Government, and have in certain cases been actually made.

Under clause (3) of Article 98 of the Constitution, rules have been made in regard to the recruitment and conditions of service of the Secretarial staff of the Lok Sabha. These rules have been made by the President after consultation with the Speaker. In fact the rules were so framed as to give complete autonomy to the Speaker in the matter of recruitment of persons to the posts in the Lok Sabha Secretariat and to allow the same conditions of service to the staff as were in force in the case of Government servants of corresponding ranks, with such modifications as were considered necessary. For the future, power was given to the Speaker to determine such changes as he might consider necessary, with the only proviso that prior consultation with the Ministry of Finance would take place before any such change was made, thereby ensuring that, broadly speaking, the principle of equality between the Lok Sabha Officers and the corresponding Government servants would be maintained at all times. The rules also recognise the possibility that in certain circumstances the former might be treated in a preferential manner in respect of certain conditions of service in view of the peculiar position of the Secretariat and the nature of duties assigned to it.

One very important feature of the Conditions of Service Rules is that this is a self-contained code. The normal Government rules and regulations relating to services do not automatically apply to the Lok Sabha. The conditions of Service

Rules themselves state clearly as to what provisions of the Fundamental and other rules shall apply to the Secretarial staff of the Lok Sabha and then in regard to other matters, powers have been vested in the Speaker under rules 9 and 23. For instance, Government issue orders from time to time which either relate to conditions of service or are merely executive orders and are not embodied formally in rules and regulations. Now so far as the Lok Sabha Secretariat is concerned, where a Government order is treated as condition of service we issue our own order either adopting it *in toto* or modifying it after consultation with the Ministry of Finance. Even in the case of executive orders separate action is taken under rule 23 and we promulgate that executive order under our own provisions without consulting anybody. In other words no order of the Government automatically applied nor is the Speaker bound by such orders unless by his own decision and after consultation with the Ministry of Finance in the case of matters relating to conditions of service, he adopts the Government orders either *in toto* or with such modifications as may be considered necessary.

(ii) *Parliamentary Procedure Since Independence* *

There has been a tremendous advance in parliamentary procedure since Independence. The Central Assembly was a pale shadow of the present Parliament and although the various parliamentary forms were present then, they were sadly lacking in substance. Gandhiji, writing in his autobiography, spoke of the Central Assembly in the following terms:

“I have attended the proceedings of India’s legislative chamber only once in my life, and that was on the occasion of the debate on the Rowlatt Bill. Shastriji delivered an impassioned speech in which he uttered a solemn note of warning to the Government. The Viceroy seemed to be listening spell-bound, his eyes rivetted on Shastriji as the latter poured forth the hot stream of his eloquence. For the moment it seemed to me as if the Viceroy could not but be deeply moved by it, it was so true and so full of feeling.

But you can wake a man only if he is really asleep; no effort that you may make will produce any effect upon him if he is merely pretending sleep.

* Reproduced from *The First Parliament (1952-1957): A Souvenir*, New Delhi. Lok Sabha Secretariat, 1957, pp. 27-35.

That was precisely the Government's position. It was anxious only to go through the farce of legal formality. Its decision had already been made. Shastriji's solemn warning was, therefore, entirely lost upon the Government."

It is well known that the old Central Assembly was not a sovereign body; and its subordinate character can best be illustrated by examining the procedure that it followed. The old Central Assembly could make standing orders relating to the conduct of its business; but these standing orders were subject to the approval of the Governor-General. The Standing Orders could be superseded by rules made by the Governor-General with the approval of the Secretary of State. Thus, there was a fundamental curb on the sovereignty of the Assembly. The first attribute of sovereignty of an Assembly is that the Assembly should be master of its own procedure and should not be subject to any limitations by any authority outside itself. In this process of dual control, the Central Assembly had to suffer many indignities. The President of the Central Assembly could admit questions on Foreign Affairs, Defence, and Communications only with the prior consent of the Governor-General. Where a question was inconvenient, the Governor-General could withhold his consent. The Governor-General could set at nought the authority of the President or the House by declaring that the discussion of a resolution, motion or an adjournment motion was against the public interest or was not the concern of the Governor-General in Council and it could not therefore be debated in the House. Whenever the President of the Central Assembly claimed an inherent right of Presiding Officer of a deliberative body, the Governor-General promptly made a rule to take away the power so claimed by the President. The classic example is President Patel's ruling on the Public Safety Bill when he declined to place the motion before the House because he felt that as the subject-matter of the Bill was *sub judice* he could not properly regulate the debate on the Bill. Promptly came the retort from the Governor-General in the shape of a new rule that the President could not decline to place a motion or to put a question once a motion had been moved. Happily, this rule and other restrictions on the powers of the Speaker contained in the rules, of which a few have been mentioned above, were deleted from the rules immediately after independence.

Position of Committees

Like the House, the Committees of the House were also kept under the control of the Government. The Public Accounts Committee was presided over by the

Minister of Finance and its Secretarial functions were discharged by the Ministry of Finance. The Finance Minister as Chairman of the Committee could always rule out any inconvenient question or any criticism which a member proposed to make at a meeting of the Committee. The Chairman could direct his officers not to make a mention of any unwanted suggestion in their report, even if a discussion had been permitted in the Committee. When these restrictions were removed after the Constitution came into force and the Public Accounts Committee came under the control of the Speaker with a private member as its Chairman and its Secretariat became answerable to the Speaker through the Chairman, the Committee made the following observations in its First Report:

“Consequent on the coming into force of the Constitution of India, one of the important changes that have occurred in the status of the Committee is that it has become a Parliamentary Committee with its own Chairman under the control of the Speaker and is assisted by the staff of the Parliament Secretariat. This has enabled the Committee to function in a freer atmosphere and to offer its criticism in an unrestricted manner.”

Establishment of Independent Financial Committees

The Central Assembly agitated for many years for the establishment of an Estimates Committee. Year after year discussions took place, but the Government would not agree to its constitution on any lines other than those proposed by them. The House wanted an independent Committee, but the Government wanted a Committee to be dominated by executive control so that it could be kept in bounds. Parliament owes a great deal to the sagacity and foresight of Dr. John Matthai (the then Finance Minister) who, after the coming into force of the Constitution, recognised the supremacy of Parliament in the affairs of the country and the paramount role of the Speaker as the pivot round which parliamentary democracy should grow from strength to strength. He at once declared his intention that he would not preside over the meetings of the Public Accounts Committee and handed it over to the Speaker to organise its work in such manner as he thought fit. He also readily agreed to establish an Estimates Committee in this country under the control of the Speaker. He attended the inauguration of the Estimates Committee and made the following observation:

“I look upon the Estimates Committee as one which is going to be an Economy Committee sitting so to speak continuously. But there is a further

difference between the Estimates Committee and the *ad hoc* Economy Committee that we had appointed a little more than a year ago. Besides working continuously in the direction of effecting savings, the Committee was appointed at the instance of Government. This Estimates Committee is appointed by Parliament and it is responsible to Parliament under the general direction of the Speaker. Therefore, the responsibility which rests upon this Committee and the scope of usefulness before this Committee are very substantial. In saying this I wish to impress upon you the very heavy responsibility which rests upon this Committee. Now, as I look at the future of this Committee and its usefulness to Parliament and to Government, it will depend a great deal very largely on the lines of work laid down by this Committee and the traditions that it establishes in the course of its work during the current year. On that will depend very largely the extent to which this Committee will be able to discharge the responsibilities which Parliament has placed upon it.

* * * *

There is an obligation on Government to give the fullest possible weight to the recommendations of the Committee. From Government's point of view, the report of this Committee is a yard stick by which Parliament can judge the expenditure proposed by Government. At present we have not got a real yard stick."

While presenting the budget, he spoke as follows:—

"Personally, I am looking forward to the work of the Estimates Committee because I think, in two directions it is going to exert a healthy influence upon the course of public expenditure. In the first place, the suggestions and criticisms which may be made by the Estimates Committee would, in my judgment, give a very useful direction and guidance to the Government in the matter of regulating expenditure. Secondly, I think the knowledge that the expenditure of Government and of the various Departments of Government would be examined in detail by an independent authority set up by the House would, I am certain, act as a deterrent on extravagance in public expenditure.

* * * *

The Estimates Committee being a Committee of Parliament, if hon. Members will examine the Rules of Business they will find that the Estimates Committee is expected to work under directions given from time to time by the Honourable the Speaker. This Committee is responsible to Parliament. Its Report is placed before Parliament, whereas the Standing Finance Committee is simply an Advisory Committee appointed on the initiative of Government. If you compare the relative dignity of the two Committees, may I suggest that the Estimates Committee is a Committee with a great degree of dignity.”

Time has shown that the Financial Committees have done useful work which has been recognised not only by Parliament and the Press of the country but also by foreign critics and experts. In a free atmosphere, the Committees have taken a dispassionate and objective view of matters coming before them and have contributed in their own way to the growth of parliamentary democracy in India on sound lines. These Committees have shown abundantly how laymen unacquainted with the administrative machine can evaluate the work of Government, which in many ways has become highly complex and technical in character, if they approach their task objectively and put in hard labour, study facts and apply common sense to the solution of the problems.

* * * *

Prior to 1947, the procedural devices whereby Members could bring up matters of urgent public importance for discussion were very few. They had, therefore, to resort to one rule on the subject, namely adjournment motion. In those days, adjournment motions were not regarded as amounting to censure motions, because the Government was not responsible to the House. In the Central Assembly, therefore, the practice developed that all matters of any consequence were brought for discussion on adjournment motions. The President of the Assembly had also to construe the rules not on the basis of strict parliamentary conventions or usage but in the light of the prevailing conditions. A Member or a group of Members wanted to discuss a matter which was on the face of it important and urgent and demanded ventilation of grievances on the floor of the House and there was the difficulty of procedure which did not permit of discussion on such matters in a way other than on an adjournment motion. Therefore, the President invariably permitted discussion by means of adjournment motions. The practice had become so deep-rooted that when Parliament became sovereign and Government became responsible to it, Members did not

realise that a change had taken place and that it was no longer appropriate to bring matters for discussion on adjournment motions. The rules were also partly at fault. At that time the rules had not been so revised or enlarged to permit of other normal parliamentary opportunities for discussing such matters. Therefore, a period of great stress and strain between the Presiding Officer and the Members ensued—Members wishing to discuss matters and bringing them on adjournment motions, and the Speaker resisting the method of approach as he thought that it would not be conducive to sound parliamentary procedure. Speaker Mavalankar therefore took an early opportunity of explaining the role of adjournment motions in the new set-up. In his famous ruling in the case of Mir Laik Ali, he stated as follows:

The crucial test always is as to whether the question proposed to be raised has arisen suddenly and created an emergent situation of such a character that there is a *prima facie* case of urgency and the House must therefore leave aside all other business and take up the consideration of the urgent matter at the appointed hour. The urgency must be of such a character that the matter really brooks no delay and should be discussed on the same day that notice has been given.

* * * *

Simultaneously, he thought of widening the opportunities whereby Members could bring up these matters for discussion in other ways.

Half-an-Hour Discussion

The first liberalisation took place in introducing Half-an-Hour discussion. Its scope is limited; it only permits discussion on a subject where a Member feels dissatisfied with the answer given to a question. Nevertheless it opens out a way to him to ventilate grievances if he is dissatisfied with an answer or the answer is inadequate or if he wants to place any further matters before the House in connection with that subject.

Discussions of Short Duration

Then came the rules relating to discussions of short duration. It is provided in the rules that a matter of urgent public importance can be discussed for a short time not exceeding two and a half hours in duration provided the Speaker admits

the notice on grounds of urgency and public importance and the Government agrees to find time. Although in a sense it serves the same purpose as an adjournment motion, it is different in some ways. A motion invoking a decision of the House is not drawn up and there is no decision of the House thereon. A subject or a motion calling for discussion only is put down for discussion and Members place before the House their points of view and Government make a reply. The respective points of view having thus been stated the air is cleared and no definite decision is recorded. Consequently, there is no question of censure of the Government. This procedure has been further strengthened with a provision to the effect that such a notice can be notified in the Parliamentary Bulletin as soon as it is admitted by the Speaker and before any time is found by the Government in order to test the support of the other members of the House thereon. Such notices are circulated under the heading 'No-Day-Yet-Named Motions'. Those Members who wish to support these notices append their names to them and such names are notified from time to time for the information of Members in the Parliamentary Bulletin. When a large or a considerable number of Members support a particular motion, Government naturally finds time for discussion.

Calling-attention Notice

It was found that these devices were still inadequate and Members felt that there were some matters of extreme urgency which could not be brought before the House in time under the process stated above and they still resorted to the device of adjournment motion. The matter was considered at length by the Rules Committee and then a procedure for notice of 'Calling Attention' was devised. This enables Members to raise the matter immediately if it is admitted by the Speaker. Government has to give an answer immediately or they can ask for time to make a statement.

These devices have helped in a considerable degree the smooth running of the parliamentary business. Members now know that they can get a ready answer to an urgent matter and they need use the procedure relating to adjournment motions only when something has gone radically wrong which calls for an indirect censure of Government.

Differences between British and Indian Procedure

It is generally assumed that our Parliamentary procedure is a copy of the British procedure. On closer examination one would find that in a number of matters we have departed from the practice in the House of Commons. There are many

differences in detail which are of importance. We have made our own experiments and adopted new ideas. On this question of drawing upon the procedure obtaining in the House of Commons, Speaker Mavalankar has stated the position in these words:

“.....Though I respect English precedents in the House of Commons, I feel that we should not feel ourselves bound to accept a thing as correct or proper because they accept it as such in England. The English precedents have in some cases a historical background, and therefore, they have some peculiar conventions. We have no such background so far as our Constitution and Legislatures are concerned. We have, therefore, to create our own precedents and traditions though we should respect and derive strength from English precedents. As illustrations of human experiences, they are of a special value but not for guidance in matters peculiar to our situation.”

It would be impossible to describe in detail within the compass of this short article the differences between the U.K. and Indian procedures; but a few examples may be cited to illustrate the point.

In the House of Commons, the Speaker comes to the House in procession every day; he wears a gown and wig while presiding; the daily proceedings begin with a prayer conducted by the Speaker and Chaplain of the House; the authority of the House is represented by a mace; matters of great importance are discussed on such omnibus motions “that the Speaker do leave the Chair” or “the House do adjourn”; orders made by Government can be annulled on “prayers” addressed to the Crown; orders of the day must be disposed of the same day no matter how long the House may have to sit, such sittings going generally far into the night, sometimes lasting whole nights; Bills are referred to Standing Committees of the House which are open to the Press; the budget is presented in instalments—estimates of the expenditure being presented first and the taxation proposals a few weeks later; Bills and Budget are considered by Committees of Whole House.

On the other hand, in India, we have no Speaker’s procession, no mace, no wig and gown for the Speaker, no prayers, no Committees of Whole House, no rigidity about the orders of the day; our sittings begin and end at specified hours, undisposed of business being carried forward; Bills go to the Select Committees which sit in private; matters are discussed on specific motions drawn up in

precise terms; whenever a subject is for discussion only and no decision is required to be taken thereon, the subject matter is put down in the List of Business; Orders made by Government can be annulled or amended on specific motions; Budget—*i.e.* both estimates of expenditure and the taxation proposals—are presented together to the House.

The Indian procedure can claim to have to its credit pioneer work at least in two important directions—(a) conduct of business according to precise time-table, and (b) the follow-up of the directions given by the House and ensuring that the various assurances, promises, undertakings, given on the floor of the House have in fact been carried out.

Business Advisory Committee

The first one has become possible by instituting a Business Advisory Committee of the House. This body represents all sections of the House. Its decisions are generally unanimous. It aims at objectivity and displays reasonableness and moderation in its discussions. Its function is to allocate time to the various Bills and other measures which Government bring before the House from time to time. Its success lies in its flexibility. Whenever there is no unanimity on the time-limit for a measure, the Committee generally agrees upon the minimum acceptable to everybody and authorises the Speaker to increase the time if after considering the trend of discussions in the House he feels that more time should be provided for a particular business. Rules also provide that even where a specific allotment of time has been made by the House on the recommendations of the Committee, the Speaker may, after consulting the Leader of the House and the Committee, ask the House to revise its earlier decision if in his opinion it is necessary to give more time for the discussion of a particular subject. This has set a great tone to the proceedings of the House and provided a relief to everybody from the great stress and tension which used to be noticeable before the advent of the Business Advisory Committee. There used to be uncertainty about the business of the House. The Speaker was called upon to determine in each case when a debate should end unless it ended itself by natural exhaustion. Now one can reasonably foresee when an item of business would terminate. Under the present procedure, it is the House which determines the length of a debate and this saves the Speaker from blame. Above all, this helps the Government in a great measure to plan in advance the disposal of business. It is now known fairly early in a session what measures would get through during the session within the time available and how their priority should be deter-

mined. This also ensures proper arrangement of business between the two Houses. The political parties also know what time will be available for them and they plan in advance, what number of members should be put up and in what order. Members can also plan their engagements in advance. There is also proper allocation of time between important and ordinary items of business.

Committee on Assurances

As to the second matter *viz.* checking whether the directions have been carried out and whether assurances, promises, undertakings, given on the floor of the House have been implemented, the House has set up under the Rules of Procedure a Committee on Assurances. This is a parliamentary committee which functions under the control of the Speaker. The functions of this Committee are to see whether all promises, assurances, undertakings, etc. given on the floor from day to day have been carried out and if so whether they have been implemented in reasonable time and in the manner in which the House desired their fulfilment. The Committee is required to report to the House on these matters from time to time. The constitution of this Committee has brought reality to the proceedings of the House. Formerly, it was left to each individual Member to keep a watch whether promises had been implemented. Some Members took upon themselves voluntarily to enquire by means of questions what action had been taken. Obviously a Member could not be expected to keep an eye on everything that was said or promised and he naturally confined himself to matters in which he was interested. There was no obligation on the part of Government to make a report to anybody and it was left to their good sense to follow up the promises given on the floor of the House. In this state of affairs, some important matters were delayed, some escaped attention and in some cases where the Ministers were lavish in giving promises on the floor of the House, it was difficult for the administration to implement them. The formation of the Committee on Assurances has helped not only to keep a vigil on the administrative efficiency, but has also helped in removing many of the defects inherent in the previous system. The Ministers now are careful in giving promises and the administration is prompt enough to take action on the promises given. There is also machinery at the Secretariat level which helps the Committee in going through the mass of parliamentary debates and in culling out all the assurances and promises, in compiling statements of delays or inadequate action. In their earlier reports, the Committee had some scathing remarks to make and the result has been very satisfactory. The various Ministries of the Government are now conscious of their duties towards Parliament.

The Committee had also to lay down procedures and principles as there were no precedents from which they could draw their guidance. They settled the forms which constituted assurances; they showed by examples how implementation of an assurance could not be deemed as adequate and what time limits were necessary for fulfilling the assurances.

Effect of Parliamentary Committees on the Administration

Not only has the Committee on Assurances brought to bear the influence of Parliament on the administration, but there are several other organs which have helped in establishing the authority of the House and ensuring proper regard for its decisions. Other Committees such as the Estimates Committee, Public Accounts Committee, the Committee on Subordinate Legislation and the Petitions Committee make a number of recommendations after studying intensively the problems before them. They gather a lot of material and hear expert evidence and frame conclusions. Such conclusions which are in the form of authoritative recommendations are intended to improve the tone of administration, to avoid wastes, to improve efficiency and quality of work. As these Committees deal with a great mass of details and technical matters, it has not been found workable to subject their reports to debates in the House. It has been felt that the House should concern itself with major matters of policy and leave the details to be settled between the Committees and the Government. Government are conscious of the importance of these Committees and derive benefit from the valuable material that they produce. They have given due and adequate consideration to the recommendations of the Committees and have tried as far as possible to meet the wishes of the Committees and to implement their recommendations. The Committees on their part have been alert and watchful and have introduced adequate procedures to ensure that their recommendations are considered and where they are not implemented the Committees are apprised immediately of the reasons for non-acceptance of their recommendations. The Estimates and Public Accounts Committees have each set up standing sub-committees to keep a constant watch on the progress of implementation of the various recommendations made by them and report to the main Committee from time to time. The Committees in turn keep the House informed of the progress and bring to the attention of Parliament the unresolved differences between the Committees and the Government on any particular matter for the final decision of the House. The Committee on Subordinate Legislation and the Petitions Committee similarly keep a watch on the implementation of their recommendations and make a report to the House from time to time. This

procedure saves parliamentary time for the discussion of important matters and also prevents the House from being lost in details and thus losing its hold on matters of policy and broad principles.

Raising of Points of Order

There is yet another matter in which our Rules of Procedure can be said to contain the result of an advanced research done in our country. It is with reference to point of order. Our rules are the only rules which contain a definition of the point of order and also precise circumstances in which a point of order can be raised. The Speaker was faced with a crop of points of order which according to well established parliamentary procedure could not be said to be points of order. Nevertheless, there used to be a sort of tension between the Members and the Speaker whenever a point of order was raised not because there was any desire on the part of the Speaker not to allow a point of order, nor because the Members were not agreeable to abide by his decision. The difficulty arose as a point of order was raised at any time and on any matter. The present Speaker, Mr. Ayyangar, thought over this matter and felt that something should be done to put the matter on a satisfactory basis. Some years ago, when acting as Speaker during the absence of Speaker Mavalankar, he called a meeting of the leading Members of the House and discussed with them in great detail the various aspects connected with a point of order. Eventually a comprehensive rule was framed the salient features of which are as follows:

- (i) A point of order shall relate to the interpretation of enforcement of the rules or such Articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.
- (ii) A point of order can be raised only in relation to the business before the House at the moment; but the Speaker may permit a Member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in or arrangement of business before the House.
- (iii) A Member may raise a point of order; but the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final.

- (iv) No debate shall be allowed on a point of order, but the Speaker may, if he thinks fit, hear Members before giving his decision.
- (v) A Member should not raise a point of order which may be hypothetical or which asks for information or which explains his position or when a question on any motion is being put to the House.

The rule is so comprehensive that ever since it was made there has been little trouble in its application.

Parliamentary Democracy in the Atomic Age

In the parliamentary sphere as in scientific, economic and financial spheres, there have been inventions of fundamental importance. The concepts of a meeting, quorum, Presiding Officer, agenda, moving a motion, putting a question, closure, rules of debates, contempt of Parliament, etc. are inventions of the highest importance and on these rest the sure foundations of a highly developed parliamentary democracy.

There are fine concepts which form the strongest roots of sound parliamentary systems. On these can arise a superstructure which will give inspiration and guidance and keep the people steady on moral and righteous path. Forms, decorum and ritual add to its grandeur and sacredness. The Prime Minister has said that such institutions where people meet and discuss the problems peacefully and produce solutions are modern temples.

Research scholars tell us that these basic concepts also prevailed in the ancient Indian republics. The modern parliamentary procedure in its ancient forms has been traced to those early times of which our country is so proud. It is this age-old inherent strength in our parliamentary system which has run through our blood all these centuries that makes us believe so firmly in parliamentary democracy to which we have taken so easily, smoothly and which we love so dearly that people of other countries wonder how we could conduct such vast programmes of elections, unknown to any country, so peacefully, from the very start of our recent independence. The contrast becomes more evident when we see our neighbours and other experienced countries finding it difficult to adjust themselves to parliamentary democracy so quickly.

The most important question today before the country is "Will Parliamentary Democracy answer the needs of Atomic age?". Thinkers and philosophers are

trying to investigate how parliamentary democracy will work in the new era. Prof. Toynebee speaking at the Sapru House under the auspices of the Indian School of International Studies, made certain profound observations on this very subject. He felt that if parliamentary democracy was to survive in the atomic age it must undergo a radical transformation. Our Prime Minister writing a foreword to the Journal of Parliamentary Information posed the same question and gave his answer too. He said:

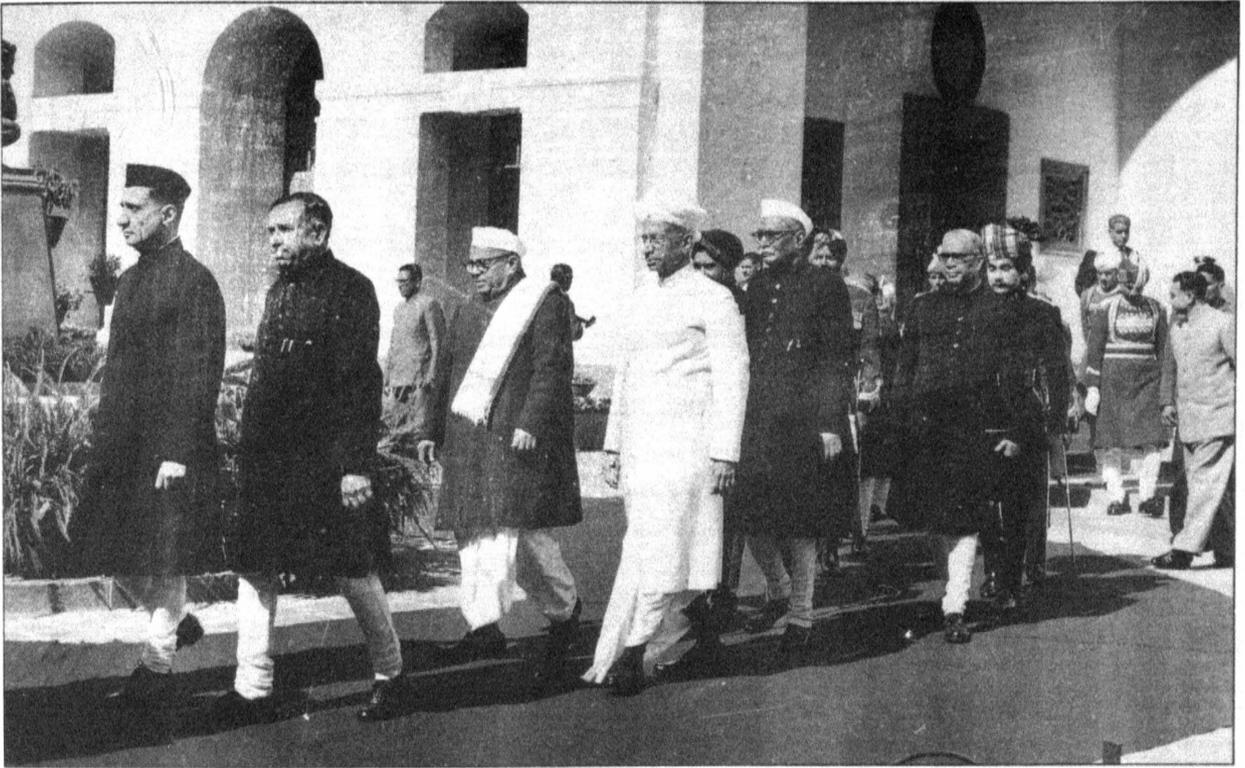
“The development of technology has tremendous problems, among them, the problem of securing individual liberty in the context of the highly specialised and centralised administrative and other machinery which has become inevitable today. Without that specialised machinery we cannot function as an efficient and prosperous nation. Without individual freedom, we lose what is of the greatest value in life.

The development of technology has again led to problems of colossal magnitude. In the final analysis, this development is embodied in the hydrogen bomb, and the vital choice before the world is great progress on co-operative lines or conflict and utter destruction.

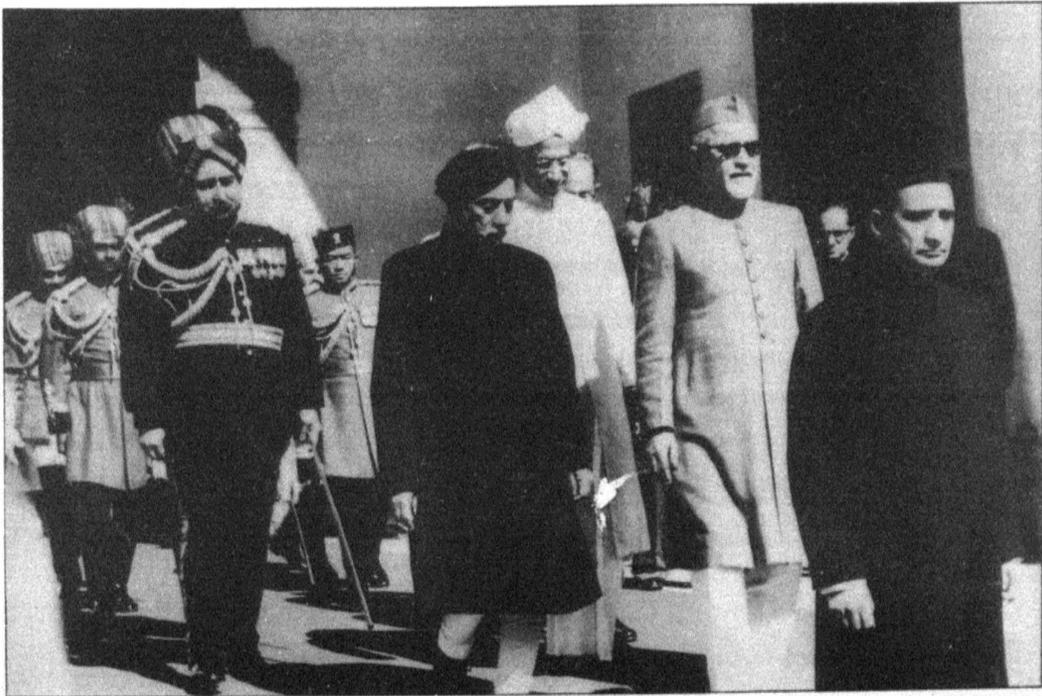
“How then will the parliamentary system face these problems? I think that it will face them successfully and triumph in the end”.

It is obvious that a good deal of deep thinking will have to be done if parliamentary democracy is to come out triumphant in the New Age. A most important phenomenon of the New Age would be that matters would have to be discussed and settled so swiftly and so perfectly that the present procedure will have to be altered radically in some respects to aid in this process. There will be no place for huge arrears of parliamentary business, no time for the whole House to go into details. There will be more emphasis on specialisation, study of facts to the minutest detail and selection of the right persons for the right job. The present system of law-making may also have to undergo a radical change.

It is sometimes said that the method of persuasion is slow and the method of dictatorship is quick. From my experience of the working of parliamentary system, I can safely say that it is an erroneous belief. The method of persuasion may relatively speaking take longer time, but is bound to give rich dividends in terms of real values. After all, time is not to be measured only by the quantity of time that it takes to execute a policy but by the impact of action resulting



In the Presidential Procession, 14 February, 1961.



In the Presidential Procession, 18 February, 1963.

therefrom. If the effect is abiding, soothing and elevating, resulting in the happiness and well-being of people, raising of moral standards, giving poise to the growth of a nation, making it ethically stronger, bringing out the good in human nature in the shape of fine arts, literature, philosophy and science, it will have been a true achievement of a more permanent kind.

(iii) *Future Parliamentary Activities: Parliamentary Procedure and Practice**

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

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

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

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

Committee of the Whole House to deal with amendments to Bills

We should have a Committee of the Whole House to deal with amendments to Bills. A less rigid procedure is required when a Bill is being considered clause by clause and amendments are discussed. Even today the atmosphere on such occasions is that of a Committee. It is necessary to give this a formal shape so

* Reproduced from *The Journal of Parliamentary Information*, Vol. II, No. 1, April 1956, pp. 37-40.

that the rules which otherwise govern proceedings in the House might be relaxed in some directions to make the proceedings on the discussion of amendments more businesslike. For instance, a Member may not be prevented from speaking twice on the same question, the full quorum of the House may not be insisted upon and speeches might be shorter and to the point so that more work is transacted in a businesslike manner.

Legislative Committees

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

Financial Committees—Formation of Sub-Committees

Similarly in the field of finance the House should discuss questions of policy and principles rather than details. At present, we have two Committees which consider and scrutinise the estimates and accounts in detail. But the work involving scrutiny of estimates is of such considerable dimensions that in a given year a small portion of the field is covered and a large number of estimates escape detailed scrutiny every year. It is, however, important that there should be close parliamentary control and check on the finances, and hence the device of

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

Discussion of subjects and matters of importance

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

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

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

known at a time when public feelings are running high and there is need that they are soothed and fears are allayed. Perhaps, the Rules Committee may apply its mind to the problem and give guidance to the House. The suggestion that there should be a large representative Committee of the House which could be called at short notice and at which matters of importance could be discussed in open session deserves consideration.

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

There are some matters on which pronouncements cannot be made at the time when matters are secret or are not ripe for public discussion. Sometimes matters are still in the stage of negotiation or decisions are in the course of formulation and yet public mind is agitated or Members feel concerned over how things are going and what shape they are likely to assume. Government also sometimes require guidance and wish to know how parliamentary mind is moving or thinking. At present there is no satisfactory procedure whereby these two objectives can be met. A solution can be found by having small Committees consisting of all shades of opinion and well versed in particular subjects—say foreign affairs, defence, or economic matters. Such Committees can be formed under the Speaker's control and Ministers can address them from time to time giving them within permissible limits the background material and an idea of the events that are taking place. The views of Members on a particular project can also be ascertained. Such Members who have made a deep study of the subjects will be in a position to understand and to advise. The element of secrecy will also be maintained. Their advisory character will be ensured because their opinions will not be binding and Government will be free from embarrassment because they will not be required to make commitments of any sort. The Speaker's control would ensure that the Committees are Parliamentary Committees, the proceedings are privileged and nothing that is said at such Committees would be published or discussed outside. At the same time, it will be ensured that minorities have a fair deal and all the rules of decorum and form are observed.

Budget discussions to be spread over a long period

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

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

(iv) *My Impressions about the Working and Achievements of the Public Accounts Committee**

Having been associated with the Public Accounts Committee for many years, both before and after Independence, I am glad to record briefly my impressions on the occasion of the celebration of 50 years of work by the Public Accounts Committee.

My first contact with the Public Accounts Committee was in the year 1937, when it functioned with limited powers and this state of affairs continued till the year 1950, when after Independence, powers of the Committee were expanded and it was converted into a true parliamentary committee, presided over by a non-official Chairman, worked under the control of the Speaker and was assisted by the parliamentary staff. Later, Members of Rajya Sabha were also associated with this Committee.

I have written at length about this Committee in my books and publications and also spoken on various occasions, when there were Conferences of the Chairmen of Public Accounts Committees of the Parliament and the State Legislatures. It is not necessary to summarise all that I have said. I have no doubt that members

* Reproduced from the *Golden Jubilee Souvenir, Public Accounts Committee, 1921-71*, pp 63-66.

of the staff who deal with this Committee and Members of Parliament who work on this Committee will contribute articles and deal with various aspects of the work of this Committee.

Lok Sabha, having voted large sums of the tax-payers' money, does, in the interest of the tax-payers, expect in due course a detailed account of how the moneys have been spent. It must satisfy itself that the moneys so voted were directed to the intended purpose and were spent prudently and economically. The Comptroller and Auditor-General examines the yearly accounts of the Government and after scrutiny certifies the accounts, subject to such reservations as he chooses to make, and submits his reports to the President, who causes them to be laid before Parliament. It is difficult, if not impossible, for Lok Sabha to examine in detail the accounts which are complex and technical; further it cannot spare the time required for such examination. Lok Sabha has, therefore, constituted a committee—the Committee on Public Accounts—and entrusted it with the detailed examination of those accounts.

The Reports that the Committee has submitted from time to time and particularly since Independence have brought to light a number of irregularities and cases of losses to public exchequer. These Reports are quickly noted in the Press and commented upon and special debates are also held in Parliament. These irregularities and losses to public exchequer come to the notice of Parliament late. I feel that there is scope for expediting the Reports of the Comptroller & Auditor General, on which the work of the Committee is based, and also the Reports made by the Committee. It is a *post-mortem* examination; nevertheless it serves a useful purpose, because the Ministers and the officials are always conscious that whatever decisions they may take, if there are financial implications, the matter is bound to come before the Public Accounts Committee. It is this concurrent consciousness that their work will come to light one day that exercises a check on the Administration. So, the very fact that the Public Accounts Committee exists exercises control over the Administration.

The new features that have emerged after Independence, which provide for the formation of Sub-Committees and Working Groups and On-the-Spot Study Groups, have given the members an insight into the working of the Administration, and it necessarily equips them more effectively for the discharge of their duties as Members of Parliament.

One fact that has been of great importance is that no formal minutes of dissent are permissible. This has given the Committee the character of a non-political

body, which examines all matters that come before it on merits. The entire approach is to lay bare the defects of the Administration impartially and not from any party's point of view. This has made the Committee more powerful and it has become more and more difficult for the Government to depart from the normal practice of implementing the recommendations. In a small number of cases, where there is unresolved difference of opinion between the Government and the Committee, both points of view are presented before Parliament, and it is a breach of parliamentary propriety for the Government to make known their dissent without, at the same time, inviting reactions of the Committee, so that the entire matter comes before Parliament.

Unlike the Estimates Committee, the Public Accounts Committee has this advantage, that it has the Report of the Comptroller & Auditor-General before it. That gives a good basis for the Committee to work upon. It is, however, open to the Committee to call evidence and throw new light on the matters with which they are dealing. Ultimately it is the work of the Members of the Committee themselves which counts. The parliamentary staff gives considerable assistance in arranging the material and placing it before the Committee in a convenient form. I have always felt that it is the evidence before the Committee that is most important. When I sat with the Committee, I found the evidence as the most vital part. It is for the Chairman and the Members of the Committee to bring out all matters and the more they study, the more are the facts that they elucidate from the witnesses and the greater is the strength of their recommendations. It is for the parliamentary staff to watch the entire proceedings and submit to the Committee the gist of the whole matter, not to invent something of their own but to give an intelligent draft of the mind of the Committee. In that sense the work of the parliamentary officials is important, but the work should be so regulated by the Chairman, and the staff should assist in such a manner that everybody feels that the Report that is produced, which may be written initially by the officers and vetted by the Chairman and Members, does really represent the mind of the Committee. If that impression gathers strength, the Committee gains in value and importance.

In the end, let me record that although before Independence the Committee was partly elected and partly nominated, and its powers were limited, and it was presided over by the Finance Minister himself, it nevertheless rendered great service in those difficult times. The Committee was able to do so, because of the Independence, integrity and competence of some of the non-official members who were on the Committee. There is one name which I must recall and that is

Shri Satyamurti who, by his devotion not only to the parliamentary work but the Public Accounts Committee rendered great service. It was his passion to enhance the reputation of this Committee, and by his intensive studies and rigorous examination of official witnesses, he not only struck terror in the minds of officials but established his own reputation and that of the Committee. As a parliamentarian of first importance he showed that whatever be the powers of the Committee, it was men who composed it who could extract the maximum out of it. It was rumoured at that time that a few officials, who were not stout-hearted, took leave in advance of the meetings of the Committee so as to escape the examination from Shri Satyamurti. Such was the impact of the Committee on the Administration even in pre-Independence days.

The Public Accounts Committee is an important instrument of the parliamentary framework and its effectiveness ultimately depends on the qualities of members, their impartiality, their deep knowledge and their devotion to duty.

I must record that the Chairmen of Public Accounts Committee from time to time and its members have rendered signal service to Parliament.

(v) *Position and Functions of the Deputy Speaker**

With the advance of Parliamentary Democracy in India the office of the Deputy Speaker has grown in importance and after the enforcement of the new Constitution in 1950, the Deputy Speaker has come to acquire a more prominent position.

Constitutional Position

The office of the Deputy Speaker in India is as old as the Central Legislature itself. Till 1947, however, the holder of the office was known as Deputy President, but in 1948, when the office was revived, the designation was changed to Deputy Speaker.

The office of the Deputy President was provided for under the Government of India Act, 1919, section 63C(2) of which stated as follows:—

“There shall be a deputy president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and

* Reproduced from *The Journal of Parliamentary Information*, Vol. III, No. 2, October, 1957, pp. 145-148.

who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.”

Section 22 of the Government of India Act, 1935 laid down the following provisions concerning the Deputy President:

- (1) He was to be chosen by the Federal Assembly as soon as may be and so often as his office became vacant.
- (2) He was to vacate his office if he ceased to be a member of the Assembly. He could resign his office by writing under his hand addressed to the Governor-General and could be removed from office by a resolution of the Assembly passed by a majority of all the then members of the Assembly.
- (3) While the office of the Speaker was vacant, he was to perform the duties of the Speaker, and during the absence of the Speaker from any sitting of the Assembly, he was to act as Speaker.
- (4) He was to be paid such salary as might be fixed by the Federal Legislature.

The above provisions, however, never came into force.

The transitional provisions relating to the functioning of the Central Legislature as contained in paragraph 63 of the Ninth Schedule to the Government of India Act, 1935, remained in force till the 14th August, 1947. Section 22 of the Government of India Act, 1935 was brought into operation after Independence by the India (Provisional Constitution) Order, 1947 issued by the Governor-General on the 14th August, 1947, under the Indian Independence Act, 1947, but provisions relating to the Deputy Speaker contained in it were omitted.

During the Second Session of the Constituent Assembly (Legislative) which commenced on the 28th January, 1948 need was felt for having a Deputy Speaker to preside over the sittings of the Assembly in the absence of the Speaker and necessary amendments were made in the Rules of Procedure of the Constituent Assembly (Legislative) on the 1st May, 1948 to revive this office.

The Constitution of India contains provisions relating to the Deputy Speaker analogous to Section 22 of the Government of India Act, 1935 except that under article 112(3)(b) his salary is now charged on the Consolidated Fund of India and that he has to address the letter of resignation to the Speaker and not to the President.

Position of the Deputy Speaker

The question regarding the position and functions of the Deputy Speaker was raised as early as 1921. On the 1st September, 1921, the President of the Assembly, Sir Frederick Whyte, made *inter alia* the following observations regarding impartiality of the Deputy Speaker:

“The Assembly must create its own precedents and traditions to establish and to protect the impartiality of the Chair and pending the evolution of these traditions we can rely upon the individual discretion of the Deputy President himself.

It has been suggested to me, from more sources than one, that the analogy of the House of Commons—if properly followed—would compel the Assembly to forbid the Deputy President to take part in ordinary debate and thus preserve the impartiality of his official character.

In point of fact, the House of Commons has no Rule nor Standing Order which forbids the Deputy Speaker—better known as the Chairman of Ways and Means—to take part in debate; but the conditions of his office and the established tradition of the House effectively preclude him from doing so.

In the matter of the analogy between the Deputy Speaker and the Deputy President, I would suggest to the Assembly the desirability of following faithfully the spirit of Westminster but of modifying to its own needs the letter of House of Commons practice.

It is for this Assembly to evolve its own practice, and to establish its own institutions for the discharge of its duties as a legislative body. Your Deputy President carries upon his shoulders the obligation to uphold the even-handed impartiality of the Chair even when he himself is not the occupant of it. That obligation is laid upon him by the will of his colleagues when

they elect him; and it should ever be his first care to observe it. It must be obvious to those who survey his position that he does not and cannot enjoy perfect freedom to take part in debate, and in accepting election to the office he also accepts the sacrifice of many otherwise tempting Parliamentary opportunities. The fact of his election singles him out from the ranks of the Assembly as one—one among many perhaps—whose qualities inevitably give him eminence. In some sense, therefore, he is to be regarded as a leading personality, whose voice the Assembly would not willingly silence. Hence my reluctance to shackle his discretion by any iron rule; and as I do not propose to anticipate the remote and improbable occasion of indiscreet action on his part, I will not even adumbrate the appropriate action of the Chair or of the Assembly in that event.

At the same time I will not conceal from this House the conviction which is growing in my mind, that in the not very distant future, it may be found desirable to place in his charge some of the functions which naturally fall to officers directly responsible to a Legislative Chamber. By this means his office would grow in importance, and the Assembly will gain by securing greater control over the whole field of its work.

To those—and I have direct evidence that they are not a few—who are somewhat perplexed by the contrast between the intrinsic importance of the Deputy's office and of its present appearance as that of a sinecure, I would say that many great results have emerged from lesser origins, and that in any case, *Solvitur Ambulando*."

Position under the New Set-up

The prophecy of Sir Frederick Whyte has already come true. During the days of the old Legislative Assembly the election of the Speaker and Deputy Speaker was subject to the approval of the Governor-General, while under the existing Constitution the offices of the Speaker and Deputy Speaker are quite independent of the Executive. They are elected by the House and can be removed only by the House itself.

Their salaries, under article 112(3)(b) of the Constitution are charged on the Consolidated Fund of India, as of other high dignitaries whose office is sought to be made non-political in character.

In addition, under the well-established conventions, no discussion is permitted in the House on any matter relating to his office although there is no bar under article 113 (1) to the House discussing demands relating to charged expenditure.

The duties of the Deputy Speaker under the Rules of Procedure and under the new set-up have become more onerous than they were in the days of the Central Legislative Assembly. There is a provision* in the Rules of Procedure and Conduct of Business in Lok Sabha that if the Deputy Speaker is a member of a Parliamentary Committee, he is to be appointed its Chairman. During the First Lok Sabha, the Deputy Speaker was member of six important Parliamentary Committees out of which he was Chairman of four. The Speaker was Chairman of the other two Committees, but whenever the Speaker was absent, he had to preside over the sittings of these Committees as well. He had thus to spend a good deal of time in connection with the business of these Committees. In the second Lok Sabha also, the Deputy Speaker is a member of seven Parliamentary Committees out of which he is Chairman of four, the Speaker being Chairman of the remaining three.

During the days of the Central Legislative Assembly the House used to meet only for short periods and that too at long intervals. At present the House sits for nearly eight months in a year and the duration of the sittings has also been increased from about five hours as in the case of the Central Legislative Assembly to about seven hours a day. Therefore, it is not practicable for the Speaker to be present in the House throughout the sitting on each day. Every now and then, when he has to attend to his other duties, he has to vacate the Chair, and in his absence it is usually the Deputy Speaker who presides over the deliberations of the House.

In short, the Deputy Speaker is now a whole-time officer of the House and is largely associated with the activities of the House in various ways.

A question as to whether the Deputy Speaker "could exercise the rights of an ordinary member to participate in Debates and attack or criticise the Govern-

* Proviso to rule 58(1) of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition).

ment and take part in divisions of the House”, was raised at the Conference of Presiding Officers held in 1953. The Presiding Officers participating in the Conference expressed diverse views on the subject. The Chairman (Shri G.V. Mavalankar) concluding the debate on the point, however, observed:

“The question of the Deputy Speaker is a question which each Deputy Speaker has to consider himself and decide. Undoubtedly he is a member. But I think he has also to remember that he has to preside in the Legislature and, therefore, a responsibility lies on him to so conduct himself in the debates that Members of the Parties do not take him to be a party-man. And this limitation applies not only to his taking part in debates inside the House, but even in politics outside—and not only in taking part but also so far as the language of expression of views is concerned. That is a question on which he has to exercise his discretion.”

At the Centre, neither of the two Deputy Speakers in the First Lok Sabha (Shri M. Ananthasayanam Ayyangar and Sardar Hukam Singh) tabled any question, resolution or Bill during their tenure in office. They also withdrew the notices of questions etc. given by them before their election to the office. Therefore, it may be said that a convention has already been established in Lok Sabha that the Deputy Speaker does not sponsor Bills, resolutions etc. nor does he table questions.

Position in the House of Commons, U.K.

In the House of Commons, U.K., while the office of the Speaker is of ancient standing, the office of the Deputy Speaker is comparatively of recent origin and has come to be evolved out of necessity. Until 1855, the House of Commons literally could not sit, not only if the Speaker's office was not filled but unless he was personally in the Chair. On occasions, when the Speaker was absent, the House had to adjourn or to elect another Speaker, who conveniently retired when the first Speaker returned. “In 1855, on the report of a Select Committee, a standing order was agreed to, which enables the Chairman of Ways and Means as Deputy Speaker to take the Chair during the unavoidable absence of Speaker and perform his duties”.*

* May, 15th Edition, page 237.

Under the present practice, "if the unavoidable absence of the Speaker is announced to the House by the Clerk, the Chairman of Ways and Means acts as Deputy Speaker and performs the duties in relation to all proceedings, until end of the sitting, or he takes the Chair on the request of the Speaker, but in this case he cannot exercise the Speaker's functions with regard to the closure and selection of amendments".*

"The Chairman of Ways and Means during his occupation of that office follows the same tradition of abstention from party controversy as the Speaker.

He no longer exercises the rights of the ordinary Members to participate in debates and divisions of the House. His independence has not the same formal guarantees as that of the Speaker, as he is appointed on the motion of a Minister of the Crown from the supporters of the Government, and is unlikely to be re-elected on a change of Government. His seat is liable to be contested and his salary placed upon the Estimates.

As the result of a report from a Select Committee, the Prime Minister proposed, with the general agreement of the House, that the Chairman and Deputy Chairman should in future refrain from acting in a professional capacity on behalf of or against any Member of the House".†

Comparison of position of Deputy Speaker (India) & Chairman of Ways and Means (U.K.)

In the House of Commons, U.K., unless the absence of the Speaker is formally announced, the Deputy Speaker is not authorised to put the question on a motion for the closure of a debate; nor may he exercise the power of selecting amendments. In India no such fetters have been put on his office and the Constitution itself provides that while presiding in the House he shall have all the powers of the Speaker.

Secondly, in U.K., the salary of the Deputy Speaker (Chairman of Ways and Means) is put as an ordinary grant before the House whereas the salary of the Deputy Speaker in India is charged on the Consolidated Fund of India and is not subject to the vote of the House.

* *Dod's Parliamentary Companion*, page 488.

† *May*, 15th Edition, p. 239.

There is no guarantee either in U.K. or in India that the seat of the Deputy Speaker shall not be contested during the general elections.

Taking all factors into consideration it may be said that although the office of Deputy Speaker in India is not as old as that of his counterpart in U.K., yet he enjoys in many ways a more prominent and more privileged position.

(vi) Services and Facilities for Members*

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

Pressure on the accommodation is, therefore, great and no wonder that a large number of Members feel greatly inconvenienced in discharging their functions satisfactorily.

New Parliament Buildings

A Member has now to interview a large number of constituents and other visitors including those from foreign countries. He has to keep himself abreast of the events that are taking place in the country. He must read, consult books and references, meet people and hold discussions with others to equip himself with the problems of the day. He certainly requires facilities for all these. He requires waiting rooms and lounges properly furnished to meet visitors, and reading rooms where he has access to books of references and other material. The present building provides for none of these facilities and such temporary arrangements as have been made are in a very rudimentary form. There is urgent need to

* Reproduced from *The Journal of Parliamentary Information*, Vol. II, No. 2, December 1956, pp. 182-86.

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

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

Automatic Voting System

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

Annunciator System

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

Precis of Speeches

So many matters come before the House in such quick succession during a day that it is impossible to keep track of them. Moreover, all Members are not present at the same time and everybody is not interested in all matters and yet they would like to know how things are taking shape and how Parliamentary activity is going on. In France, there are precis writers who take down salient points from the speeches of Members at the time they are being delivered. Every hour these brief summaries or precis of debate as they are called, are circulated for the information of Members so that a Member who has not heard a speech may read the summary, and if he is so inclined may intervene in the debates and reply to them. These are quick methods of making the proceedings known to every Member simultaneously and to enable him to make his contribution to the subject under discussion most effectively. It is necessary that some such system should be introduced in our House too.

Stenographic Assistance to Members

Members have to write in hand their notices and letters to their constituents, to the Ministers and Departments. If a communication is important, a Member has to keep a copy for his record. In most cases, Members are at a disadvantage because in order to save time, they do not keep duplicates for themselves. This is causing a good deal of inconvenience to them. There are some Members who keep stenographers or personal assistants to type their letters or communications for them or to look after their correspondence. The vast majority cannot afford to do that. In foreign countries, for instance, in the U.S.A., each Member

is provided with a stenographer, office accommodation furniture, etc. at public expense. In the House of Commons, such facilities are provided to a limited extent, *e.g.* there is a pool of stenographers from which the Members could draw by arrangement among themselves and by previous appointment. Until we reach a stage when we can afford to have a separate stenographer for every Member and allied facilities, it is desirable to have a pool of stenographers for the use of Members so that they can dispose of their Parliamentary work promptly and methodically. It is difficult to expect a Member to meet all these expenses from the meagre salary and allowances that he is at present entitled to.

Club for Members

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

Auditorium

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

Salary and Allowances of Members

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

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

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

Questions sometimes arise as to the position of Members of Parliament in the Warrant of Precedence and their position and status at the various functions. As representatives of the people, it is but natural that they should desire that their position is given due recognition. Warrant of Precedence and arrangements in regard to various functions are issued by the Executive in connection with executive functions. As a rule it is best that matters relating to or affecting Parliament or its Members should be settled on the advice of its committee as may be convenient or appropriate. There should be a Committee of Parliament to advise on questions relating to Warrant of Precedence of the Members, their position at the various functions, the manner in which they should be invited and how and in what numbers Parliament should be represented and at which functions. A proper procedure has to be developed in this regard so that the present fluid state of affairs is settled for ever.

Facilities for Press Representatives in the Parliament House

Press correspondents have been provided with one or two rooms in the Parliament building to attend to their work connected with Parliament. There are

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

(vii) *Extra Parliamentary Activities**

In 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

* Reproduced from *The Journal of Parliamentary Information*, Vol. III, No. 1, April 1957, pp. 26-28.

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 Parliamentary 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. Further more 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.

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

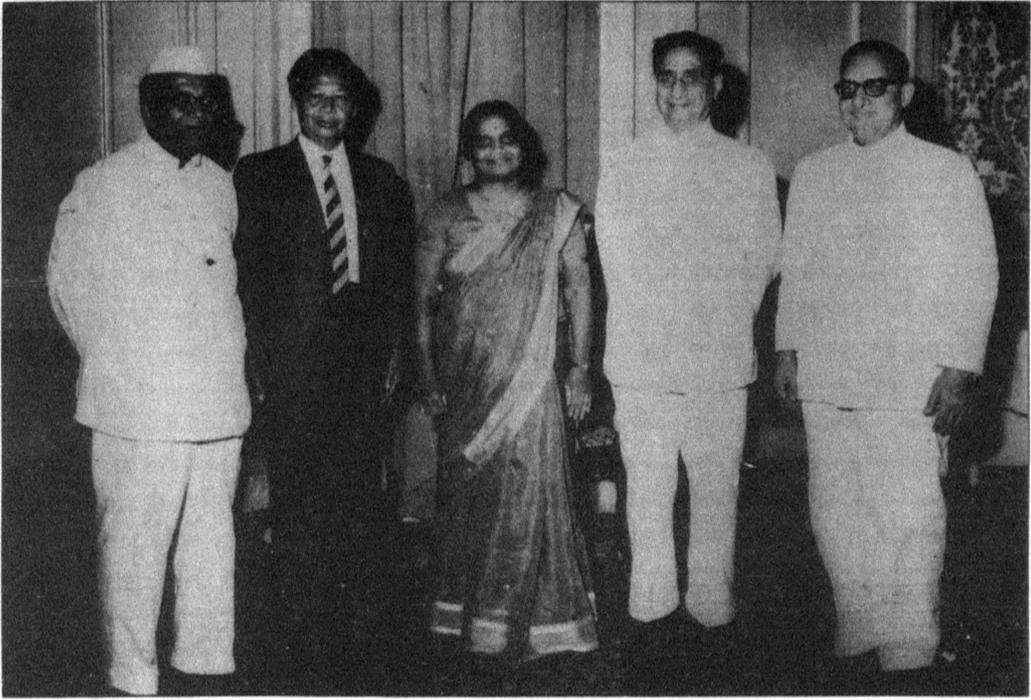
Parliament should have control over its own affairs. At present some of the matters relating to Members' conveniences of Parliamentary activities in which they are vitally interested are under the control of officers of the Executive Government and Parliament has not much say, with the result that there 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



Welcoming Shri Subagio, Leader of the Indonesian Parliamentary Delegation with Smt. Violet Alva, Deputy Chairman, Rajya Sabha, 10 October, 1966.



Receiving the nomination papers for Vice-Presidential Election, 15 April, 1957.

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 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.

(viii) *The Rajya Sabha—Second Chamber in the Indian Parliament**

In a federal set-up, it has become almost universal to adopt the bicameral system of parliamentary government partly as a concession to the federating units who feel assured that their view-point would be represented in the highest governing organ of the country and partly as a safeguard that the lower chamber does not legislate in haste or frame policies which do not have the general support of the local administrations.

India, however, chose the federal system, not because the sovereign power vested in the States which gave up a part of it to the Union, but as a convenient

* Reproduced from S.S. Bhalerao (Ed): *The Second Chamber—Its Role in Modern Legislatures*, New Delhi, Rajya Sabha Secretariat, 1977, pp. 258-62.

form of government of a vast country where a unitary government would be impracticable, if not impossible. Unlike the United States of America, Canada or Australia, the Indian Union was not the result of a number of previously independent or self-governing States coming together to form a federation, but a centralised and unitary State with its different Provinces being merely convenient administrative divisions of the Centre and deriving their powers only as its delegates or agents. The object of forming a Union or quasi-federation out of this unitary system was mainly to secure efficient governance of the various parts of the country including its far-flung areas, which would be otherwise difficult to achieve under a single central authority. The bicameral system was, therefore, adopted as a matter of choice for the better governance of the country and to make parliamentary decisions more durable and stable and not necessarily under pressure from the smaller versus the bigger States. It is in this background that one has to appreciate the constitution and functioning of the Rajya Sabha or the Second Chamber in the Parliament of India.

The arguments in the Constituent Assembly of India regarding the utility of second chambers alternated between those who believed that Upper Houses introduced “an element of sobriety and second thought” and those who thought that they acted as impediments to the wheels of progress. Ultimately the Indian Constitution-framers favoured bicameralism as an essential feature of the parliamentary system. They prescribed not only a second chamber in the Union Parliament but also in some of the larger States for the same reason. Bicameralism at the Centre was based on the argument that while one House was to represent the people or the nation as a whole, the other was to embody the federal principle and represent the component States of the Union. It is, however, to be noted here that unlike in the United States of America, where all the States of the federation have equal representation in the Senate or the Upper Chamber, the number of seats allotted to the States and the Union territories in the Rajya Sabha is not uniform and not based on the principle of parity among the federating units.

The Constitution defines Parliament as consisting of the President and the two Houses—the Council of States or the Rajya Sabha and the House of the People or the Lok Sabha. The framers of the Constitution studied the various patterns of the second chambers in existence in different countries in 1947-50 and did not favour either a fully and directly elected Second Chamber as in U.S.A. or a fully nominated House as in Canada. Instead, they decided upon an indirectly

elected chamber with a small fixed number of members nominated, as being best suited to the needs of the country.

The maximum number of members of the Rajya Sabha is 250 which is less than half the number of the members of the Lok Sabha. Out of these, twelve members are nominated by the President from among persons having special knowledge or practical experience of such matters as literature, science, art and social service. The element of nomination has been purposely introduced with a view to securing the services of experienced and eminent men in various walks of life, whose counsel would otherwise not be available to the nation. The remaining members are to be the representatives of the States and of the Union territories. The present strength of the Rajya Sabha is 244, of whom 232 represent the States and the Union territories and 12 are nominees of the President.

The representatives of each State are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote. The representatives of the Union territories are also chosen by indirect election in accordance with the system of proportional representation by means of the single transferable vote by electoral college the members of which are chosen by direct election. The present allocation of seats of 232 elected members in the Rajya Sabha to the States and the Union territories is contained in the Fourth Schedule to the Constitution.

A person is not qualified to be chosen to fill a seat in the Rajya Sabha unless he is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution; is not less than thirty years of age; and possesses such other qualifications as may be prescribed in that behalf or under any law made by Parliament.

The Rajya Sabha is a permanent body and is not subject to dissolution but as nearly as possible one-third of its members retire on the expiration of every second year. The term of office of a member is six years. Upon the first constitution of the Rajya Sabha in 1952 the term of office of some members then chosen was curtailed in accordance with the provisions of the Council of States (Term of Office of Members) Order, 1952 made by the President in order that as nearly as one-third of the members holding seats of each category would retire

every second year. Accordingly one-third of the members of the Rajya Sabha retire after every second year and on each occasion elections are held and nominations made to fill the seats vacated by one-third of the members.

The Vice-President of India is the *ex-officio* Chairman of the Rajya Sabha. He is elected by the members of both Houses of Parliament by secret ballot in accordance with the system of proportional representation by means of the single transferable vote. The Vice-President holds office for a term of five years from the date on which he enters upon his office. The Rajya Sabha chooses one of its members to be its Deputy Chairman.

The first sitting of the Rajya Sabha after its constitution was held on the 13th May 1952 and it will be holding its 100th Session in March-April 1977.

In the countries which have a parliamentary system of Government it is a common practice to exclude the second chamber from a decisive role in the matter of financial Bills. The Constitution of India which has also provided for a parliamentary form of government has restricted the powers of the Rajya Sabha in matters pertaining to finance.

A Money Bill or a Bill with money clauses cannot be introduced in the Rajya Sabha. All other Bills may originate in either House of Parliament. Again, the Rajya Sabha has no power either to reject or to amend a Money Bill. When a Money Bill after it is passed by the Lok Sabha, is transmitted to the Rajya Sabha, the Rajya Sabha can only make recommendations with regard to the Bill and must return it with or without its recommendations within a period of fourteen days from the date of receipt of the Bill. The Lok Sabha may or may not accept the Rajya Sabha's recommendations. If the Lok Sabha does not accept any of the recommendations of the Rajya Sabha, the Money Bill is deemed to have been passed by both the Houses in the form in which it was passed by the Lok Sabha.

The limitation on the power of the Rajya Sabha with regard to Money Bills or Bills with money clauses should not, however, be taken to mean that the Rajya Sabha has no power at all in financial matters. The Constitution provides that the annual Budget of the Union is to be laid before both the Houses of Parliament. The Budget can be discussed in the Rajya Sabha as well, although the demands for grants are to be made only in the Lok Sabha which has the power to assent or to refuse to assent to any demand, or to assent to any demand subject

to a reduction. The reports of the Comptroller and Auditor-General of India relating to the Accounts of the Union are also required to be laid before both the Houses of Parliament. As regards other financial Bills (Bills which contain not only provisions dealing with any of the matters specified in article 110 but also other provisions), there is, however, no limitation on the powers of the Rajya Sabha as stated above and the Rajya Sabha has full power to reject or amend any such financial Bill, as it has in the case of any other Bill which is not a Money Bill, and further such a financial Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been passed by both the Houses.

The contribution made by the Rajya Sabha even in the matter of financial affairs has been significant. As an instance, it may be mentioned that in the Income Tax Bill, 1961, it suggested a number of important amendments, all of which were accepted by the Lok Sabha. Although under the Constitution it has no power to pass the Demands for Grants of the various Ministries, a practice has developed since 1970 of the Rajya Sabha discussing the working of the different Ministries, enabling it to bring to the notice of the public the lapses and shortcomings, if any, of the Government.

The Rajya Sabha is represented on two Financial Committees of Parliament—the Committee on Public Accounts (the Committee which examines the Appropriation Accounts and the Reports of the Comptroller and Auditor-General on the Union Accounts relating to the Railways, Defence Services, P & T Departments and other Civil Ministries of the Government of India) and the Committee on Public Undertakings (the Committee which examines the reports and accounts of Public Undertakings and the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings). Of the 22 members on each of these Committees, seven each are from the Rajya Sabha.

The Constitution contains certain special provisions for Central intervention in the State legislative field. Under article 249 of the Constitution, Parliament is empowered to legislate with respect to a matter in the State List, if the Rajya Sabha declares by a resolution supported by not less than two-thirds of the members present and voting that it is necessary and expedient in the national interest that Parliament should make laws with respect to any of those matters. Again, under article 312 of the Constitution, Parliament is empowered to make laws for the creation of one or more all-India services common to the Union and the States, if the Rajya Sabha declares by a resolution supported by not less

than two-thirds of the members present and voting that it is necessary or expedient in the national interest to do so. In exercise of this power, the Rajya Sabha has in 1961 passed resolutions for the creation of the Indian Service of Engineers, the Indian Forest Service and the Indian Medical and Health Service and in 1965 created the Indian Agricultural Service and the Indian Educational Service. The Constitution has assigned a special position to the Rajya Sabha in the matter of Central intervention in the State legislative field in view of the fact that it is composed of the representatives of the States and the adoption by the Rajya Sabha of such resolutions by a two-thirds majority would be tantamount to the giving of consent by the States. The two-thirds majority has been prescribed as there is no equality in respect of the representation of the States in the Rajya Sabha.

In a bicameral legislature each House is to function in the sphere allotted to it under the Constitution. It goes without saying that for the successful working of the legislative machine there should be closest cooperation between the two Houses. Neither House should consider itself to be superior to the other whatever might be its powers and each House should be regarded as complementary to the other. The relations between the two Houses should be harmonious so that the functions performed by each House could be utilised to the best advantage of the nation and the high dignity of Parliament is maintained.

Dealing with the question of relations between the two Houses, Prime Minister Nehru stated in the Rajya Sabha in May 1953, as follows:

“Our guide must be our own Constitution which has clearly specified the functions of the Rajya Sabha and the Lok Sabha. To call either of these Houses, an Upper House or a Lower House is not correct. Each House has full authority to regulate its own procedure within the limits of the Constitution. Neither House, by itself, constitutes Parliament; it is (the President and) the two Houses together that are the Parliament of India. The Constitution treats the two Houses equally, except in certain financial matters which are to be the sole purview of the House of the People.”

The history of the working of both the Houses of our Parliament during the last quarter of a century would show that on the whole their relationship has been marked by a sense of cordiality, mutual respect and regard and cooperation in matters concerning the business of Parliament. There have of course been a few

incidents specially in the early fifties which led to differences over their respective powers and privileges, but these had been solved satisfactorily, laying firm foundations for coordination and mutual consultation on matters affecting the two Houses. The developments since then will bear out that both the Houses fully realise their respective and complementary roles in the legislative set-up of the country and are drawn together in partnership for the achievement of the goals set out in the Constitution.

One who has studied with care the functioning of Parliament in India will come to the conclusion that the Rajya Sabha has been a vigorous body and has been instrumental in focussing attention on many important matters of public importance. Its contribution to progressive legislation in the form of enactments for the socio-economic betterment of the people has been inconsiderable. Far from being reactionary or conservative in its outlook—an image generally associated with second chambers—it has equally been zealous in promoting measures of far-reaching character for the welfare of the people. Although technically a body representing the States, the Rajya Sabha, like its counterpart, the Lok Sabha, has tried to reflect public opinion truly and faithfully and has not championed sectional interests injurious to national unity or integrity.

The reasons for this are many. To me it appears that this has been possible because there has been horizontal movement of many members from one to the other Chamber at elections; average youthful membership of the Rajya Sabha; attendance of Ministers in both the Chambers; similarity of procedures in both the Houses; equal party discipline in both the Chambers; existence of one dominant party namely, the Congress Party, in the Centre as well as most of the States since the beginning of the Rajya Sabha. In fact in some respects the Rajya Sabha has at times been equally active with the Lok Sabha in the application of some policy matters in public affairs. It has asserted itself even though it has no constitutional powers to oust the Government. It has built up public opinion in the parliamentary sphere on vital issues before Government. But it cannot be said that the Rajya Sabha has played any significant role in so far as amendments to Bills are concerned. It is not that the Rajya Sabha has no talent or desire to make its contribution to the improving of legislative measures but that the Government has found it inconvenient to agree to amendments lest the passage of Bills is delayed in the transmission of Bills from one to the other Chamber. But the discussions in the Rajya Sabha are studied by Government and they themselves in appropriate cases bring forward amending measures

based on assurances given in the House. This has led to a quicker passage of Bills and the chief argument against the delaying tactics of chambers is got over to the satisfaction of everybody. I do not think that our Second Chamber fulfils some of the traditional arguments that are generally given in support of them. For example, the argument that popular representatives can be overhasty and they need checking by a less impulsive and more experienced body is not true of the Rajya Sabha, because at times it has acted just like the Lok Sabha; or again that interposition of delay is needed to crystallise public opinion on all Bills before they become Acts, is also not tenable because the two Chambers have passed laws without any appreciable time-lag, and without the calmer atmosphere or less susceptibility to immediate popular pressure.

The question whether there should be a second chamber in the legislative set-up of the country is a topic which continues to crop up every now and then in India, as elsewhere. The justification for the existence of the Legislative Councils or Upper Chambers in the States in addition to the Legislative Assemblies or Lower Chambers has often been discussed and during the last 25 years, Legislative Councils have been abolished in two States, namely, Punjab and West Bengal. In the case of the Rajya Sabha, however, there is no provision in the Constitution for its abolition as in the case of the Legislative Councils, and it can be done only under article 368 dealing with the amendment of the Constitution, which of course requires the prescribed majorities of the Rajya Sabha itself. It may be mentioned in this connection that in the modern context of the Welfare State, the volume and complexity of whose legislation are increasing day by day, the existence of a second chamber, specially with a number of experts and men of experience in different fields, would be found very useful not only to scrutinise the measures with the special knowledge needed therefore and fill up any lacuna or loophole but also to consider legislation of a non-controversial character, which cannot be attended to in detail by the popular chamber either for want of time or other causes. In the case of Rajya Sabha, as already stated, there is no danger of its disappearance, so long as it does not itself agree to its abolition by the prescribed majorities. On the other hand, it cannot be gainsaid that the Rajya Sabha has by its record of work established itself as an effective force in our Parliamentary system and if it continues to play its useful role, its admirers will increase day by day and critics will have less chance to do it any significant damage.

(ix) Organization of Political Parties in Britain*

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

Although the three main political parties in Britain disagree with each other upon their political programmes, they agree upon certain basic principles, including those of free institutions and representative parliamentary democracy.

National Organisation

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

In each main party, constituency units combine to form area organizations which, in turn, are the sub-divisions of the national union, or its equivalent. The

* Reproduced from *The Journal of Parliamentary Information*, Vol. II, No. 1, April 1956, pp. 58-62.

national organization, presided over by a central executive holds a national conference every year.

The Conservative Party : The most broadly based of the party's organizations is the National Union of Conservative and Unionist Associations. It is a federation to which are affiliated constituency associations and central associations (in boroughs with two or more constituency associations). Its main functions are to advance the party's cause and to serve as a deliberative and advisory body which keeps the leader informed of party opinion. The resolutions which are passed help in the formulation of party policy.

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

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

There are a number of Advisory Committees, Central Committees and Boards *e.g.*, on Trade Unions, Local Government, Political Education, Publicity and Speakers, as well as the Advisory Committee on Policy, which is responsible to the leader of the party, and the Standing Advisory Committee on Parliamentary candidates.

The Labour Party : The National Labour Party consists of three main types of organizations: trade unions, constituency associations and certain Socialist Societies such as the Fabian Society. Trade Unions and other national organizations are directly affiliated to the Labour Party. The constituency parties, which are the focal point of all political propoganda work in the divisions, function through a small executive committee drawn from, and acting for, a larger general committee which in turn is composed of representatives of the various

units: individual members' and women's sections, Leagues of Youth, trade union branches, and so on, in the area.

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

Twelve by the Trade Union delegates; Seven by the Constituency Parties and Federation delegates;

Five women elected by the Conference as a whole;

One treasurer, also elected by the Conference; and

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

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

In Parliament

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

Besides the official organization supervised by the Whips, Members form themselves into committees or groups for the study of specific subjects and of policy concerning them. In this way the Conservative Party has committees on more

than a dozen subjects from agriculture and food to transport, and the Labour Party has some twenty groups who meet to study such varying subjects as the administration of the national industries, finance or fisheries.

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

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

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

- (1) The privilege of membership of the Parliamentary Labour Party involves the acceptance of the decisions of the Party Meeting. The Party recognises the right of individual Members to abstain from voting on matters of deeply-held personal conscientious conviction.
- (2) The Parliamentary Party has the right to withdraw the Whip on account of things said or done by Members of the Party in the House. The Member or Members concerned shall have the right to be heard at the Party Meeting before the Whip is withdrawn.
- (3) The National Executive Committee shall be informed of any decision to withdraw the Whip.
- (4) It is the duty of the Parliamentary Committee to bring before the Party Meeting cases of serious or persistent breaches of Party discipline, and in

appropriate cases to recommend to the Party Meeting that the Member or Members concerned shall be reported to the National Executive Committee. The Member or Members concerned shall have the right to be heard by the Parliamentary Committee and the Parliamentary Party.

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

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

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

Annual Conference

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

The Leader

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

In the Conservative Party the leader is elected by a body consisting of the parliamentary party in the House of Commons and the House of Lords, the prospective candidates and the Executive Committee of the National Union of Constituency Associations. Once elected, and so long as he retains the confidence

of the electing body, the leader is responsible for the policies of the party, and, while the decisions of the party conference and the various party organizations are conveyed to him so that he may be kept constantly aware of the opinion of the rank and file, he is regarded as 'the main fountain and interpreter of policy'. His work in Parliament is not subject to any formal review by those who have elected him. He does not normally attend the annual conference of the national union, but appears only after the conference has adjourned and customarily delivers a major address which is not subject to debate.

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

Central Offices

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

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

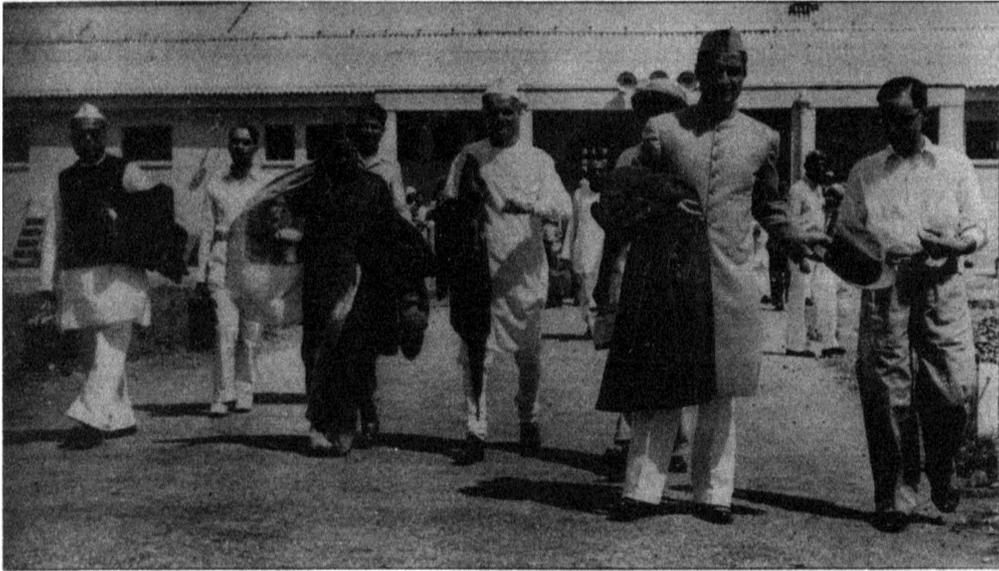
Finance

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

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

PART FIVE

REMINISCENCES AND TRIBUTES



On his way to Commonwealth Parliamentary Conference, London, 23 September, 1948



On his way to Czechoslovakia as a member of Indian Parliamentary Delegation,
25 June, 1956



With the Indian Parliamentary Delegation in China, 20 October, 1956



With Delegates of IPU Conference in Japan, 1960

Beyond Nehru's Golden Era

Inder Jit

Parliament and its effective functioning in the best interest of our democracy and the country have been a passion as also a mission for me for over four decades and more. As a journalist, I have by now written over two hundred thousand words on one or another aspect of Parliament's functioning and its future. This has been done by me mainly through a weekly syndicated column on national affairs, entitled Political Diary, I wrote between 1974 and 1991 as the Editor of India News and Feature Alliance (INFA), which provides editorial material to over a hundred newspapers all over the country. I owe much of this to the knowledge I gathered through my active interaction with the late Shri M.N. Kaul between 1954 and 1972, first as the parliamentary and political correspondent of the Times of India from 1954 to 1962 and thereafter as the Editor of INFA.

Shri Kaul was Secretary of the Lok Sabha until 1964 and, most importantly from my viewpoint, a good and old friend of my late father Shri Durga Das, who founded INFA in 1959 following his retirement as the Editor-in-Chief of the Hindustan Times and later authored his seminal memoirs: *India from Curzon to Nehru and After*, with a foreword by the late President Zakir Husain. Shri Kaul was thereafter appointed an Honorary Officer of the Lok Sabha by the Speaker. Later in 1966, he came to be nominated by the President as a member of the Rajya Sabha. He was re-nominated in 1970 and retired from that House in 1972. One, therefore, continued to see him in Parliament House and seek his knowledgeable response to various basic and controversial developments.

Initially, I sought guidance from my father as his own experience in parliamentary reporting was unrivalled. He was Parliamentary Correspondent and Editor of Associated Press of India (forerunner of Press Trust of India) from 1918 to 1937. He was the first Chairman of the Press Gallery Committee of free India's Parliament from 1950 to 1960. At the end, he advised me to call on Shri Kaul and so also on the then Joint Secretary, Shri S.L. Shakhder, and said: "If you want to report Parliament well, you must first have adequate knowledge of the

institution and also have proper understanding of its functioning. None can enlighten you better than Kaul and Shakhder. So, call on them and seek their kind help and guidance. Whenever you have any doubt on any matter, check with them. This will not only enable you to provide perceptive coverage of the proceedings to your paper and its readers but also protect you from getting embroiled in any issue of privilege."

I took the earliest opportunity to call on Shri Kaul after the House had risen for the day. Fortunately, Shri Shakhder was also present. My first talk with them went on for over two hours. As I took leave thanking both profusely, Shri Kaul remarked: "You are welcome any time". Thereafter, I called on both time and again. On occasions, our meetings went on late into the evening. Once when I offered my deep gratitude to both for some three hours which they had spared for me, he replied: "It is a pleasure for me and Shakhder to do so. You are single-handedly trying to do what the other members put together should be doing. Informing you is as good as informing the public at large. Keep up your crusade. Remember, the strength of any democracy depends upon the vigour, and vitality of its Parliament."

Crusade it, indeed, was for me—and continues to be so. In fact, Kaul himself was a crusader for making free India's Parliament more effective, even as he described Nehru's period as the "golden era" of India's democracy. In fact, he wanted a great deal done not only to strengthen our Parliament but also our political system. A long talk I had with him in July, 1972 comes back to me loud and clear. (Happily, I also recorded it and used excerpts from it as an article in the Independence Day issue of "The States" fortnightly, which I edited, in 1972.) He was keen to see India's Parliament move towards a healthy Committee system and thereby make Parliament's control over the Government more effective. He denounced the Informal Consultative Committees attached to various Ministries as "so much trash" and said: "If you throw them bag and baggage into the sea, I would be completely happy. No more useless political institutions have I seen in my career than these informal committees. I have been up in arms against them ever since I have been connected with Parliament."

Shri Kaul added: "Parliament has been very effective on general issues and on important matters also it has made its influence felt. But we have to make it still more effective because the problems are so complex that if you increase the efficiency of the party and if you increase the efficiency of Parliament then by

your ability and by your industry you can control the Government, not by general decisions. Insofar as Parliament is concerned, there you can discuss the political issues, large issues and questions of policy but detailed discussion does not help. I often found in Parliament that if a man talked very learnedly and talked of abstruse points, everybody disappeared from the House and nobody was able to follow. You must talk at the level of the people on broad and general issues and other matters should be left to Parliamentary Committees.

Initially, Shri Kaul, backed by Shri Shakdher, succeeded in persuading Speaker Mavalankar to move towards the Committee system. A large number of Committees were set up, including the Estimates Committee. (The Public Accounts Committee was established in 1921.) But the process came to a halt after Mavalankar. Kaul did not however give up. A couple of new Parliamentary committees were then set up. But, Shri Kaul considered them inadequate and said: "You need a Parliamentary Committee on External Affairs and another on Defence matters. You also need a Parliamentary Committee on economic issues and another on agricultural matters. The existing informal consultative committees are so much trash... I believe that future trend lies in the direction of converting slowly as many of these Informal Consultative Committees as possible into Parliamentary Committees. What is the good of these Consultative Committees where the Minister comes with a large number of officials. He presides and in a pontifical manner and with an air of exchanging secrets with the members gives them some information which, he says, he could not share with the House! Whether he gives information or not that is another question. These committees make very little impact. No minutes are drafted. Of course, members do attend since every political or other activity yields some knowledge. But it is not the kind of thing through which Parliament, as things develop, must continuously exercise vigilance. In sharp contrast, a Parliamentary Committee would be under the control of Parliament. The Speaker is in-charge of it and the Committee has its own Chairman. The Committee functions freely. All its activities are subject to the law of privilege. And, above all, its members have an opportunity well and truly to develop their expertise and be of effective service to the nation".

Of no less interest—and importance—was his concern for the functioning of the party system and various political institutions... He told me more than once: "There must be a strengthening of every part of the political institutions, because democracy is a system in which we have a Government by consultation and discussion. Therefore, those who are consulted and those who discuss, must

have the requisite capacity. Similarly, members should specialise. This is not going on. The parties have not encouraged it. The parties have not functioned as they should have. The Congress Party is weak. It was weak even during Nehru's time. Every one, beginning with Nehru, talked of infusing new blood to strengthen the party and its functioning. But, infusion of new blood cannot take place in a haphazard way. You select younger people and then say you are infusing new blood in the party. That is all nonsense. It cannot happen that way."

He wanted the Congress as the principal party to have a system, such as the one the Conservative Party has in Britain. Importantly, he backed this with an example of the time when Lord Butler was in charge of his party. Lord Butler, he said, laid great emphasis on research. Many of the people in the Conservative Party who had risen to the top were employed first in the research section. They worked there, they thought out problems, they wrote out memoranda and then they were adopted by constituencies. They had to go through parliamentary training. Again, a man who wanted to take to politics as his main avocation was first required to serve apprenticeship in a constituency. He had to show his worth. He needed to associate himself over a period with the miseries of the people. He was expected to make his mark as a public worker by taking up some wrongs done to the people. Only then could he come up to the headquarters and aspire for a party ticket for Parliament... Thus, the selection of party candidates should be on merit and not that somebody, who gives funds to the party, is selected at the last minute. I think the way selection of candidates is made is still unscientific. We must remember that a modern Government's role is very complex. It throws a very heavy strain on those who are in charge of it both in the state administrations and at the Centre. It requires almost super human powers to do the job well."

Not just that. Shri Kaul, I must hasten to add, was equally concerned about what he described as "another vital matter"—the conduct of a Minister and the conduct of members of Parliament in the light of mounting corruption all round. He said: "We should always bear in mind the recent example of Reginald Maudling in England, who has resigned because of the criticism of his conduct not as a minister but as a private member in the opposition. He was chairman of a Committee and wanted the payment he received in connection with its work to be paid in some form to some institution run by his wife. Because that Company failed and the matter went into the Bankruptcy Court and his name

was mentioned, he resigned as the Home Minister. What is more, he refused to take any other job till the matter was cleared.

This shows that the conduct of members of Parliament and of Ministers must be beyond reproach. That counts a lot. That is vital for the functioning not only of parliamentary democracy but, I feel, for any kind of Government. As someone has said, when there is a shuffle or reshuffle or whatever the right word, it offers an opportunity for the Prime Minister to get rid of colleagues who have not got the reputation of requisite standard." Nehru, according to Kaul, adopted the same approach. He said: "Nehru would get rid of Ministers with whose conduct he was not satisfied. Of course, it is not a matter in which the Prime Minister has necessarily to expose a Minister. These things are done according to convention. For instance, I know of a Viceroy of India who got all kinds of information. He opened a page each about persons whom he wanted to watch. If over a period adverse information came from various sources about a particular person, he quietly took a decision and put it into effect."

One could go on and on recalling the many facets of Shri Kaul—his engaging articulation in a stentorian voice and his thought-provoking comments and ideas on various aspects of our democracy. But suffice it to refer to his views on a couple of other basic issues. He considered a ministerial reshuffle inherently a part of the Parliamentary system. I recall his telling a newly-appointed Minister: "You must carry the House with you and make an impression. Otherwise, you will end up becoming a disability to the Prime Minister, leaving him with no choice but to dispense with you." He was strongly opposed to even the slightest repudiation of the authority of the Prime Minister by a Cabinet Minister inside the House or outside. Indeed, he delighted in recalling for the benefit of our Ministers the case of Winston Churchill and Neville Chamberlain, as recorded by Churchill in his memories. Churchill was opposed to Chamberlain before he came into his Cabinet as the First Lord of Admiralty. Expectedly, he was eager to make his influence felt. But he did not try to do this, great as he was, by challenging Chamberlain in the Cabinet and sapping his authority as Prime Minister. Instead, he sought to make his impact by his contribution within the Cabinet and in the Commons. It was Shri Kaul's great regret that such a system had not developed in India.

All in all, Kaul looked beyond the "golden era" of India's parliamentary democracy under Nehru. As Secretary of the Lok Sabha and subsequently as the Honorary Officer of the House, he put forward several suggestions in the

interest of making our Parliament more effective in relation to the Government. Fortunately, some of these ideas are being implemented at long last. The Committee system is hopefully expected to be introduced in a big way in the new year, thanks to the wisdom and dynamism shown by the present Speaker, Shri Shivraj V. Patil. In 1990, as a member of the Rules Committee of the Ninth Lok Sabha, I and some other friends succeeded in recommending the appointment of Seven Select Committees on External Affairs, Defence, Home Affairs, etc. But we ran into a major difficulty with the V.P. Singh Government. None of his Ministers were prepared to share power with the Parliamentary Committees even if the proposed decentralisation was in the best interest of our Parliament and the nation at large. Much else, however, remains to be done in line with what Shri Kaul earnestly advocated. Either we are serious about making our Parliament more effective or we are not. We cannot have it both ways!

Remembering M.N. Kaul

Hirendra Nath Mukerjee

The Secretary of our Lok Sabha, designated for some years now as Secretary-General holds an office exactly corresponding to that of the Clerk of the House of Commons. The latter, holding what might appear from his title a somewhat inconsequential job, has a high position in Britain's hierarchy and the convention is that on retirement the Clerk of the House of Commons is elevated to the membership of the House of Lords. One among the Clerk of the Commons long ago was Erskine May whose classic work on parliamentary practice and procedure remains a permanent tribute to his memory. It has undergone over the decades more than twenty (or so) revisions which were done by some of the foremost exponents of the theme. Not only in England, but wherever the parliamentary system is sought to be practised (or to be intellectually digested) *May's Parliamentary Practice* is a kind of Bible in the literature of its subject. In our Parliament, not a day passes without reference needing to be made, either by the Speaker or by the Members or by both to *May's Parliamentary Practice*.

When I entered the House of the People (Lok Sabha) in 1952 as a Communist Member from Calcutta North-East and continued in that capacity till twenty five years later (1977) I came into an ambit of experience that I shall never cease to cherish. The Secretary of the House of the People (our own Clerk of the House of Commons as it were) was Shri M.N. Kaul, in whose memory these lines are being written. With a basic schooling in constitutional law and with much experience already with legislatures, Shri Kaul fitted in his role eminently. Indeed, with Speaker G.V. Mavalankar, "the greatest Roman of them all" among the Speakers I have known, Secretary Kaul had a fine rapport, and I could see from my first days in Parliament that this was also a component of the strength of the Parliamentary system. Secretary Kaul, seated just below the Speaker's podium, headed the Table of the House, around which sat his fellow officers and aides (including, among others, the indefatigable and often sorely tried stenographic reporters). The Secretary and his aides were no part of the House, for where everybody could speak (after all 'Parliament' etymologically derives from the French 'parler', 'to speak'), they kept their silent dignity. But in a very

special way, they were inseparable in spirit from the rest of the House. No good Secretary (nor any of his important aides) could escape the obligation of achieving the right kind of rapport with the House, and I can vouch for the fact that that with Secretary Kaul as, happily also, with his successors Sarvashri S.L. Shakdher and Avtar Singh Rikhy, we developed a relationship based on association at work that reached up to friendship.

The Secretary's task is not just technical, not just the duty of seeing every rule of the book, as it were, correctly followed. This, of course, has to be done, with the Speaker as umpire and the Members (Government and Opposition) playing ball fairly, if freely, sometimes even ferociously! However redoubtable a Speaker might be, he cannot afford to do without support from the House *and* assistance from his staff. No Speaker, however deep his knowledge and however lightning his wit and his instant response to parliamentary scenes, can rely entirely on himself. In a quiet, deferential way the Secretary has sometimes to relieve with sensitive and well informed advice, the worry of a Speaker fumbling in a suddenly rumbustious House. Compared to public figures comprising Parliament (the Speaker of course among them) the Secretary has a civil servant's limitations. But the Clerk of the Commons, and our Lok Sabha's Secretary-General, are not just routine civil servants; they have to be somewhat *sui generis*.

With his immediate successor Shri S.L. Shakdher, and with the assistance of his devoted staff, Shri Kaul produced the Indian counterpart of *May's Parliamentary Practice*. This was a feat that deserves admiration. No academic, without experience of the vibrant phenomenon, daily and even sometimes hourly changing as it is, could write adequately on the theme. It is well known that Sir William Anson who wrote after Dicey, wrote authoritatively on Parliament but, when he became a Member, confessed things were rather different from what he had earlier known as Vinerian Professor of Jurisprudence, perhaps at (Cambridge). It is good that Kaul and Shakdher have given us a book which, in spite of faults, is of standard quality.

After retirement Shri M.N. Kaul was nominated to Rajya Sabha, our variation of the House of Lords but rather different because India's Upper House, sometimes more uproarious even than Lok Sabha, is a vibrant body where one does not feel the coldness exuded, it is said, by the House of Lords where (someone elevated from the Commons once said) one gets to know how there is life after death! How we felt about Shri Kaul's indispensability can be seen from my own

experience, as I rushed to the lobby of Rajya Sabha to see Shri Kaul and exchange ideas over a matter I had raised in Lok Sabha and had a kind of civilized 'brush' with the chair. There is no room here for lengthy recollection, but I cherish the numerous meetings with Secretary Kaul in the House as well as outside. How I remember moments when the House was, for some reason, in turmoil, and Shri Kaul, from the Secretary's chair, would wink amusedly at us in the front bench, breathing not a word but enjoying the momentary infantility of a solemn legislature for which, I can vouch Shri Kaul had respect little short of idolatry.

A remarkable 'Parliament man' has gone from our midst. But to those who knew him in Parliament and know him also as our Erskine May, his memory will remain green.

M.N. Kaul—A Tribute

C.R. Pattabhi Raman

The links between Kaul and me go back to the thirties and are nearly sixty years old. On my return from U.K. after my studies in 1932, my father asked me to work with Sir Tej Bahadur Sapru in Allahabad. Sir Tej and my father were good friends. I stayed in the Sapru manor (19 Albert Road) and worked as his junior. M.N. Kaul too was Sir Tej's *chela*. I was even then struck by the innate modesty and strength of his character.

At the outset, I must record, that, like our *Puranic Bhishma*, Kaul sacrificed his personal comforts and style of life for the sake of his family. His celibate life earned him admiration from his relatives and friends. His studious habits were matched by his *Satwik* approach to life's problems. Unostentatiously, he went about his work shunning publicity.

From the word "go" he was associated with our Parliament and was trained by stalwarts like Sir B.N. Rau, Shri Mavalankar and Shri M. Ananthasayanam Ayyangar and Sardar Hukum Singh. From pre-independence days and from 1950 onwards, he served the Secretariat of the Lok Sabha diligently and efficiently. He was truly "wedded" to the Legislative Wing. There was no branch of parliamentary procedure that he did not know. "May's Parliamentary Practice" and similar text books were his Bible. My old Professor Sir Ivor Jennings of the London School of Economics had much regard for Kaul's erudition.

A few weeks after my election to the Lok Sabha in March 1957, Shri Ananthasayanam Ayyangar put me along with three others on the Panel of Chairmen. When, he suddenly mentioned my name and asked me to take the seat and conduct Lok Sabha proceedings, I was nervous because the House had started discussion on "Merchandise marks bill" I think. Kaul and his good lieutenant S.L. Shakhder rushed to the Speaker's chair and assured me that they would render all assistance and help to me. I remember the occasion gratefully.

In my first five years in Lok Sabha, I was associated as Chairman with many parliamentary committees. I became Chairman also of the joint committee on

Offices of Profit. I was then Honorary Chairman (the first) of the Neyveli Lignite Corporation. The question arose whether that Chairmanship was an office of profit because, though Honorary, there was scope for patronage, etc. I ruled against my continuing as Chairman of Neyveli Corporation and resigned from that position. Kaul appreciated my stand.

In 1960, I was appointed Chairman, Public Accounts Committee. I had distinguished Auditors-General like Ray and Ranganathan to assist me. Kaul's presence in the Lok Sabha was a source of strength to me. He was a walking encyclopaedia.

There were a few turbulent scenes in the Lok Sabha in our time but they were nothing as compared to the present day problems. Kaul's demeanour when there was tension was noteworthy. He preserved his *Sang froid* at all times.

Kaul played his part in the preservation of decorum and dignity in the Legislature. He trained "seconds-in-command" like Shakti and others to take over from him. He became a Member of the Rajya Sabha after retirement. Kaul's memory will be kept alive as long as our democracy continues. India's unique history is such, that, we can boast of successive Prime Ministers installed peacefully and democratically when vacancies arose. After the passing away of Jawaharlalji, Shastriji and Smt. Indira Gandhi, the succession was as quick as it was peaceful.

The silent and efficient role played by the Lok Sabha Secretariat in the preservation of our priceless democratic heritage cannot be minimised. In the whole world, no democracy has equalled our record. Kaul, Shakti and their colleagues and successors have earned plaudits from thinkers as well as the common citizens.

The Sentinel

T.V. Anandan

He is very close to politics, but not a politician. He will be present in the House throughout the day's proceedings, but not a member of that House. Members of that House irrespective of their Party affiliation approach him for assistance, but he is not a member of any of the Parties. He is the Secretary of the Lok Sabha and for that matter any legislature.

Free India's Constitution was adopted by the Constituent Assembly on 26 November, 1949 and it came into force on and from 26 November, 1950, envisaged the establishment of a centralised political democracy based on universal adult franchise.

The Constituent Assembly became the Provisional Parliament of India and functioned as such until the first General Elections were held in 1952.

Shri Maheswar Nath Kaul, Shri Kaul (in short among friends) was the Secretary of the Constituent Assembly (Legislature).

He has taken this formidable task not as an employee or a bureaucrat but a student with indomitable will, devotion and dedication. It is said of him, that he was born with the proverbial 'silver spoon' in his mouth. The high education which he received in the Cambridge and his experience in the Bar stood in good stead throughout his career and had its reflections in his work as the Secretary of that Supreme law making body of the land. As the first Secretary of the Lok Sabha, he had to build up that office virtually from the scratches directing all his energies towards the growth, stability and codification of the procedures, practices and traditions. His contribution in this sphere is significant.

Peoples' representatives, even those from Indian National Congress were quite new to the debates and various procedures of the parliamentary system and mostly relied on May's treatise on *'The Law, Privileges, Proceedings and Usage of Parliament'*.

Shri Kaul was, therefore, looked upon as friend, philosopher and guide by the members irrespective of their Party leanings and more so by Presiding Officers.

The representative character, ideological commitment, educational and leadership qualities of the members have an impact in their debates. As for me, basically I was a railwayman and primarily a trade unionist drawn to that work inspired by Mahatma Gandhi's teachings, I was quite new to the parliamentary work when I entered the Rajya Sabha in April, 1964 at the benevolence of Bharata Ratna Kamaraj. In my work there as a member, there were a number of issues on which detailed study was called for.

What are the basic ideas and issues which confront a legislature?

How do they change in their content and form as they progressed?

How best these legislatures could be utilised as an instrument to effect socio-economic changes to ameliorate the miseries of the poor and downtrodden?

How to handle a given situation to the best interest of both the Treasury and Opposition Benches?

These issues, of late, have assumed greater importance consequent on certain developments that have crept in—*viz.*, deciding the 'majority', the latest being 'vertical' or 'horizontal' splits among the sitting members (replacing the mid seventies phrase *ayarams* and *gayarams*).

In the circumstances, the pioneering work of Shri Kaul will not only be remembered always but also his absence would keenly be felt.

Shri Kaul came to the Rajya Sabha two years later than me. I vividly remember his assistance given to me. He never hesitated to spare time with his colleagues to discuss matters of mutual interest and guide them in the functioning of the Parliamentary Committees. The other friends from Tamil Nadu like Sarvashri T. Chengalvarayan, R.T. Parthasarathy, S.S. Vasan, used to seek Shri Kaul's expert advice.

Of the so many books, Shri Kaul has authored his work 'Parliamentary Procedure and Practice' a standard treatise on the subject is useful to the legislators and Presiding Officers, students of Law and Politics. The fact that revered Morarji Bhai, the then Prime Minister of India (1978-79) despite his heavy

responsibilities has contributed a nine page introduction to this volume would bear ample testimony of its importance and the painstaking efforts of the authors—Kaul and Shakdher.

I heartily wish all success to the laudable efforts of the Lok Sabha Secretariat to honour Parliamentarians of yesteryears who have marked their foot-prints in the history.

I also join with hundreds of Parliamentarians and colleagues of Shri Kaul in paying my rich tributes to his memory and wish that the best traditions built up by Parliamentarians like him continue to guide the future occupants of that imposing circular massive building—the Parliament House.



Addressing the officials of the Lok Sabha Secretariat on his impressions of his visit to East European countries 31 July, 1959.

The Institution Builder

S.L. Shakdher

“Mr. Kaul is the Sir Erskine May of India and soon a time will come when future writers of Parliamentary Procedure and Practices in the U.K. will be proud to be called Mr. Kaul of the U.K.”. Thus, said Shri G.V. Mavalankar at a meeting of the CPA organised by the CPA in 1952 while introducing Shri M.N. Kaul to the meeting. This was not an exaggeration. Shri Mavalankar believed sincerely that Shri Kaul had a passion for Parliamentary principles, etiquettes and practices, as revealed to him during discussions between them on constitutional provisions and the basic parliamentary practices in independent India. Both Shri Mavalankar and Shri Kaul were jointly responsible for many innovations in regard to the Parliamentary system to strengthen the foundation of the Constitution and Parliament of the newly independent India. The Drafting Committee of the Constituent Assembly accepted many of their suggestions to be incorporated in the draft Constitution, such as President’s address to the Houses of Parliament, Appropriation bills, timely completion of financial procedures in both Houses of Parliament, joint session of the Houses, privileges of Parliament, independent secretariat of the Houses, to name a few.

Shri Kaul had unique experience of the working of Parliamentary institutions during the pre-independence days. The Central Assembly was a pale shadow of the Parliament of an independent country. Many Rules and procedures of the Central Assembly were controlled by the executive Government. The President of the Central Assembly was not an independent Speaker as we know him to be today. Even questions of certain categories asked by Members in the Assembly could be disallowed by the Viceroy who had the final power of admission of such questions. A Standing Order of the Assembly could be nullified by a rule made by Viceroy and he could issue the rule any time even during the meeting of the Assembly when a matter was being discussed. The Assembly had no privileges worth the name. The Office of the Assembly was subordinate to the executive and the secretariat of the Committees on Public Accounts was provided by the Department of Finance and of the Selection Committees was provided by the Legislative Department of the Government.

It was to such a Central Assembly that Shri Kaul was appointed in 1937 as Deputy Secretary on the recommendation of the FPSC who had advertised for such a post and many eminent persons had applied for it and been interviewed by the FPSC. Shri Kaul had impressive qualifications. He was M.A. (Cantab), Bar-at-Law and had experience of practice at the Bar of Allahabad High Court for ten years. He had practised in the Chambers of Sir Tej Bahadur Sapru and Dr. K.N. Katju who were not only eminent lawyers but also politicians of repute associated with the independence of the country. He had a trained and developed mind imbued with the ideas of greatness of the country which should inspire recognition in the comity of nations in the emerging world order. As he told me later, from the first day he joined the Central Assembly. He had a look at the system and chafed at the impediments placed by the British Government on the powers of the President of the Assembly. He found an ally in Sir Abdur Rahim, the then President of the Assembly, who had similar ideas but did not know how to get rid of the shackles placed on his powers and assert his independence. Shri Kaul first attempted to tackle the powers of the Viceroy to overrule the President in the matter of admission of questions, motions and resolutions. The procedure which they adopted was to request the Viceroy to reconsider the disallowance of a question by arguing why the President's decision should not be overruled. When such requests became frequent, the Viceroy felt embarrassed to revise his decision in each case and to save his prestige of office, the Viceroy convened a meeting with the President and it was agreed that before a file went up to the Viceroy, the Secretary of the legislative Department and Shri Kaul will discuss informally the mind of the President in advance and the Viceroy would make his views known. The result was that in cases where Viceroy felt strongly about a matter, the President would himself disallow the question and would not send the file to the Viceroy. In all other cases, the Viceroy would agree with the recommendations of the President. Viceroy's approval in such cases was only a formality to satisfy the rules.

In the Central Assembly days, most of the resolutions and motions to be brought before the House had to have the consent of the Viceroy and such consent was rarely forthcoming in regard to sensitive and political matters. The President and the House were unable to discuss matters of public importance. Shri Kaul found a loophole. An adjournment motion could be admitted by the President in the House. So, almost all important matters were brought in the form of such motions. Of course, in those days adjournment motions did not carry the implication of censure of the Government if it was carried out. Further, Government manipulated that it was mostly talked out as the discussion had to be

concluded in a limited span of time, two hours or so and no voting took place. But, the purpose was achieved as members were mostly interested in raising matters and voicing their feelings and the Government were mindful that the decision of the House did not get recorded. Therefore, every day there were notices of adjournment motions and after admission such of them as could not be taken up on that day were carried forward to the next day and subsequent days. Thus, the power of the President to admit matters of public importance for discussion in the House greatly increased. It was under such procedure that the Mutiny of Naval Ratings in 1946 was brought before the House and discussed thoroughly. This was one of the issues which stunned the conscience of the British Government and they thought that they could not hold India under their thumb much longer. Soon after Mr. Attlee, Prime Minister of the U.K., made a statement in the House of Commons that there were hidden fires in India and sent a Cabinet Mission which later led to the independence of the country.

After independence, Mr. Speaker Mavalankar, who was earlier President of the Central Assembly from 1945 to 1947 and had exercised freely his powers to admit adjournment motions, gave an epoch making ruling on the advice of Shri Kaul that in the changed circumstances admission of the adjournment motion would be stricter and only if the conditions laid down by him were satisfied, because if carried further would be tantamount to passing a vote of censure against the Government. Admission of adjournment motion is now a rare phenomenon.

Even during the Central Assembly days Shri Kaul was keen that its supremacy should be established. So, one day in 1943, it happened that the Commander-in-Chief was to address the Assembly on the war situation and the time fixed was after lunch at 2 P.M. but he was not in the seat and the attendance was thin. The Deputy President—Shri A.C. Dutt—was in the Chair. Shri Kaul informed him that there was no quorum in the House and even after he had rung the bell three times, the quorum was not made. He advised him that he should adjourn the Assembly to teach a lesson to the British Government that they should not take the Assembly for granted. Shri Dutt accepted the advice and ordered the adjournment. A little later when the C-in-C and the Government members came to attend the session, they were horrified that the House had been adjourned and they construed it as an insult to the C-in-C and British Government. They were at a loss to know how this had happened and asked the

Deputy President as to who had advised him to do so. The Deputy President stood his ground firmly and despite entreaties and threats did not say anything beyond that since the quorum was not there and the Government members were absent and in spite of the bell being rung three times, quorum had not been made, he had no option but to adjourn the House. The Government members were crestfallen and could not do anything.

On another occasion, when the President of the Assembly after elections in 1945 had to be elected, the candidates were Shri G.V. Mavalankar from the Congress Party and Sir Cowasjee Jehangir, a candidate put up by the Government, who had a majority in the Assembly. Shri Kaul was the Returning Officer and the election was by secret ballot. When the votes were counted, Shri G.V. Mavalankar was declared elected. Obviously, some members of the Government had voted against the Government candidate. The Chief Whip of the Government party Sir George Spence was shocked. He tried his best to influence Shri Kaul to part with the ballot papers to see who had voted against their candidate. Shri Kaul had already made up his mind and on the first approach by Sir George Spence, he told him that immediately after the election was over, he had destroyed the ballot papers. So, all further questions were stopped. It had remained a secret to this day as to who were loyal to national sentiments at that time and risked their job in the Government to disobey the whip.

Shri Kaul, thus was not only inventive so far as procedures and constitutional law were concerned, but was also independent and bold by character to rise to the occasion and face severe odds to do his duty as his conscience told him.

It was one thing to resist the British Government, but it was quite another to go against the wishes of our own Government after independence, when questions of principles, conscience and supremacy of Parliament were concerned. When the rules of procedure were being drafted for the Parliament, Pandit Jawaharlal Nehru had desired that Sir B.N. Rao, an eminent authority on the constitutional law and the then Constitutional Adviser to the Constituent Assembly should be consulted. When Shri Kaul discussed the draft which he had prepared, Sir B.N. Rao suggested seriously that though India became independent occasion might arise that in foreign affairs and defence matters the Government of India might not like to answer a question. So Prime Minister's consent should be taken before such questions and resolutions were admitted. It appeared that he wanted to bring the authority of Viceroy in the person of the P.M. to determine what should be admitted or not admitted, thus making the

Speaker and Assembly subordinate to the executive government. Shri Kaul resisted this tooth and nail and said that in an independent country it was unthinkable that the Government should have anything to do with the powers of the Assembly and the Speaker. Shri Mavalankar considered the matter carefully and wrote a strong note to Jawaharlal Nehru and Sardar Patel both of whom were good democrats and wanted to lay down true foundation of independent India. They overruled the idea of any curbs on the unfettered power of the Speaker in such matters. The rules of procedure of independent Parliament were not thus sullied by the over zealousness of the high Government officials.

Similarly soon after independence, the Home Ministry decided that the officers and staff and Legislative Assembly Department should be brought under their purview for promotions and recruitment. This was a great setback even on the unique position occupied by the Assembly Department in the British times. It had been decided between the British Government and Shri Vithalbhai Patel the first elected President of the Central Assembly that technically the Department will remain in the portfolio of the Viceroy, whereas the President will *de facto* be incharge of it for the purposes of day-to-day administration. After independence, the Government should have nothing to do with the control of the Assembly Department. Shri Kaul raised the matter with Speaker Mavalankar who fully agreed with this view and wrote to the Home Minister, Sardar Vallabhbhai Patel, who issued a one line order to the Home Ministry and Government that the L.A. Department will continue to be independent of Government control and interference. This set the tone on relations between the Secretariat of Parliament and the Government. This incident further led Shri Kaul to the belief that Government tendency to control the Secretariat might arise again in future and to put the doubt at rest he suggested to Speaker Mavalankar that a provision may be added to the Constitution for the separate existence of the Secretariat of Parliament and also of State Legislatures. Speaker Mavalankar convened a conference of the Presiding Officers of all the legislative bodies in India and had a resolution passed to this effect. Then, it was forwarded to Dr. Ambedkar, Chairman of the Drafting Committee on the Constitution of India and after discussion the articles were included in the draft Constitution, one providing for a separate secretariat for each House of Parliament and another for a separate secretariat for each House of the State Legislatures. It may, however, be stated in passing that whereas for Parliament it was a confirmation of the already existing state, the position was quite

different in the States, the Legislature Secretariat had to wrest by inches the control from the executive who were reluctant to give up their control of the State Legislature Secretariat. It may be that in certain respects even now the State Legislature Secretariats are not fully independent of the State Governments and the effort may be continuing.

Shri Kaul thought that though Parliament Secretariat had been independent of the Government, it was necessary that it should set up higher standards of administration, efficiency and economy. He wanted that the Secretariat should be manned by officers of intelligence, character and talent. He laid down strict conditions of eligibility, set up departmental committees to conduct examinations, interviews and selection of the best person on an all India basis. He took steps to train personally a core of officers who were later instrumental in training and guiding others. He believed that in an organisation not only the front line and second line should be cared for but officers in the third and fourth line should have potential to man the higher jobs. He believed in smaller and efficient staffs as in his opinion overstaffing led to inefficiency, bickering, discontent and lowering of work standards. He laid down the norms for each job and recommended talent by accelerated promotions of the able. There has never been any charge that in his time favouritism was exercised or advancement was awarded on consideration other than merit. He believed in trust system and the efficiency of the original worker, elimination of unnecessary supervision, elimination of monopoly of knowledge by certain vested interests of members of the staff. He ordered printing of Departmental decisions, manuals on precedents and publication of original documents for the benefit of each member of the staff, so that no one suffered from ignorance created by the system. He abolished diarising of receipts, movement of files, etc., being unnecessary and wasteful of time and energy and gave importance to honesty, truthfulness and prompt disposals in office work. I have to record that out of thousands of daily receipts and disposals not one was misplaced or lost or delayed as each person had to prove himself. He believed in quick disposal of work, as parliamentary work does not admit of delays and distortion of facts. He circulated a saying of Pandit Jawaharlal Nehru in each room:

‘I am not interested in reasons for delay. I am interested in work done’.

All these had a combined effect to help the Secretariat to establish in a short while its name and importance as a well organised and efficient Secretariat and it became the envy of all the Ministries of Government of India. Members of

Parliament were proud. Ministers exhorted their Departments to follow the example and general public and press had all praise for its working.

In 1948, Shri Kaul had occasion to participate in the meetings of the Commonwealth Parliamentary Association and he utilised the time in meeting Clerks of the Houses of Commons and Lords, Ministers, important politicians and office-bearers of political parties and discussing with them constitutional and procedural matters. He wanted to be accurate and precise at what he had learnt from such discussions that he took a stenographer with him and had the conversations recorded verbatim. Later, he published them under the title "Conversations on Parliamentary practices and procedures". They contain a mine of information on the system in the UK at that time, which is not otherwise available to a lay reader.

Before independence, the Public Accounts Committee was presided over by the Minister of Finance and Secretariat for it was provided by the Ministry. Shri Kaul wrote a memorandum that in the changed circumstances the Committee should have an elected Member of Parliament, preferably from the Opposition, to preside over it and the Secretariat should be provided by the Parliament Secretariat. Speaker Mavalankar supported it and Prime Minister Nehru and Home Minister Sardar Patel agreed. The rules provided that Speaker would appoint a Chairman though for many years because of the fragmented opposition the chairmanship could not be given to a member of the Opposition. However, this was corrected in 1967 when the leader of the principal Opposition Party was appointed the Chairman of the Committee.

Shri Kaul also suggested that in view of the fact that House had very little time to scrutinize the estimates of expenditure of the Government, a new Committee may be established to examine thoroughly the estimates after they were presented to the House. This was also agreed to. In the beginning, Shri Kaul himself attended both the PAC and EC and guided the Committees, as the members were quite new and here were no past precedents to go by. Both the Committees turned out many useful reports and the press gave them publicity, wrote editorials and the Government Departments were shaken a bit as they realized that a searchlight is being thrown on their decisions taken behind the screens and among themselves. A third Committee was later added, called the Committee on Public Undertakings to examine the accounts and working of Public Undertakings. All the three committees became important in the parliamentary and public eye and among themselves they complete the scrutiny of

all the public expenditure enabling the committees to suggest economies, efficient implementation of policies and new lines of approach.

Parliamentary supremacy over all affairs and the accountability to it by the Executive, were dear to Shri Kaul's heart. In addition to the constitution of the three Financial Committees, he provided secretariat to the Select Committee on Bills. Such committees were under the British regime serviced by the Legislative Department. Shri Kaul argued that the Law Ministry was a part of the Executive and the committee's independent point of view may not get adequately translated in amendments to the bills or scrutiny by the committee may not be as thorough as it wished. This was also achieved after initial resistance and some debate. Then Shri Kaul was also responsible for the appointment of Privileges Committee of the Parliament for which he suggested draft rules. Another area where Parliament's scrutiny was not existent was the rules and regulations framed by the Executive under the powers given to it by several Acts of Parliament. Shri Kaul argued that such rules which were in the nature of subordinate legislation had to be gone through carefully and Parliament had to make sure that the Executive had not exceeded the limits laid down in the parent Act or violate any of the provisions of the Constitution as to taxation and expenditure and the like. He proposed the formation of Committee on Subordinate Legislation which was agreed to. This Committee has done very useful work and has reduced litigation in courts and worry to the general public and at the same time given prestige to Parliament and kept the Executive in check. Similarly a Committee on Petitions was created to give the citizen a chance to ventilate a grievance of a public matter. Such a committee existed in the British times in India and is in the House of Commons in UK but its work is nominal and does not afford any redress to the aggrieved. He believed in the dictum, no grievance without a remedy. Our Committee on Petitions has done very useful work.

With all these safeguards and procedural innovations, Parliament began to be regarded as a prestigious organisation and people began to have faith in its capacity to deliver justice to them and ensure their welfare. He also cautioned the Committee of Privileges in early days to consult its dignity before taking notice of trivial breaches and to drop charges where they were not serious, damaging or contumacious. He also advised the committee that where a punishment was to be recommended, care should be taken that it fitted the crime. Once he told the committee that "it should not bring down a sledge hammer when a nut cracker would do." He believed this unlimited power should be vested in an institution to safeguard its dignity and to secure its compliance but care has to

be taken that the power is judiciously and rarely exercised. There should be more an aura of respect and reverence to the institution than the institute becoming vindictive and petty or punitive.

Immediately after our Independence, we had to depend on *May's Parliamentary Practices and Procedures*, as our own system was modelled on the House of Commons in the U.K. We had to adapt it many times because of some fundamental difference in detail and techniques. One day Pandit Jawaharlal Nehru asked Shri Kaul whether we could have a book describing Indian procedure and system. Shri Kaul told him that at least 10 to 15 years were needed to give permanence to our procedures which could then be reduced to writing. Sufficient case laws had to be developed, the courts had to confirm the validity of such procedures in the light of the constitutional provisions. So, Shri Kaul kept the idea in his mind and began to work on such a book. Eventually it was published in 1968. The first edition was lapped both inside and outside the country and the Indian system had a place of its own in the parliamentary annals of the world. Although four editions have been published and the fourth one after his death, essentially it is his draft and framework and the statement of principles which govern our procedure which has come to stay. Shri Hukam Singh, the then Speaker of Lok Sabha, who wrote the Foreword for the first edition, stated that Shri Kaul was the inventor of many procedures and practitioner too so that there was strength and permanence in what he had written and stated.

He wrote many articles, made speeches and spoke at various gatherings on parliamentary institution, parliamentary practices and the principles on which they are based. Some of them have been published in book form and others as individual articles.

He accompanied parliamentary delegations to the IPU and CPA every year and was responsible for advising them on many issues that came before such bodies. The matters relating to political, economic and social policies in the world context and India's achievements and reaction to them. He established a Library, Reference & Research Service dealing with such matters in the Lok Sabha Secretariat which did research, prepared briefs for delegates and collected information and documents from the Ministries of Government of India, so that the delegates were well equipped and able to answer questions and make their mark at such gatherings. In his time, conferences of the world bodies, IPU and CPA were held in India and they were so well organised that the delegates had all praise and carried lasting impressions of our country and its develop-

ment. From very early days we ranked as an important National Parliament to be taken notice of. He contributed vastly to the procedural and constitutional matters discussed in the Association of Secretaries-General of the World Parliaments and Conferences of Commonwealth Clerks and was regarded as a leading figure and authority on parliamentary matters.

Above all, he was a man of character, dignity and integrity. He utilized every opportunity to inculcate such ideals in those who came in contact with him. He emphasized that in order that people may give out their best in offices, it was necessary to have a clean environment, well ventilated rooms, neat and functional furniture and facilities for reading of books and magazines, libraries and activities in the field of music, dance and drama. Not only the members of staff were involved in them, but he saw to it that their families, particularly young children became part of an enlarged family. He thus created an ideal, which has its ramifications even now. The Secretariat has an association of all retired officers who meet periodically, renew acquaintances, keep in touch with the former and new colleagues and look upon the Secretariat for help in ways that they can render. It is a unique institution, which has no parallel anywhere. My prayer is that it may last for ever and have the capacity to grow higher and higher and produce new forms of activities, inventiveness and above all continue to enhance *esprit de corps*.

A Visionary Secretary

Avtar Singh Rikhy

Shri Kaul was an outstanding parliamentary official, a man of destiny and genius suited to his time and chosen vocation. He was a visionary who understood intuitively the importance of men and moments. He had a keen sense of history. He was fascinated by the unique opportunity that his position as Secretary gave him to see the history of independent and democratic India in the making.

He laid the sound foundations for developing an independent minded and efficient and trust-worthy Secretariat to serve the LOK SABHA.

He did pioneering work in devising modalities which suited the genius of our Indian Parliamentarians. The Short Notice Question, the Calling Attention Notice, the Short Duration Discussion etc. were all devised to give regulated opportunity to the Members to raise discussion at the earliest on matters of national importance. He had an intuitive understanding of what was agitating the minds of a sizeable number of Members and he would, without loss of time, share his feelings with the Speaker so that timely opportunity was afforded to the Members to bring up matters of pressing national importance.

He had a shrewd sense of timing. The manner in which he got the Rules of Procedure and Conduct of Business in Lok Sabha and Directions of the Speaker, thoroughly revised, consolidated and adopted by the House, towards the end of the term of First Lok Sabha bear testimony to it. A study of the earlier editions of these guiding Rules and Directions would show what a great service he rendered by eliminating duplication, overlapping and by rationalisation of the sequence and contents of the Rules and Directions.

Shri Kaul possessed rare drafting skill so that what he considered to be the essence of a matter, he could get translated into the formal language of the Rules and the Directions.

For example, the terms of reference* of the Committee on Estimates were most comprehensively devised and have not needed any change for the last forty years. It may be recalled that when there were noises, particularly from the Treasury Benches, about a Financial Committee going into the whole gamut of policies, he got drafted and issued a Direction** by the Speaker, to clarify that policy decided by the Government in its executive discretion could not debar the Estimates Committee from going into it but if it was a policy approved by Parliament even then the Committee could go into such aspects of it which in their view were not producing the desired results or were leading to waste, they could point out the defects and give reasons for seeking a change in it for the consideration of the House.

He was, however, careful to have a special procedure devised for examination of the Ministry of Defence,*** to meet the requirements of security.

To cite another instance of his practical good sense, one may turn to the definition of "Lobby"**** and "Precincts of the House"**** as incorporated in the Rules. While the term "Lobby" was strictly confined to "the covered corridor immediately adjoining the Chamber and coterminous with it" as it attracted the sensitive question of privilege, the definition of "Precincts of the House" was kept flexible by saying that "it includes the Chamber, the Lobbies, the galleries and such other places as the Speaker may from time to time specify" so as to take care of changing security requirements.

He was most zealous in safeguarding the freedom, the dignity and the authority of Parliament so that it could discharge its constitutional responsibility without let or hindrance from any external authority. He played an active perhaps a decisive role, in the manner in which Article 105(3), came to be originally worded to the effect.

"...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,

* Rule 310.

** Direction 98.

*** Direction 101.

**** Rule 2.

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 the Constitution”, (namely 26th January, 1950).

It is this visionary and thoughtful wording which makes parliamentary privileges and immunities as much a part of the Constitution as the rights conferred on a citizens by other provisions of the Constitution thus paving the way for the famous Supreme Court pronouncement in the Searchlight case to the effect that:

“It must not be overlooked that the provisions of Article 105(3) and Article 194(3) are constitutional laws and not ordinary laws made by Parliament or the State Legislatures and that, therefore, they are as supreme as the Provisions of Part III....

Article 19(1)(a) and Article 194(3) have to be reconciled and the only way of reconciling the same is to read Article 19(1)(a) as subject to the latter part of Article 194(3)...In our judgment, the principle of harmonious construction must be adopted and so constructed that the provisions of Article 19(1)(a) which are general must yield to Article 194(1) and the latter part of its Clause (3) which are special.”

It may be mentioned that the amendment of Article 105(3) by the Constitution (Forty-fourth Amendment) Act, 1978, does not materially alter the position as the powers, privileges and immunities of each House of Parliament and of the Members and the Committees of each House have been maintained as those “immediately before the coming into force* of Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978.”

Shri Kaul was not content merely in seeing that these privileges, powers and immunities were equated to those of the House of Commons, he was keen that there should be exhaustive information available from the study of privilege cases cited in *May's Parliamentary Practice* by referring to the original proceedings of the House of Commons and the reports of the Committee of Privileges and the discussions which had taken place thereon in the House. This exhaus-

* This came into force with effect from 20 June, 1979.

tive study was systematically undertaken over the years. It helped not only in educating the concerned parliamentary (Lok Sabha Secretariat) officers with the finer nuances of privilege, but also made clear to all concerned, including the Presiding Officers, the underlying objective of this power and the fine and strict limits within which it had to be most scrupulously exercised to sustain the dignity and respect for Parliament. It obviated conflicts and misunderstanding with the Executive as well as the Judiciary. It is noteworthy that Shri Kaul never allowed any situation of conflict to be built up with the Judiciary or the Executive during his period of stewardship.

Shri Kaul was innovative and far-seeing and yet downright practical. In the late Eighties, "One Minute Management Technique" and the importance of timely communication have been much talked about, but Shri Kaul not only knew the '*raison de etre*' of these concepts but practised them in everyday life from the Fifties onwards. He exhorted persons at decision-making level to be brief and precise and not pass up papers but to share contemporaneously information so that the top levels came to know, without loss of time, of all significant matters and could give timely guidance/directions where required.

'Jumping level' was not a mere slogan; it was practised to rationalise the levels for processing and taking conclusive decisions. In all the parliamentary and administrative work, Shri Kaul was most ably assisted by Shri S.L. Shakhder, Joint Secretary, who most faithfully and loyally served him and the institution for about 15 years before rising to the position of Secretary. It was fascinating to see how Shri Shakhder would stimulate and advance purposeful thinking so that the Policy framework was made clearer and more definitive and how meticulously and most efficiently he would ensure its implementation in letter and spirit.

For instance it was Shri Kaul who thought of having an authoritative book on the Practice and Procedure of Indian Parliament, with detailed annotations, broadly on the same lines as *May's Parliamentary Practice*. It was Shri Shakhder who not only worked out the detailed contents, but meticulously guided and went through each line, section and chapter of the manuscript to ensure its authenticity, incisiveness of expression and consistency of thought and presentation. A number of people dream of such projects, but it was given to a unique combination of two outstanding parliamentary officers to closely collaborate in compiling a most authentic book of reference on the subject and getting it published. Kaul and Shakhder's *Practice and Procedure of Parliament*

has come to occupy the same position of prestige and authority as *May's Parliamentary Practice* has been enjoying for decades in the United Kingdom.

Shri Kaul was very particular that the Rulings and Decisions of the Speaker, which had precedent value, should be summarised that very day and added to the main compilation kept for ready reference. It was out of this far-sighted practice that the concept of compiling and printing Manuals on the Rules of Procedure and Conduct of Business, the Directions of the Speaker and the Articles of the Constitution bearing on the functioning of parliamentary institution grew. Administrative modalities were also so devised as to ensure that the latest Rulings and Decisions of the Speaker were incorporated at the appropriate place in the Manuals so as to provide handy and up-dated authentic reference book for instant consultation at the Table.

He worked on the principle of trust, sharing of responsibility but with full accountability. He did away with all formalities of making elaborate entries of notices received from Members relating to the business of the House, but at the same time, ensured that the notices, particularly those concerning Adjournment Motions, Privileges, Special Mentions *etc.*, physically reached the Secretary/Speaker's hands within minutes of receipt. This enabled the Speaker to listen responsively to the Members who saw him in his Chamber between 10.00 a.m. and 11.00 a.m. in pursuance of their notices and take well-considered decisions.

All papers reaching Shri Kaul's table were cleared the same day. He seldom allowed any paper relating to parliamentary business to remain pending and thus set a high example of conclusive and timely disposal for his juniors to emulate. He was very particular about clean and neat presentation, preferably in the form of a self-contained note, to facilitate decision being taken by the Secretary/Speaker after taking all important aspects into consideration. His attitude towards paper and file work can well be described as somewhat "aggressive". His firm belief was that notes and paper work were only a means. The important thing was to take timely correct and conclusive decisions. His orders on files were short and pointed, free from all ambiguities (General Montgomery was his favourite "role model" for leadership qualities and issue of precise and definitive orders).

He accepted full responsibility for all actions of his juniors, but he saw to it that everyone at all levels followed meticulously the Rules, Directions, Precedents,

earlier Rulings of the Speaker in disposing of matters so that there was no room for *ad hocism* or arbitrariness to creep in.

Shri Kaul was a great discerner of officers mettle and calibre. He looked for dedication, objectivity and a capacity to apply one's self enthusiastically and whole-heartedly to the task. He cast the net far and wide to select officers of promise from State Legislatures, Indian Audit and Accounts Service, the All India Services etc.

He had the self-confidence and the capacity of not only welding them together as a team but continuously inspiring them with his own example of total devotion to parliamentary work to give of their best.

He thought of the institutional requirements of men of calibre to serve at various levels and so guided and moulded the personnel policies as to build up and leave behind a team of dedicated and talented persons who could carry forward the tradition of devoted service.

In all this challenging and sensitive task, he was most ably assisted, as in all other spheres, by Shri Shakhder, one of the finest Administrators, who encouraged officers to continuously develop their potential by setting a high personal example and by entrusting them with responsibilities in diverse fields. There was never any pettiness; there was room and opportunity for everyone to grow and shine forth. They extended to their colleagues affectionate regard and whole hearted assistance in times of need and distress. It made us all feel proud of belonging to the Lok Sabha Secretariat and hold our heads high with the feeling that we were being of some service to the nation.

But this should not be construed to mean that there was any laxity in official relationship. Shri Kaul assiduously cultivated aloofness and kept himself far above the clutter and din of daily routine. No one could say anything loosely or lightly in his presence. He thus protected the Secretariat, in a most far-sighted manner, from developing the subculture of sycophancy and back biting. In one word he kept the environmental conditions for working clean—a must for developing excellence and dedicated service.

He was fascinated by our country's rich heritage. I remember an incident in 1960 when he was being taken around the site of the Nagarjuna Sagar Dam, by the Well known Archaeologist, Dr. R. Subramaniam, who had been responsible for

identifying and excavating ancient sites of *Buddhist Viharas* and places of abode and worship, Shri Kaul asked him, as if inspired by a flash of intuitive insight: "Did you ever realise that you were a *Bhikkhu* in those ancient times of the great Savant Nagarjuna?" This was matched by an equally instant and unhesitating 'yes' by the Archaeologist. The Archaeologist recalled that while working in the area, he had one night a vision showing where the ancient sites of prayer and pilgrimage including the bathing ghats were located. He followed up this vision with excavations to unearthen invaluable ancient sites, complete with the *Viharas*, places of abode for *Bhikkhus*, bathing ghats, *etc.*, and this timely discovery facilitated these being physically transferred to a higher level so as to save them from submersion by the dam waters.

He was most meticulous about planning and preparing well in advance for important International/All India Conferences of Presiding Officers/Secretaries of Parliament and State Legislatures.

The preparatory work for the First Conference of the Commonwealth Parliamentary Association which was held in 1957 in Delhi was started at least one year earlier. This was the first time that Indian Parliament, indeed a Commonwealth country in Asia, was playing host to such an eminent gathering drawn from all parts of the world.

Shri Kaul, ably assisted as always by Shri Shakti, looked not only into the minute details of the Opening and Closing Ceremonies, but also the contents of the cultural evenings to convey to the influential gathering of Commonwealth Parliamentarians, the rich heritage of our country in music and dance and creative arts. He fitted into the programme not only *Bharata Natyam* but also a Fashion Show at Vigyan Bhawan to bring out the rich texture and variety of our fabulous fabrics, as also visits to the Taj, Mahabalipuram, *etc.*

He was very particular about observance of correct protocol and in those formative years when the knowledge and practice of protocol was limited, he did not hesitate to consult directly even the then Prime Minister (Pandit Jawaharlal Nehru) so as to make sure that nothing went a remiss at the important functions, including the banquets hosted by the Presiding Officers.

Another remarkable feature was the willing and enthusiastic support that he enlisted of the Presiding Officers of the State Legislatures, the Chief Ministers and the Secretaries of the State Legislatures to work harmoniously with the Lok

Sabha Secretariat to host numerous functions in the States to bring home to the Parliamentarians of the Commonwealth “the unity in diversity” of our country.

He was a very keen observer of the international scene. After the visit to China as a part of the Indian Parliamentary Delegation in the late Fifties,—(the heady days of ‘Hindi-Chini bhai bhai’)—he vividly recalled, soon after return, how President Mao Tse Tung, was at pains to learn as much as possible about the economic developmental plans of our country and the degree of success achieved in crucial areas such as steel making. Shri Kaul shared with the staff officers his clear impression that the change to Communist rule in China had not altered their basic hegemonistic approach in international relations and they continued to regard China as “the Centre of the World”.

Another instance of his keen observation relates to the pertinent advances taking place in the World. In 1957 when the Soviets put a space ship into orbit, he diligently looked for reasons which had enabled them to steal a march over the United States and other Western Countries. He came up with the answer, based on articles which had appeared in the leading science and technological journals, that the Soviet educational and vocational system had made for a very large number of scientists, mathematicians and technocrats becoming available for undertaking group and well-coordinated research. He shared this thought with all those who mattered to underline the importance of upgrading the standards of science and mathematics at the school level and to impart quality vocational and technological education to ever larger number of our young people. Shri Kaul did this yeoman service to the nation 30 years before our National Education Policy recognised the central importance of these factors and incorporated them in the National Education Policy.

Shri Kaul was particular that authentic information not only relating to matters of Constitution and law but in all important fields such as atomic power, science and technology, *etc.*, should become available in easy readable form to the Members of Parliament. He took the initiative for starting a number of such publications till the gap could be filled by other well known publications. Apart from the Journal of Parliamentary Information, he also initiated the Privileges Digest and the Digest dealing with the functioning of public undertakings to keep the Members informed of developments in these vital areas.

He always thought of himself first and foremost as an officer of the House, who had a duty and responsibility to each and every Member, irrespective of his/her

party affiliation. His basic assumption was that a Member had a viewpoint and a standing as a representative of people and it was our bounden duty, in the Lok Sabha Secretariat, to understand his/her view point. He attached great importance to the Private Member's rights and emphasised that all technical assistance within the framework of the Rules, Directions, Constitutional provisions, etc., should be extended to him/her, as a matter of course. In fact, the inspiration and the rationale for setting up and developing the Library, Reference and Documentation Cell was to make available authentic and factual information to all Members to facilitate a more purposeful, pointed and well informed discussion on matters of national and international importance. He conducted himself in a manner that inspired confidence of all sections of the House. It could well be said of him that he never volunteered advice but whenever any Member, irrespective of his/her party affiliation, approached him, he shared willingly his time, vast experience and intimate knowledge of the Rules and Directions, etc., to facilitate the discharge of his/her parliamentary duties and responsibilities. Thus he laid firm and true foundation for rendering impartial, independent and unbiased service to all Members of the House.

Shri Kaul had great moral character and exercised a sobering influence on all those who worked in the Lok Sabha Secretariat. For him, work was worship and exploring intellectual horizons a most thrilling and stimulating experience. He understood the importance of observing economic prudence at all levels of administration and the imperative necessity of cutting out all waste. He saw to it that there were not layers upon layers of supervisory officials and that work was done with utmost expedition and speed. He thought day and night of practical ways and means by which India's nascent democracy could be strengthened and the Executive made accountable to Parliament in all matters of crucial and national importance. He was an architect, a builder and an executive "*par excellence*" all rolled into one, to discharge fearlessly and with supreme confidence, the task of building a dependable and trustworthy institution to serve the cause of parliamentary democracy in the larger interests of our people.

Clerk of the House—A Colossus

C.K. Jain

When the writer of this piece joined the Lok Sabha Secretariat in 1955, Shri Maheshwar Nath Kaul, as Secretary of Lok Sabha, was a formidable personality, acknowledged both within the country and outside as an authority on Constitution and Parliamentary Practice and Procedures and around whom an aura of awe and authority had developed in official circles. Being a new entrant and there being several channels of official hierarchy, naturally there was no occasion of direct communication with him. However, his notings on files and speeches delivered on different occasions gave fairly a good idea about his deep knowledge and experience not only in his professional field but also as a good judge of men and matters.

It is proposed to discuss in this article mainly his contribution in the evolution of Parliamentary Practice and Procedure in India and raising the institution of Lok Sabha Secretariat to serve the Lok Sabha and Members of Parliament.

Shri Kaul started his career as a Barrister in the Allahabad High Court. He joined the Central Legislative Assembly Secretariat in 1937 as Deputy Secretary. In those days the Assembly Secretariat was a small one. Though he was number two in hierarchy next to Secretary of the Assembly, he enjoyed a very close rapport with the President of the Assembly, as the Speaker at that time was called. After Independence, he became Secretary of the Provisional Parliament and thereafter Secretary of first Lok Sabha. He remained in office upto 1st September, 1964 when Shri S.L. Shakhder succeeded him. Shri Kaul was nominated to the Rajya Sabha in 1966 and served it upto 1972. Thus, undoubtedly Shri Kaul not only had a bright career but also was involved intimately in the eventful developments of the period when the country's freedom struggle was at its climax leading ultimately to Independence and to the period of transition from colonial rule to the governance of the country by the elected representatives of the people. He was not only an eye-witness to the historic movements but also played an active role in many of those events.

When we look back to the period when he was at the helm of affairs of the Lok Sabha Secretariat, it seems a little difficult where to start and where to end as he left an indelible mark on the entire parliamentary life of those times.

His tenure before Independence in my view was the period when he studied and observed and devoted his whole time in acquiring experience of the working of the Constitutions of various countries and the systems and procedures obtaining there. In saying this, it is not intended to underrate or diminish his role in conducting the affairs of the Central Assembly. During the period of transition from foreign rule to the rule of the people's own representatives and thereafter when the Constituent Assembly of India was framing the Constitution and with the introduction of the new Constitution, Shri Kaul played crucial roles. The most important role which he played and for which he would always be remembered was in reorienting and evolving parliamentary procedures in conformity with the Constitution of free India and in organising and developing a Secretariat to serve the new Parliament and its Members.

The framers of the Constitution in Chapter on Parliament laid down a broad framework for its functioning. However, for day-to-day working of those provisions it was necessary to put flesh and blood into them by making elaborate rules of procedure and evolving practices and conventions. This work was ably accomplished by Shri Kaul. While devising the parliamentary procedure Shri Kaul was firm in his conviction that the role of Parliament in the affairs of the country was basically to exercise an *ex-post facto* control over the executive. He held the view that it was necessary for the legislators to check the temptation to take upon themselves the executive responsibility because "Parliament's main function is *ex-post facto*." In an article contributed to the 50th Anniversary Souvenir of the Conference of Presiding Officers of Legislative Bodies in India (September 1972), Shri Kaul observed: "Our Parliamentarians...thought it was derogatory for any member to say in Parliament that Parliament functions *ex-post facto*. But the truth is that such is our Constitution. Unless Government is compelled by the Constitution or the laws already passed by Parliament, it can act independently in the executive sphere. That is a good thing, because it means quick decisions." In the parliamentary system which we have, Parliament is given the power to criticise and influence the decisions of the Government but initiative in matters of policy and its implementation is mainly with the executive. This principle has to be kept in view in the working of parliamentary committees as well.

Shri Kaul shared the majority view in the country that parliamentary system is best suited to us notwithstanding its many weaknesses. To sustain the system and its vitality, it is necessary to ensure that the Parliament functions and functions effectively. That is possible only if it remains a forum for free and fair discussion by giving adequate opportunity to all sections of the Parliament to ventilate their views in an orderly manner. For healthy growth and development of parliamentary institutions, Shri Kaul favoured the view that it would be advantageous to have detailed information as to the procedure existing in other countries, particularly in regard to matters not readily available in books. Comparative study of procedure is very valuable. While studying procedure, he felt, it requires long training and intensive study to be able to separate what is fundamental from what is merely ancillary. We have to gather fundamental principles of procedure and fit them into our system in a simple way. Elasticity of procedure stimulates the system. Therefore, procedure should constantly be under review. In British House of Commons, Select Committee on procedure is appointed from time to time to consider their adequacy and efficacy both and suggest reforms to meet the new needs and requirements.

The setting up of an independent and efficient Secretariat to serve the Parliament was according to Shri Kaul an absolute necessity. The evolution of the Lok Sabha Secretariat from a small organisation to the one which now employs more than a thousand and five hundred officials has not come about haphazardly. A good deal of planning and thoughtfulness had gone into it. He knew that if prompt and efficient service were to be made available to our members only men of high merit and with requisite training would be able to do it. When Shri Kaul went for a separate system for recruiting people to man the posts in the Secretariat, the purpose was to ensure the selection of the best candidates through a much more rigorous test than was done by the UPSC and to instil an independent culture in the staff of the Secretariat. The confirmation tests that he prescribed for every probationer were intended to ensure that merit alone was rewarded. The advice given in sealed green envelopes to the employees was always with a view to reforming them and not intended as much to be punitive. He always urged upon every officer of the Secretariat to inculcate in him a sense of pride that he had the good fortune of serving the highest political institution of the country.

Shri Kaul believed that there was no harm in bringing people from outside the Secretariat, especially from the State Legislatures and the office of C&AG. But here also he insisted that such appointments should be made only after rigorous

tests. In this connection, his idea for establishing an Indian Parliamentary Service is worth recalling. He said "this is the only solution which can solve many difficult problems that arise in connection with the State Legislature Secretariats and their organisations, particularly the manning of their Secretariats by first class personnel". According to him, such a service would give an institutional prestige as well as serve as an agency for national integration.

As I said earlier, the growth of the Secretariat numerically did not happen in a haphazard manner. Shri Kaul believed that it was the duty of every staff member to guide the members whenever required. He wanted everyone to know at least something about the functioning of every branch in the Secretariat so that he could answer every query of members and meet their needs immediately or soon after obtaining the necessary information from whoever was directly responsible for it. In no case was the member to be asked to go and meet somebody else; it was the duty of the staffer who was first approached by the member to provide him with the information. To achieve this versatility, he exhorted the staff to spend time in studying various subjects to widen their knowledge and horizon so as to equip themselves better for the service of Parliament. In giving the information to a member or the Committee, it is essential to observe complete objectivity, leaving it to member or Committee to take own decision.

Under Shri Kaul's stewardship, the Secretariat assumed certain distinguishing characteristics as compared to the other Secretariat Departments. The possibility of jumping levels in submitting files, absence of red tape, no diary register for incoming or outgoing dak, quick disposal of cases, etc. are only a few among them. While developing office procedures, Shri Kaul was guided by the sole criteria of improving efficiency and achieving excellence. The detailed Instructional Orders, Office Orders, Routine Orders, etc. governing the disposal of work were so thorough that it was difficult for any conscientious officer to err on procedure.

In spite of his busy schedule at home, Shri Kaul found time to travel extensively to other countries during the course of which he studied in depth the practices and procedures being followed by them. But he would not blindly copy anything he found in other places. He would adopt only the appropriate things and that too after suitable modifications. He did not believe in monopolising the informa-

tion thus acquired. Vivid records of his studies and evaluation of the procedures in other countries were made for the use of others also.

Before suggesting rules for the functioning of our Parliament he would do a lot of research and make a thorough study of the history of rules in other countries; only thereafter would these be submitted to the Rules Committee for consideration and approval.

In his long and distinguished career, he contributed in a substantial way in almost all areas of Parliamentary work. His monumental treatise "*Practice and Procedure of Parliament*" which he co-authored along with Shri S.L. Shakhder is testimony to the deep understanding and insight he acquired while associated with the Parliament during his distinguished career. This is the only authentic work on Parliamentary Practice and Procedure in India for all those interested in the field of Parliament and also for the Speakers and Presiding Officers of the Parliament and State Legislatures. The book is also widely referred to in the parliaments of several other countries.

As regards the overall working of the Parliament, Shri Kaul observed that a substantial chunk of the time of the House was spent on legislative matters. He was, however, of the view that some rational apportioning of the time of the House should be effected if the House were to effectively make use of the limited time available at its disposal. He was therefore of the opinion that there should be some proportion between the time spent on law making and that spent on discussions on matters of general importance and public policies.

Shri Kaul played a vital role in the evolution and development of the Committee System. His contributions and innovations in the field of committees were very significant. In addition to the constitution of the three Financial Committees, Shri Kaul helped in the establishment of the Privileges Committee, Committee on Subordinate Legislation, Committee on Government Assurances and Select Committees on Bills. It was Shri Kaul who suggested the convening of conferences of Chairmen of Central and State Parliamentary Committees to discuss and lay down the broad principles of procedures and to deliberate on the problems faced by them in the day-to-day working of the Committees.

Shri Kaul felt that "the basic work relating to any legislation should be attempted by the Committees. The details of bills, etc. should be discussed in the Committees and the parliamentary time must be saved for more important business and matters of urgent public importance." He was of the opinion that

the Press correspondents should be allowed at the meetings of the Committees and a verbatim record of the evidence and the proceedings should be kept and circulated to the members, so that by the time the report of a Committee was presented to the House, there could be sufficient discussion, both in the Press and also among members informally.

Learned and committed as he was, Shri Kaul knew fully well that the smooth functioning of Parliament depended on a relationship of close contact and understanding between the Speaker and the Secretary. His views on the Speaker-Secretary relationship were quite clear. He said: "This relationship is a delicate one. For the successful working of the Assemblies and Parliament, correct relationship between the Speaker and the Secretary was vital. If that relationship is not established, no amount of autonomy, no amount of Parliamentary services, nothing can solve the day-to-day problems, but if that relationship is established on a proper basis, all problems get resolved easily."

In regard to appointment of Secretary-General, Shri Kaul underlined that the first and foremost qualification is that he should possess long training and experience acquired after having worked in the Lok Sabha Secretariat in different capacities. This is acquired not by reading books alone. He is in fact the repository of inherited memory about events handed down to him by his predecessors which is otherwise not available in books. Shri Kaul in his book 'Practice and Procedure of Parliament' observes:

"The Secretary-General is a permanent official of the Secretariat of the House and is chosen and appointed by the Speaker from amongst those who have made their mark in the service of Parliament in various capacities in the Secretariat. He is the leading public servant, not only because it is his function to ensure the administration and working of Lok Sabha from day-to-day and the correct observance of parliamentary procedure, but also because he enjoys his position by virtue of his political impartiality. He is unconnected with politics and so is impervious to any kind of external pressure or political influence. In order that he may perform his duties with zeal in the public interest, sufficient safeguards are provided to give him security of service and independence. He is answerable only to the Speaker and his action cannot be discussed either inside or outside the House."

Similarly, in the matter of defining parliamentary privileges, Shri Kaul had made signal contributions. In 1950, his views on parliamentary privileges were

circulated in the Presiding Officers Conference. According to him, "the most important privilege is the power of Parliament to punish any person who commits a contempt of Parliament or a breach of any of its privileges. It is this judicial power that gives reality to the privileges of Parliament and emphasises its sovereign character so far as the protection of its rights and the maintenance of its dignity are concerned." But this power has to be exercised sparingly with great care and caution in accordance with established law of privilege and precedents without making inroads into the freedom of fair comment and giving a feeling to ordinary citizens that legislators are a special privileged class more equal than others.

Shri Kaul knew fully well that our system of government can work effectively only if the members are kept well informed. He believed that the best way for this was for the political parties to establish research bodies which could provide the necessary information and data to members so that they could work efficiently. In order to meet the information needs of the members, he established as early as in 1950, a Research and Reference Section in the Parliament Secretariat. With a modest beginning, it has now blossomed into a full-fledged Parliament Library and Reference, Research, Documentation and Information Service catering to a wide variety of information needs of the members of Parliament.

Along with the developments in the Parliament at the Centre, Shri Kaul was keen that all the State Legislative Assemblies should also develop in the proper manner to provide efficient service to the members of the Legislative Assemblies. After independence, while attending to the requirements at the centre, he took special interest in training personnel of the Legislative Assemblies also. The most important contribution of Shri Kaul in this respect was the holding of the Conferences of the Secretaries of the Legislative Bodies in India. Being the formative years, there used to be lively discussions on various procedural and constitutional matters in these Conferences. Since he was also a constitutional expert, all the Secretaries really used to look forward to meeting Shri Kaul for guidance in the Conferences on Parliamentary practice, procedure and other constitutional matters.

Over the years, seeds sown by Shri Kaul have blossomed into fullness. Today, we have trained and skilled officials working in each and every Branch of the Secretariat and the Lok Sabha Secretariat has come to occupy an outstanding

reputation for efficiency, integrity and promptitude. We owe this to Shri Kaul's administrative acumen, farsighted vision, sagacity and hard work.

Shri Kaul also made a valuable contribution in helping the promotion of inter-parliamentary relations. He held long discussions with Mr. M. Andre de Blonay (the then Secretary-General of Inter-Parliamentary Union) and Sir Howard d'Egville (the then Secretary-General, Commonwealth Parliamentary Association) to build up and develop institutional arrangements between the Parliament of India and the Parliaments of other countries as well as the international parliamentary organisations in order that Parliament of India gets its rightful position in the international parliamentary fora and plays its proper role in promoting the international understanding and cooperation.

On the occasion of his 91st birth anniversary let us all pledge not only to maintain the high traditions and standards established by Shri Kaul but also to promote and serve the best interests of this representative institution, which is the custodian of the democratic rights of the people. As Shri Kaul said :

“In any organisation the worst enemy of man is self-complacency and if it is there, all the value of the work that is done is lost....We live in an age where there is no limit to human endeavour in any sphere of life. Every endeavour leads to the next higher stage. Therefore, it should be our endeavour and our objective not only to continue the good traditions but also to infuse new spirit in the parent organisation.”

Indeed among clerks of legislatures not only in India but outside, Shri Kaul was a colossus who was always a source of inspiration to us in his own lifetime, continues to be so and I am sure, would inspire the future parliamentary officials as well.

Chief Architect of Lok Sabha Secretariat

N.N. Mehra

Shri Maheshwar Nath Kaul, Bar at Law, left his well established practice at the Bar and joined as Deputy Secretary in the Legislative Department. That has proved to be a good fortune for the Lok Sabha Secretariat to be shared by all its officers—past, present or future. The history now knows Shri Kaul as the architect and chief planner of the institution which has grown into the present Lok Sabha Secretariat—an institution which has earned encomiums every now and then, on the floor of Parliament as well as outside to be the most efficient Department. The contribution of Shri Kaul in this achievement has been monumental.

Shri Kaul took over the reigns of Secretaryship of the Legislative Assembly Department at a very crucial stage when the Constituent Assembly was functioning as the Constitution making body as well as Legislature for the country. It goes to his credit that he exhibited great wisdom, showed unique patience and made efforts on the correct lines to sustain the Legislative Assembly Department as a separate institution which served as the Secretariat for the Constituent Assembly (Legislative), Provisional Parliament and later the House of the People (Lok Sabha). It was under the stewardship of Shri Kaul that parliamentary procedures and practices which presently guide the functioning of Parliament and its Committees were consolidated and modified in the shape of Rules of Procedure, Directions by the Speaker and Hand Book for Members which *inter alia*, incorporate various parliamentary customs and conventions. Records of Lok Sabha Secretariat are full of well reasoned notes and enunciations which give a background to many a present procedure and practice—some following the practice of British House of Commons and some laying down new procedures to meet the needs and aspirations of the people of the country whom the Members of Parliament represent. He nurtured the Secretariat in such a masterly manner that an institution, which in early fifties had one Secretary, one Deputy Secretary, one OSD and three Assistant Secretaries, has today one Secretary-General, two Additional Secretaries, five Joint Secretaries, over a dozen Deputy Secretaries and over a score of Under Secretaries. There is no field

left uncovered in rendering services and providing amenities to Members of Parliament. This is what Shri Kaul had visualised and predicted in a speech at the gathering of officers and staff of Lok Sabha Secretariat in 1954 on the occasion of celebration of Silver Jubilee of the independence of the Secretariat from the Executive.

I had the good fortune of sitting at the Table of the House for a few years when Shri Kaul was Secretary and learning a lot from him. In the beginning, he would call me unexpectedly and question me about the business for the day, business at the moment before the House, rules applicable, the Minister concerned with the business and so on. This taught me to study deeply the Rules, Directions, Order paper, *etc.* and be fully prepared to answer any question and to render the correct advice if any M.P. came for help and to brief the Chair when needed. I recollect some instances which give a glimpse of his personality, deep knowledge of procedures and mature understanding of the Parliamentary practices and conventions. On one occasion, when Speaker Ayyangar was in the Chair, a few agitated Members entered the House shouting and protesting against the action of the police in manhandling and arresting an M.P. in the compound outside Parliament building. In answer to a query by a Member, the Speaker observed that he had not given any permission to the police for entering the compound and arresting the M.P. The Speaker's observation led to immediate uproar in the House and many Members demanded action against the concerned police officials. During the submissions a point arose whether the compound came under the Speaker's jurisdiction. One of the senior officers, who happened to be sitting at the Table in connection with another notice, took out the book of Directions by the Speaker and pointed out to Joint Secretary, Direction 2 which defined the precincts of Parliament House. Shri Kaul asked the officers to sit silently observing that the Speaker had the book with him and he can himself look at it. Shri Kaul in making his observations relied on the dictum that when dealing with a difficult situation in the House the Speaker has to depend upon his own wisdom and advice of the Secretary on such an occasion should be "be cautious, be more cautious". The storm in the House passed over as no Member pointed out that under the Direction, the compound came within the precincts of the House. The crux of the incident has another aspect. It is not possible for the Speaker to take all decisions personally. Therefore, it may not be always the prudent for the Speaker to disclaim decision taken by Secretary-General or other Senior Officers except when it is proved to be *mala fide* or taken without explicit or implied delegation of powers. The relations between the Speaker and the Secretary-General have always to be

cordial and of confidence and whenever any point is raised about any decision purported to be taken by the Speaker, the Speaker normally tells the Member raising the point that he would look into the records and let the Member know. During Shri Kaul's Secretaryship the level at which decisions were to be taken by officers was clearly laid down which made the functioning of the Secretariat smooth.

Shri Kaul was gifted with a commanding voice and in the normal circumstances he used to communicate directly with the Joint Secretary and at times with senior officers only. However, he used to keep himself informed about the activities and welfare of all the junior officers and staff. He took active interest in club activities which were quiet frequent and well attended during his tenure. I remember that when I was incharge of Table Office, we organised a farewell party on the retirement of a *Jamadar* attached to Secretary. At our request, both Shri Kaul and Shri S.L. Shakhder attended the function. During the course of chat on the occasion, Shri Kaul surprised every one by telling that no one knew the exact age of the *Jamadar*. According to custom followed in the Hills at that time, in the absence of any regular record being kept about the date of birth, the age of a person was calculated on the basis of the life of *lotas* (brass mugs). When a mug got worn out in the course of normal day to day cleaning, it was taken that 20 years had passed since the purchase of that mug. On the basis of that calculation, the *Jamadar*, had told him that he was completing sixty years of age and was accordingly retiring. Later, the *Jamadar* told us that in addition to normal Government pension, Shri Kaul had decided to pay a fixed sum per month from his own pocket, till the *Jamadar* was alive.

Shri Kaul was a man of action and all the time he was on the look out for new systems and procedures to improve the working of the House and efficiency of the Secretariat and to expedite disposal of work. I recollect that on one occasion when I was dealing with Government Bills in Legislative Branch, one Bill was to be submitted for President's assent. When the assent copy of the Bill was under submission to the Speaker for signing the certificate that the Bill had been passed by both Houses of Parliament, a telephonic message was received from the Ministry of Law requesting that the assent copies of the Bill might be sent to them by that evening as the President was to leave on tour next morning and the assent would be delayed if papers could not be submitted before the departure of the President. When the Bill with Speaker's certificate duly signed by him was received in the Branch, I thought that if the file was submitted in the normal course to Secretary through normal channel for signing the Memorandum submitting the Bill for President's assent, it might not come back

by that evening. So I kept the Memorandum for Secretary's signatures in a signature pad and sent it to P.S. to Secretary with a small chit attached to it saying that the Speaker has signed the certificate on the assent copy and forwarding Memo was put up for Secretary's signatures. P.S. to Secretary brought the pad back to me in less than half an hour and told me that Shri Kaul had liked very much the short cut method adopted by me. Later, we received Secretary's orders directing that special multi-colour pads should be prepared for submitting messages to Rajya Sabha, assent copies of Bills, etc., for Secretary's signatures. The system introduced at that time is still in vogue and has proved very helpful in expediting disposal of Bills at various stages as the special pads when put up receive priority at every level.

Shri Kaul exhibited on more than one occasion that one of the qualities prerequisite for efficient functioning of a parliamentary official is that he must keep his head cool even in extreme situations. On one occasion, just before the House was about to meet after lunch, one lady Member came to Shri Kaul's seat in the Chamber and applied *Gulal* (red powder) on the forehead of Shri Kaul saying *Holi Mubarak* (it was the eve before the House was to adjourn for *Holi* holiday). The normal tendency is that when *Gulal* is applied, one either draws back or covers the forehead with his hands but Shri Kaul exhibited full self control and kept his cool. Though looking upset with his forehead covered with *Gulal*, he did not say anything to the Member and left the Chamber quietly and returned after few minutes with his face and forehead cleaned. Similarly, on another occasion during the meeting of the Speaker with Deputy Speaker and Members of the Panel of Chairmen in the Speaker's Chamber, Speaker Ayyangar while emphasising a point moved his hands side ways so violently that his left hand hit a glass tumbler full of water and the water of the tumbler splashed directly on Shri Kaul's eyes, face and shirt. Shri Kaul kept his cool and quietly left for his room to clean himself and change his shirt.

Shri Kaul was fond of long walks and in the evenings he could be seen walking in the company of the then Joint Secretary, Shri S.L. Shakhder, in the lawns of India Gate and in the later years in the lawns of *Shanti Path*. It was a common talk that during these walks many points connected with the functioning of the House and working of the Secretariat were discussed and conclusions arrived at which were later implemented.

Shri Kaul died at a ripe age but till the last his main interest was the functioning of Parliament and the welfare of the Secretariat which he had built. I pay my respectful homage to the great man and noble soul.

Homage to M.N. Kaul

B.K. Mukherjee

The ideal person, said Aldous Huxley, is a non-attached person. Judged by this criterion the late Shri M.N. Kaul may best be described as an ideal person. He was non-attached to worldly pleasures, non-attached to the glitter of power or pelf, non-attached to the lure of fame—the last infirmity of noble minds. He was not only non-attached but was absolutely—free from all controversies, free from all criticisms, free from fear and malice. The only attachment of Shri Kaul—if it may be called an attachment—was his insatiable love for the institution of Parliament which he had served for well over thirty-five years. And in association with Shri S.L. Shakhder he built brick by brick the edifice that Parliament is in the post-independent India. About him I am almost tempted to echo the same words which Wordsworth said of Milton:

“Thy soul was like a star and dwelt apart;
Thy hadst a voice whose sound was like the sea,
Pure as the naked heavens, majestic, free;
So didst thou travel on life’s common way
In cheerful gaudiness.”

I was fortunate to be selected by Shri Kaul as one of a handful of officials to serve the then Legislative Assembly Department in preparation for the anticipated work-load of the Secretariat with the inauguration of the Constitution. One morning in September, 1949 I waited patiently outside a room in the ground floor of the Legislative Assembly building. The interview for recruitment was to take place in the Secretary’s room. A call came and I went inside to face the Board. At the head of a polished mahogany table sat an officer dressed in immaculate white. He appeared to be fairly tall, with sharp features and dark eye lashes. To my youthful eyes, he appeared to be a figure wrought in alabaster white by some Athenian Sculptor. The sharp gaze, the questioning look, the quiet composure left a deep and abiding impression on my mind, Maheshwar Nath Kaul. I would like to preserve the memory of a tall, gaunt, erect and extremely handsome gentleman whose countenance radiated the wisdom and deep learning of the ancient *rishis*.

A torrent of questions followed:

“Who wrote the following lines?

“We look before and after and pine for what is not,

“Our sweetest songs are those which tell of saddest thoughts.”

“What do you know by the Law of Diminishing Return?”

“What is the character of India’s Constitution?

“What do you mean by the following?”

“To me the meanest flower that blows can give thoughts

That do often lie too deep for tears.”

The last question really touched the chords of my heart. In all my later years, whenever darkness deepened and clouds gathered I sought refuge in Wordsworth. Needless to say I was selected and I joined the Legislative Assembly Department in October, 1949.

I have no knowledge of Shri Kaul’s personal life nor do I have any idea of his role as the Secretary of the Lok Sabha when he used to sit in the chamber below the Speaker’s throne. But I do have adequate knowledge about his contribution in three distinct departments—Financial Committees, Publications and Library and Research.

It would not be an exaggeration to say that Shri Kaul was the father of the Financial Committees as we see them today. Endowed with a remarkable foresight, Shri Kaul envisaged a powerful and independent role for the Legislature Secretariat. He knew that with the inauguration of the Constitution on 26 January, 1950 new Rules of Procedure would have to be framed. That was the time when a bold initiative would have to be taken to introduce a system of Committees on the House of Commons pattern. He visited the British Parliament and held discussions with the Clerk of the House of Commons on the functioning of Committees in the two Houses of the British Parliament. Later he prepared a memorandum in February, 1949 calling upon certain broad features of modern Parliamentary procedure...(to)... be considered for adoption in India. He was convinced that with the steady growth of public expenditure, both in volume and complexity, and with the increasing pressure on parliamentary time exerted by legislative proposals, policy discussions and *ad hoc* debates on topical issues of public importance, Parliament could hardly find time for detailed examination and scrutiny of expenditure and achievements. Shri Kaul, therefore, suggested in his Memorandum that the existing Public Accounts

Committee (then chaired by the Finance Member) and the Standing Finance Committee be replaced by a new Public Expenditure Committee with a non-official Chairman and a secretariat of its own drawn from Assembly Secretariat which might function through sub-committees as Public Accounts Committee and the Estimates Committee. Shri Kaul's Memorandum was commended by the Speaker, Shri G.V. Mavalankar, and examined in depth by the Comptroller and Auditor-General and Minister of Finance. On 28 February, 1950 the Finance Minister (Dr. John Mathai) while presenting the Budget informed the House about Government's acceptance of the proposal to set up an Estimates Committee to be elected by the House and chaired by a non-official member, Shri Kaul's efforts bore fruit when the first Estimates Committee (constituted in 10 April, 1950) was inaugurated by Speaker Mavalankar on 18 April, 1950. With the changes made in the Rules of Procedure, the Public Accounts Committee also became a Parliamentary Committee with Members elected from both the Houses of Parliament. The committee had a non-official Chairman appointed by the Speaker from amongst the elected Members.

Shri Kaul assisted both the Financial Committees in their formative years. He personally attended the sittings of the two Financial Committees along with Shri S.L. Shakdher and enlightened the Committee with regard to the scope of Committee's work. Many a doubt raised by Members was resolved by Shri Kaul to the entire satisfaction of the Committee. That the Estimates Committee could examine some of the burning topics which had agitated the minds of Members in the Houses of Parliament was entirely due to the bold initiative of Shri Kaul. He convinced the Chairman about the need for a thorough probe into the functioning of the Sindri Fertiliser Project wherein the Government and the country lost enormous sums due to defective planning and avoidable delays in execution.

As an Administrator, Shri Kaul was appreciative of the good work done by the staff who worked in the Financial Committee Branch. Once after the Committee's terms were over he visited the Financial Committee Branch along with Shri Shakdher and complimented me and my colleague, Shri Chawla, in the P.A.C. wing for the good work done by us. I had prepared a Review of the Estimates Committee (the precursor of the present Financial Committees of Parliament: A Review) and Shri Chawla had prepared an Epitome of P.A.C. reports covering full one year. After satisfying himself that the staff had been sufficiently trained in handling Committee work, Shri Kaul ceased to attend the sittings and entrusted advisory and supervisory functions to Shri Shakdher.

In the realm of publications, Shri Kaul's contribution was enormous. When I was a Research Officer, a note came from Shri Kaul directing that we should bring out a *Journal of Parliamentary Information*. It was a new venture and a challenging assignment. Shri Shakhder asked me to work on this project. The work involved collection of material, preparation of the layout, the designing of the format, editing and lastly printing and distribution. Being the first issue, messages from the Prime Minister, the Speaker and other dignitaries were incorporated in the Journal. I still recall the thrill and delectation when the first issue of the Journal was out from the Press. The Journal, which is now in its 38th year, had been embellished with contributions from eminent parliamentarians, jurists, social scientists and legal and constitutional experts. It has been my privilege to contribute more than a dozen articles on various aspects of parliamentary procedure and the role of Parliamentary Committees in a democratic set-up.

After the First Parliament was over, Shri Kaul directed that there should be a souvenir on First Parliament which was coming to a close. As Chief Research Officer in the Research Branch, I organised the work on the Souvenir. Articles were procured from Chairman of Parliamentary Committees; leading Members of Parliament and senior officers of the Lok Sabha Secretariat. In his preface the Speaker, Shri M. Ananthasayanam Ayyangar said:

“The First Parliament is coming to a close and the second is in the making. Judged by every standard, the achievements of the First Parliament will go down in the annals of the nation. As a fitting tribute to its work, an effort is made in the publication to give an idea of the significant activities of the First Parliament.”

Both Shri A.L. Seth (then a Research Officer) and I worked hard in making the publication a success. Besides twenty appendices and 51 plates, the Souvenir included a highly innovative cover picture.

One night, there were three officers in the Government of India Press—myself, A.L. Seth and Prafulla Kumar Mitra, then Assistant Manager of Printing. We worked throughout the night checking machine proofs, correcting copies and supervising stitching and binding. When by 7 A.M. the first copy was ready Shri Seth and myself went straight to the residence of Shri Shakhder. Luckily Shri Kaul was also present there. He took the copy, turned over the pages and then remarked: “I don't find any blemish in it.” That was Shri M.N. Kaul—a

man of few words but when he spoke he spoke from his heart. The compliment was well taken.

Under Shri Kaul's patronage and Shri Shakti's guidance, we had rejuvenated the Research Branch and the Parliament Library. A spate of brochures, information bulletins and background papers—all germane to the topics being discussed or slated for discussion—appeared in quick succession. New periodicals like Digest of Laws, Fortnightly News Digest, Atomic News Digest (later discontinued), were brought out in addition to the Monthly Index of Articles and the Abstracting Services.

A Press clipping service was also introduced which proved very useful to the Members. I remember that Shri Kaul used to dictate notes to his stenographer every Sunday and the following Monday we used to get a cropful of notes for purposes of research and investigation. In this way we prepared brochures on such subjects as Taxation by Ordinances, *Panch Sheel* or Suez Canal Crisis. Shri Kaul's interest in history is best revealed by his note on *Maya Civilization*. There was hardly a subject which did not interest him. And he read and appreciated all that was produced by the Research Branch.

Shri Kaul had a keen eye for details. Once in connection with the work on the Committee on the Conduct of a Member (1951) I had gone to Bombay along with Shri Sehadi, then P.S. to Shri Shakti, to organise the sittings of the Committee in Bombay Legislative Council's Committee Room. We made the sitting arrangements, tied up with the Reporters the arrangements for reporting and supply of copies, earmarked the enclosure for witnesses and put up indicators on the walls from the ground floor upto the first floor where the sittings were to be held. In the evening, prior to the Committee sittings, Shri Kaul and Shri Shakti came to the Committee room, inspected the arrangements made and expressed his appreciation by mentioning to Shri Shakti: "Everything looks alright." Shri Kaul used to communicate with the staff not directly (unless needed) but indirectly through Shri Shakti. We learnt that even a nod of his meant much more than spoken words.

Shri Kaul was at his best in informal gatherings of Lok Sabha Secretariat staff—the anniversary function organised by the Lok Sabha Secretariat Club or the informal meeting with officers in Parliament House cafeteria. I am not referring to the occasional gathering of all officers in the Banquet Hall of the Annexe building where Shri Kaul, even after retirement, was invariably

present. I am referring to the period when the officers (there were not many then) and their spouses were invited to a lunch and then introduced to the host. At the time of his retirement, a farewell function was organised at which the officers and, if I remember aright, their wives were present and a group photograph was taken. It may therefore be said without hesitation that Shri Kaul was the initiator of the present practice of informal get-together of all serving and retired officers.

I would like to refer to one aspect of Shri Kaul's character and that was his humaneness. He sympathetically considered the submissions made by the staff and officers through proper channels. I myself was a beneficiary of his kindness. I may not have another opportunity to disclose it and hence I am taking this opportunity to lay bare the facts. There was a need of appointing a young officer for chamber work to assist the Deputy Secretary. Somehow or other I was picked up for the job but before formal orders were issued I was called by the Joint Secretary (Shri Shakhder) and told of the decision. For a second I remained speechless and then I pleaded: "Sir, I am by training a man of research and literary activities. What shall I do as an officer in the table? I feel that my talents would be wasted." Shri Shakhder understood. I took leave and returned to my original assignment. Later another officer was found for assisting the Deputy Secretary looking after Legislative work. Many years later when Shri Kaul had retired from service I happened to meet him at an informal get-together in Annexe building. He had a sparkle in his eyes and a smile in the corners of his lips. He asked: "Mukherjee, why did you decline to go to the table?" I mumbled the same words which I had said to Shri Shakhder. I marvel at the prodigious memory of Shri Kaul. He remembered even the smallest detail. The Administration can post any officer to any post. But it was the humaneness, geniality and empathy of Shri Kaul, which enabled me to continue in the job which I liked most. And that was service in the Parliamentary Committees—both Legislative and Financial.

One matter deserves special mention. The name of Shri M.N. Kaul will be remembered as long as the institution of Parliament lasts. He is the Erskine May of India and his monumental work on the *Practice and Procedure of Parliament* (in collaboration with Shri S.L. Shakhder) is held in as much esteem as *May's Parliamentary Practice* concerning the procedure in Westminster. Should not there be a statue of Shri Kaul in the precincts of *Sansadiya Soudh* (the Annexe building), which he had conceived to house the Secretariats of

Parliament. As matters stand there isn't even a plaque to commemorate his memory.

Plaque or no plaque Shri M.N. Kaul lives in the hearts of his countless admirers and will continue to be remembered on every birthday.

Requiescat et pace

An Authority in Practice and Procedure

J.R. Kapur

I first met Shri M.N. Kaul on Saturday, 15 November, 1947. I had come to Delhi a few days earlier after migrating from Karachi (now in Pakistan) due to riots and disturbances following partition of our country. I was looking for a job to settle myself and seeing places in Delhi. During my wanderings, I came to see Council House (now Parliament House) which housed the Constituent Assembly of India and the Central Legislature of our country. While going round the ground floor corridor of the Council House, I saw a name plate outside a room which read "M.N. KAUL, Secretary Legislative Assembly Department."

I said to myself why not meet Shri Kaul and ask him if he could help me in getting some work. I wrote my name on a visitors' slip and gave it to the messenger sitting outside Shri Kaul's room and asked him to take it in. The messenger told me that the Minister of Parliamentary Affairs (Shri Satya Narain Sinha) was inside and that he would take my slip in as soon as the Minister came out.

In a moment, the Minister came out and my name slip was taken in. Shri Kaul called me in immediately. I told him that I was a displaced Advocate from Karachi having practised in the Sind High Court for about four years. I asked him if he could help me in getting some employment. After a few preliminaries, Shri Kaul looking to my qualifications and experience, said you should try for something better as he could then offer only the post of an Assistant. I replied that I would accept that for the present and see what happened in future. He immediately called Shri A.J.M. Atkinson, Deputy Secretary, and told him that he (Shri Kaul) had appointed me as an Assistant and asked Shri Atkinson to post me to Assembly Branch—Assembly Branch which later, in course of time, split into Table Office, Legislative Branch, Question Branch, Committee Branch, Conference Branch, etc. I immediately took my seat in the Assembly Branch as the First Session of the Constituent Assembly of India (Legislative), after Independence, was to commence on Monday, 17 November, 1947.

Thus, it was through the graciousness of Shri M.N. Kaul that I got the honour and privilege of serving the Parliament of India for more than 30 years.

Shri M.N. Kaul (as also his successors in office as Secretary or Secretary-General) generally did not attend sittings of a Parliamentary Committee unless the Speaker himself was Chairman of that Committee. However, Shri Kaul always kept himself fully informed of the proceedings of every Parliamentary Committee so that he could give his advice and guidance whenever necessary.

On 7 September, 1957, the Speaker (Shri M. Ananthasayanam Ayyangar) referred to the Committee of Privileges of Lok Sabha some requests received from Courts of Law for production in Courts certain documents relating to proceedings of the House and for sending an Officer to give evidence in Court regarding the dates on which a particular member had attended the sittings of Lok Sabha. The Committee of Privileges was scheduled to meet at 3 p.m. on 11 September, 1957 to consider the matter. As these requests were the first of their kind and also involved the question of relations between Parliament and Judiciary, Shri M.N. Kaul (who was not to attend the sitting of the Committee as the Speaker was not the Chairman of that Committee), telephoned to office, during lunch hour from his residence, the following advice for consideration of the Committee:

“No Member or Officer of the House should give evidence in a Court of Law in respect of any proceedings of the House or any Committee of the House or any other document connected with the proceedings of the House or in the custody of the Secretary of the House without the leave of the House being first obtained.

When the House is not in Session, the Speaker may in emergent cases allow the production of the relevant documents in courts of law in order to prevent delays in the administration of justice and inform the House accordingly of the fact when it reassembles. In case, however, the matter involves any question of privilege, especially the privilege of a witness or in case the production of the document appears to him to be a subject for the discretion of the House itself, he may decline to grant the required permission and refer the matter to the Committee of Privileges for examination and report.

When a request is received during sessions for producing in a Court of Law, a document connected with the proceedings of the House or Committees or which is in the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from

the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House.

Normally, certified copies of the documents required to be produced in courts of Law, should be considered sufficient evidence of such documents”.

The Committee of Privileges agreed with the advice of Shri M.N. Kaul and, in their First Report (Second Lok Sabha) presented to the House on 12 September, 1957, recommended accordingly. The Lok Sabha adopted the Report on 13 September, 1957.

That Report of the Committee of Privileges and the decision of Lok Sabha thereon has been the guiding star in such matters thereafter.

In 1958, Shri Avtar Singh Rikhy (then Deputy Secretary, Lok Sabha Secretariat), Shri B.N. Banerjee (then Deputy Secretary, Rajya Sabha Secretariat) and I had gone to the Attorney-General of India (Shri M.C. Setalvad) for a conference on a matter involving parliamentary privileges, which was to come up before the Supreme Court of India. During our discussions, we drew the attention of the Attorney-General to a Memorandum submitted by the Clerk of the House of Commons (U.K.) (Sir Edward Fellowes) to the Committee of Privileges of that House. The Attorney-General asked us: “What is the status of the Clerk of the House of Commons? Is he like our M.N. Kaul?” On being replied in the affirmative, the Attorney-General said: “Then it is a good authority and can be cited before the Supreme Court”.

This shows in what high esteem the first Attorney-General of India (Shri M.C. Setalvad) held Shri M.N. Kaul.

In late nineteen fifties, the Speaker (Shri M. Ananthasayanam Ayyangar), while giving his ruling on a matter in the House, quoted from *May's Parliamentary Practice*. While doing, so he added: “Today I have quoted Erskine May. A day will come when M.N. Kaul will be quoted not only in India but also in foreign Parliaments”.

Father of Parliament Secretariat

Kartar Singh Bhalla

To me the late lamented M.N. Kaul was like the winter Sun whose bracing warmth brought vigour and vitality, whose light dispelled darkness and whose brightness lit up the paths of many an officer in the Secretariat. In the initial years, I used to feel an aura of awe around his person but soon I discovered that this was artificially created by some people just to keep junior officers away from him. Behind the stern and stoic exterior of Shri Kaul lay a tender heart, a spiritual bent of mind, a humane personality and a noble soul. He was a strict disciplinarian, a man of few words and upright approach who had an appreciative eye for good work and good workers but no patience for shirkers and glib talkers.

Being a junior officer in his time, my inter-actions with Shri Kaul at personal level were not very frequent. But, this factor did not prevent me from feeling the glow of his character and the impact of his personality even from a distance. The limited opportunities I had of direct inter-action with him left unforgettable impressions on my mind of his erudition, forthrightness and intellectual sharpness.

Shri M.N. Kaul was a visionary of titanic dimensions. He was an uncanny judge of talent and coming events. He was imbued with a crusading sense of mission and a steadfast single-mindedness of objective in giving to free India's Parliament a strong and truly independent Secretariat. He was a votary of excellence and spared neither himself nor anyone else in laying down and himself observing the highest standards of conduct in the service of the people's forum and the people's elected representatives.

Of the few experiences I had of working with him at close range, the one which let me have a peep into his multi-faceted personality and which I remember and cherish the most was in 1952 immediately before and during the long process of the first election to the Office of the President of India. Shri M.N. Kaul was tipped to be the Returning Officer for this election sufficiently before he was so

appointed. This was an entirely new task, and at the same time, challenging and complex. Shri Kaul picked me up as his aide to handle the Secretarial work in connection with the election, even though I happened to be the youngest Assistant in the Parliament Secretariat at that time, almost the juniormost.

There being no past files, no past precedents and no past guidelines to go by, Shri Kaul made the most elaborate planning to handle this prestigious assignment. He brought up a vast range of likely, imaginary and hypothetical situations and questions that could arise during the election process and made me and himself work on them with a view to finding out advance solutions so that, as Returning Officer, he was not caught unprepared in the thick of action. Election of the President was to be through the method of proportional representation which was a new phenomenon and in which there were hardly a couple of experts available in the Secretariat. Shri Kaul instantly conceived of a quick training programme in this system of election and prepared a full-fledged team of secretarial officials to assist him in the counting of votes. A draft of the rules for election by the system of proportional representation had been received from the Election Commission (or was it Law Ministry) for the Returning Officer's comments. On my pointing out a certain lacuna in the rules, Shri Kaul was quick to discern the lacuna and did not stand on prestige to uphold the need for an amendment proposed by a Junior Officer like me and returned the draft with the amendment which was accepted by the Election Commission and incorporated in the rules. After the election was over, Shri Kaul wished that a lucid and complete account of the entire process of election from the beginning to the end, bringing out all the issues and problems that arose or could have arisen and the solutions that were thought of or were applied, should be prepared for the benefit of future Returning Officers. A booklet on "First Presidential Election", which was a matter of privilege for me to draft, was finalised under his guidance and published as a departmental publication which, I understand, continued to serve as a reference document for years thereafter.

The Presidential election (1952) brought out the diverse personality of Shri Kaul in full measure. He stood out as a man of planning, organisation and action who would not allow events to catch him off-guard. He was always beforehand with likely developments and kept himself ever ready with remedies to deal with the situations.

Shri Kaul was not a soloist. He did not believe in self-glory or in his own indispensability. He believed that the first task of Head of an institution was to

build up a well-structured institution and lay down systems which could keep the institution going under its own momentum from strength to strength, without too much dependence on egoistic individuals. Under his leadership, the systems and procedures of work in Parliament did not remain the trade secrets of a few individual officers; these were reduced in writing and published for the benefit of every one in the Secretariat. No one, thus, could arrogate to himself the role of being indispensable.

The second most vital task for the Head of an Institution, according to Shri Kaul, was to identify a successor and groom him for a smooth succession at an appropriate time. Towards the last phase of his service in Parliament Secretariat Shri Kaul used to call himself the "Going Clerk", using the term "Clerk" after the designation of "Clerk of the House of Commons", and to say that the "Going Clerk" shall gradually recede in the background making room for the "Coming Clerk" and thus enabling him to come to grip with the established order and prepare himself for a smooth take-over in due course. And this Shri Kaul did so ably and so systematically that, as his retirement drew closer, there was no doubt left in anyone's mind as to who the next "Clerk" of the House was going to be. That Shri Kaul's choice of the "Coming Clerk" was flawless and his grooming was perfect came to be universally acknowledged and wholeheartedly acclaimed by one and all, after Shri Kaul's retirement.

Situated as my room, at the First Floor in Parliament House, was directly above Shri Kaul's room, for a number of years, I could clearly hear his stentorian voice during the day and could not help respecting the man for the clarity of his diction and the strength of his confidence. The voice still rings in my ears.

If, today, the Secretariat of Parliament continues to earn the acclaim, appreciation and admiration of conflicting political parties and different ruling hierarchies, of bureaucrats in the Government and professionals in public and private sectors, and of the people looking towards Parliament with hopes and aspirations, it is a tribute to that great visionary, the Father, architect and builder of the Parliament Secretariat. Shri M.N. Kaul, who made himself immortal by giving to free India's Parliament an institution of service of the highest quality, built on solid foundation and guided and sustained by democratic values and noblest parliamentary traditions.

May the Parliament Secretariat remain worthy of his pious memory and may his soul rest in perpetual peace!

Reminiscences of M.N. Kaul

Dr. D.N. Gadhok

I feel privileged to reminisce after nine years of retirement about that grand and towering personality, late Shri M.N. Kaul. A few incidents narrated below would reveal that Shri Kaul was ready to take up any suggestion, from any quarter, for strengthening the parliamentary system and improving working of the Lok Sabha Secretariat.

I joined the Lok Sabha Secretariat in August, 1954, when it was in its nascent stage. The way my posting to the Question Branch was conveyed to me, I felt that I was being posted to a 'labour camp' and sentenced to 'hard labour'. Soon, my fears proved to be imaginary and I thanked the authorities who had decided about my posting to that Branch. Work in the Question Branch is interesting and it appeared to be a good training ground for a new recruit like me.

Questions concerning Ministries of Information & Broadcasting (I & B) and Irrigation and Power were entrusted to me. A question addressed to the I & B Ministry was received which was allegatory in nature. Generally, such questions are not admitted, however, I suggested that it might be admitted so that the Minister gets the opportunity to state the right position on the floor of the House. The question was admitted, but on the day when it came up for answer, the Minister brought to Shri Kaul's notice and queried how a question making wild charges could be put on the order paper. I was summoned to the House with relevant papers. It was my first chance to enter the House, I was nervous, with trembling hands I took the file to Shri Kaul. Smiling look and affectionate eyes of Shri Kaul completely disarmed me of my nervousness.

After the session, a meeting was held in the room of Deputy Secretary, Questions. Suggestions were invited for improving working of the Branch.

When the meeting was about to be dispersed, the Deputy Secretary looked at each of us and felt that I had something to say but was hesitating. He told me not to be shy and say what was in mind. I began by saying excuse me, I have been in the Branch for the last 3-4 months only, still I feel that the 'Index Card'

system be abolished and instead an 'Index Register' be introduced. I explained in detail what I meant by that. Next day, the Deputy Secretary put up a note to the Secretary explaining in detail the suggestion. After the file came back from the Secretary, I was shown that, not only the suggestion had been approved it had a few encouraging words too.

Next incident was also in the Question Branch. Now I was dealing with questions relating to the Ministry and Departments under the charge of the Prime Minister, Shri Jawaharlal Nehru. A notice of a question had been received seeking to know the expenditure incurred on the President's visits abroad. Normally, a question asking for information about the head of State is not admitted. Since a similar question had been replied in the British House of Commons; I linked the relevant debate and suggested that the question be admitted, it was done so with the approval of Hon. Deputy Speaker, Shri Hukam Singh. As the Final List was circulated a D.O. came from the Minister of State for External Affairs, with the approval of the Prime Minister. When the D.O. reached Shri Kaul's office, efforts were made to contact the concerned Under Secretary and the Deputy Secretary. Since both were not available, I was asked to take the file to Mr. Kaul's office. Shri Kaul looked at me from head to foot and asked: 'Are you not dealing with I & B. Ministry now?' took the file and thanked me. Next day, the instructions came that during the inter-session periods, debates of the House of Commons be studied and relevant and important observations/decisions be culled out and submitted to the Secretary.

In 1959, I had been posted to the Estimates Committee Branch (EC Br.); Shri H.C. Dasappa was the Chairman of the Committee, it was his first term. Shri Dasappa had been the elected member of the Committee for 1960-61 also. To provide continuity and make available experience to the Committee a convention has grown under which the Chairman continues for 2-3 terms. This convention created a misunderstanding which could have taken an ugly turn had Shri Kaul, Secretary at that time not handled tactfully. Shri Dasappa being sure of his re-nomination for the second term, started functioning as Chairman without being formally nominated by the Speaker, Shri Hukam Singh. This hasty step on the part of Shri Dasappa, was resented by the Speaker; who felt that though a Chairman was nominated under the advice of the Prime Minister/Minister of Parliamentary Affairs, courtesy demanded that he should start functioning only after the House had informed about the nomination. When the Speaker complained about Shri Dasappa's unwarranted haste, the matter

reached the Secretary, Shri Kaul. Shri Kaul called all the officers involved in this episode, one by one to his office. I was also called. Shri Kaul after hearing me wanted that I should write down what I knew and give to him. When I got up to leave Shri Kaul in his forceful voice said: 'I want only truth and truth, nothing else'. When I took the note to him, he went through that and gave his broad smile removing all my misgivings. It was due to Shri Kaul's cool-headed approach which did not allow the issue to blow up and remain confined only to those who were concerned. Later, I learnt that confidential instructions had been received by all the officers that they should act judiciously and tactfully if similar situations arose.

I am lucky that I had been associated with Shri Kaul's monumental project-drafting of 'Practice and Procedure of Parliament'. This brought out the best in Mr. Kaul; his astute scholarship, his knowledge of law, his long legislative experience, his keen observation of the behaviour and performance of legislators in India and abroad, his views about the role of presiding officers, etc. This work of his has immortalised Shri Kaul in the world Parliaments. His this gift to the Parliamentarians and those who are connected with the parliamentary system is most unique.

May Shri Kaul's soul rest in peace and be contented that we still cherish his memory with respect, affection and pride.

The Master of Parliamentary Procedure

M.P. Gupta

I had the great privilege of working under the guidance of Shri M.N. Kaul, the First Secretary of Lok Sabha. When I joined the Lok Sabha Secretariat in June, 1955, Shri S.L. Shakhder, who later became Secretary-General of Lok Sabha, was Joint Secretary. It was Shri Shakhder who in consultation with Shri M.N. Kaul selected me and about fifteen others who had all first class degrees. I still recall the grilling that I under-went at the hands of Shri Shakhder. They had an eye for talent and all of those who were selected rose to responsible positions and two of us namely, Shri K.C. Rastogi and Shri C.K. Jain had the rare distinction to rise to the highest position of Secretary-General of Lok Sabha.

Shri M.N. Kaul was truly an intellectual giant and an expert on the procedure, practice and privileges of Parliament. Those were the formative years of our Parliament when virtually very few precedents were available and those too relating to the truncated Central Legislative Assembly, to regulate the practice, procedure and privileges of the great Parliament of India. It was the rare insight and intellect of Shri M.N. Kaul the master of parliamentary procedure, which helped the great Speaker G.V. Mavalankar to steer Lok Sabha clear of many procedural warangles and laid down a set of sound Rules of Procedure and Conduct of Business in Lok Sabha which have basically stood the test of time during the last four decades. I had the privilege of dealing with the evolving procedure and privileges of Lok Sabha at that time and I still remember of receiving notes and slips from Shri Kaul and sometimes from Shri Shakhder containing the texts of new rules and indicating how the old rules were to be amended. In order to lay down a sound foundation of the evolving rules of procedure and privileges of Parliament, quite a few studies were initiated under the direction of Shri Kaul. Among them was, a comparative study of rules of procedure and standing orders of all Commonwealth Parliaments, summarisation of all privilege cases cited in May's Parliamentary Practice and a comparative study of the privileges of British Parliament and other Parliaments of the Commonwealth. So great was the zeal to collect as much material as humanly possible on these matters, that many volumes of the Debates of House of

Commons and other documents which were not available with our Parliament Library were obtained even from British Parliament and in many cases films of Debates were obtained. The voluminous material compiled as a result of these studies was later bound and kept in the library of the Branch concerned for future reference.

Shri Kaul instinctively knew that the procedure and privileges of Parliament rested on precedents. It was he who initiated the work of collection of precedents in the form of the three Manuals namely Practice and Procedure, Constitution of India and the Directions by the Speaker. He also initiated the great work known as the "Practice and Procedure of Parliament by M.N. Kaul and S.L. Shakhder", which can be truly called the Bible of Parliament. No Speaker, officer of Indian Parliament and State Legislatures, Members of Parliament and other practitioners of legislative procedure, practices and privileges can do without frequently referring to this great masterpiece. This is even quoted as an authority in the High Courts and Supreme Courts. Shri Kaul had a great insight in the field of Parliamentary Privileges. His note on codification of privileges of Parliament is well known and his views are as relevant today as when he propounded them. In his note, Shri Kaul, *inter alia*, emphasized:

"Our Constitution has one important peculiarity in that it contains a declaration of fundamental rights and the Courts have been empowered to say that a particular law or a part of law is void or invalid because it is in conflict with a particular fundamental right and therefore beyond the powers of Parliament.

At the present time, the privileges of Parliament are part and parcel of the Constitution and therefore of what is known as the 'fundamental law'. The courts will, therefore, be compelled to reconcile the existing law of privilege, which carries with it the power of the Speaker to issue a warrant without stating the grounds on the face of it, with the fundamental rights. It will be extremely difficult for the Supreme Court to say that what is so explicitly provided in a part of the Constitution in regard to the existing privileges of Parliament is in any way restricted by the fundamental rights.

Once, however, the privileges are codified by an Act of Parliament in India, the position changes entirely....The statute will be examined in the same way as any other statute passed by Parliament and the courts may well

come to the conclusion that in view of the provisions in the fundamental rights, it is not open to any legislature in India to prescribe that the Speaker may issue a valid warrant without disclosing the grounds of commitment on the face of the warrant....all matters would (then) come before the courts, and Parliament would lose its exclusive right to determine matters relating to its privilege.”

I recall a typical instance of his expertise on procedure and privilege of Parliament. Way back in 1957, a request was received for supply of a certified copy of parliamentary record for production in a Court of law. Now it is a well established privilege of Parliament that no officer or Member of Parliament can produce a parliamentary record or give evidence in a Court of Law relating to the proceedings of the House without the permission of the House. Further, a certified copy of any Parliamentary record cannot be given to anybody for production in a court of law without the permission of the House. Being the first case of this nature, the then Speaker referred the matter to the Committee of Privileges to lay down the appropriate procedure. Just before the meeting of the Committee of Privileges commenced, Shri M.N. Kaul sent a detailed note regarding the procedure to be followed in such matters. Everybody was greatly relieved by this timely note and the Committee adopted the procedure suggested by Shri M.N. Kaul and included it in their Report laid on the Table of the House and later adopted by the House. This procedure is being followed even today.

There are countless examples of this kind where Shri Kaul deftly guided the House and its Committees by his expertise and laid down a firm foundation of Parliamentary procedure. It is well nigh impossible to describe his contribution in making our Parliament the great institution it is today.

The Great Master

A.N. Kaul

The late Shri Maheshwar Nath Kaul was undoubtedly a legendary figure in the parliamentary history of India. Those who had the good fortune of joining and working in the Lok Sabha Secretariat (earlier known as the Parliament Secretariat) during the Secretaryship of Shri Kaul, can alone appreciate the impact of his awe-inspiring personality. My first meeting with Shri Kaul was just a chance encounter. In late 1951, when as a young lad, just graduated from college, I was looking for a job in the Capital, somebody suggested to me that I might meet one Shri M.N. Kaul, Secretary to Parliament, because being a new institution to be set up under the new Constitution, there might be some openings for young graduates like me. So, one day I paddled my way to the imposing Parliament House and straightaway asked somebody to show me Shri Kaul's office. I was directed to Gate No.3. Those days, there were no security checks or reception offices and, without anybody blocking my way, I reached Room No.18. I just sent in a slip inside through a *Jamadar* dressed in a resplendent uniform and, to my utter disbelief, was promptly ushered in. While I was standing in front of Shri Kaul's radiant, towering and attractive personality, whom I was seeing for the first time, I did not fail to notice how his deeply penetrating eyes were surveying a frail figure like me from top to bottom. For a brief moment, I was transported into a state of trance when I was suddenly shaken by his sonorous and resounding command 'sit down, youngman'. And then followed a volley of searching questions, mostly on Constitution and Parliament, subjects which I had hardly studied in depth even though I had graduated in Political Science. I was so nervous at this *impromptu* interview that I could hardly gather whether I had at all been able to satisfy him. The nearly half-an-hour ordeal, which had sent shivers down my spine, came to an end when Shri Kaul called his orderly and directed me to see Shri C.V. Narayana Rao, an Asstt. Secretary in charge of Administration then, sitting in a cosy room near lift No.2 on First Floor, where the Chairman of the Public Undertakings Committee now has his office. I do not know what message was passed on to Shri Rao for he asked me to submit an application which I did without losing any time. The result of that chance encounter, which remains etched on my mind

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even to this day, was that I became part of the establishment of the Parliament Secretariat on the eve of the last session of the Provisional Parliament.

In the months and years that followed, we at the lowest rung of the hierarchy rarely got a chance to come into direct contact with Shri Kaul but the impact and impress of his magnificent personality was discernible in almost every branch and activity of the Parliament and its Secretariat. Formative years, as these were, for the new bicameral Parliament to be set up after the First General Elections scheduled for May, 1952, officers and staff not more than 100 or so then of the Secretariat of the Provisional Parliament were engaged in feverish activities, working almost round the clock, collecting conventions and precedents, decisions from the Chair and Departmental notings so as to form the corpus for the Rules of Procedure and Conduct of Business for the two Houses of the new Parliament. The entire exercise was being personally directed and meticulously commodeered by Shri Kaul himself, assisted by his equally energetic deputy, Shri S.L. Shakhder and a dedicated band of senior officers. As a matter of fact, almost everyone down the line, was enthusiastically involved in this gigantic task of setting the parliamentary house in order and laying solid foundations for free India's supreme deliberative body to function smoothly and effectively.

In those days, it wasn't for us merely the question of earning our livelihood through our job in the Secretariat of Parliament, which came just by chance, but the joy of dedicating ourselves whole-heartedly in the service of our elected representatives. We were taught to work with full devotion, unmindful of material advantages and whenever called upon morning, evening, night or mid-day. Our only reward, we were taught, was the useful work that we were called upon to discharge by serving individuals who were responsible for shaping the destiny of the nation. This sermon was dinned into our ears constantly by the Great Master Shri M.N. Kaul at meetings convened from time to time for various levels of officers and staff, through surprise inspections of Branches, including nocturnal ones to Distribution Branch and Question Branch to ensure that no one was caught napping, and through regular flow of notes that were sent to officers and Branches directing them to initiate action on projects galore and regularly report the progress thereon. Delay in execution, intentional or unintentional, would invite the wrath of the Secretary and any adverse remarks or comments from him would form part of the C.R. dossiers of the defaulting Officer or staff member. Stern actions like these were sufficient to send out the

right signals throughout the Secretariat and ensure that all officers and staff were fully geared to optimum efficiency and output and to undertake more and more heavy responsibilities. People who would volunteer to take up more and more work and make suggestions for new projects—or improvements in the established work pattern were immediately taken notice of and commended. Those were the days of respect and obedience and not retaliation and representation.

Shri M.N. Kaul, hailing from an aristocratic background with high academic attainments obtained from abroad, had remained totally unaffected by the Western ways of life. A perfect blend of the East and the West, he was a real *Karmayogi* insofar as his life and actions were concerned. A staunch believer in Hindu philosophy, he was not dogmatic in his approach and did not believe in rituals. His religion was his *Karma*, his good actions, for he was convinced that no one could escape the consequences of his actions, which follow as a matter of course. Alcohol and smoking were taboo for him. He believed in and practised the maxim that when you are in the midst of plenty, learn to live a simple and unostentatious life. I am told that he had an air-conditioner in his house but would rarely use it. He would not even switch on the radio though he did possess one. And, when TV came to Delhi, he was persuaded to acquire one but he hardly had the time to switch it on for any programme. He, however, loved to go for long walks to India Gate every evening along with Shri Shakti, and both would thereafter return to their offices to continue attending to official work. Even during these long walks, as we came to know later, his mind was occupied almost round the clock in planning and evolving new procedures and practices suiting the genius and ethos of the Parliament representing the masses of India and also creating new services and facilities for parliamentarians so as to enable them to discharge their duties effectively and efficiently.

A man like Shri Kaul, the Great Master as he was, naturally expected everyone who came within his fold, socially or officially, to adopt and follow a similar disciplined routine and clean habits and to engage himself in the pursuit of knowledge in order to attain scholarship and excellence in all directions. More particularly, he expected all officers and staff of the Lok Sabha Secretariat to become models of efficiency so that they could be identified as a class apart from their counterparts in the Ministries and Departments of the Government of India. Hard work, discipline, ungrudging service to the parliamentarians and the maximum output in the minimum possible time were the hallmarks of an

ideal parliamentary official of his conception. And, all those who bore with him and his impatience in the *Guru Shishya Parampara* (tradition) and struggled hard to attain the standards that he had set before us, had no difficulty in reaching and manning very high positions in the Lok Sabha Secretariat in later years.

Behind Shri Kaul's stern exterior and awe-inspiring personality was a human being *par excellence*. He not only loved and encouraged honest, hard working and dedicated officers and staff but all along strove to help them reach a state of perfection and excellence by organising intensive in service training programmes and subjecting them to hard tests and examinations before they could be considered for higher posts. That was how young people like us were initiated in the very early phase of our career into the 'Yogic Order' of parliamentary practices and procedures. In those days, the training programmes used to be much more elaborate and of longer duration, as compared to short five-day courses arranged at the Bureau of Parliamentary Studies and Training now-a-days. Results of tests and examinations used to be carefully scrutinized by Shri Kaul and Shri Shakhder personally and meritorious trainees were complimented.

Shri Kaul not only expected high grade work from his officers and staff but was equally keen to see that each one of them became a multi-faceted personality, endowed with faculties like indoor and outdoor sports, dramatic talents, music and other fine arts. He would not like persons with one track minds. He expected each one of us to take part in one or the other extra-curricular activity, other than the official work. Whenever we had occasions to appear before him for an interview (those days we were subjected to frequent interviews for promotions and even confirmations), we used to go prepared not only on questions of parliamentary procedure and practice but also on what answers should we give in order to satisfy him about our participation in sports and other club activities. To us in the then Research and Reference Branch, he often asked what new books or articles had we studied. As such, we had to perforce do some extra reading in all seriousness so as to satisfy him. The Lok Sabha Secretariat Club, which came into existence in 1952 under the able guidance of Shri S.L. Shakhder, was indeed inspired by Shri Kaul himself, keen as he was to see that the officers and staff who were subjected to a lot of stress and strain, must have avenues to let their latent histrionic talents to flower and flourish. It was a delight to watch a stern and serious looking Kaul Sahib attend all the cultural

programmes organised by the staff and warmly applauded the performances of amateur artists.

It was difficult for us to grasp and comprehend in the early years of our career what the concept of independence of our Secretariat from the Executive branch really meant, for we had a feeling that we were part of just any other government department. It was the Silver Jubilee of our Secretariat in January, 1954, celebrated with great pomp and gaiety, which marked a distinct watershed in our enlightenment in this sphere. While the Lok Sabha Secretariat Club organised the variety entertainment programmes, it was the inaugural address of the Secretary, Shri M.N. Kaul, to officers and staff of the Secretariat, assembled in the Central Hall on January 1954, which would go down in the parliamentary history as one of the finest speeches ever made insofar as the oratory, eloquence and the scholarship of the eminent Speaker is concerned. For nearly two hours, like a real teacher, he held the entire audience under his spell and enlightened us, in his resonant voice, with the history of the evolution of parliamentary institutions in our country, the role of the Speaker, efforts made by President Patel in the creation of an independent Secretariat for the Legislature in pre-Independence India and perseverance with which Speaker Mavalankar secured that status for the Parliament Secretariat in the new Constitution. It was an *extempore* address and one marvelled at the fantastic memory which Shri Kaul commanded, while narrating facts and figures of numerous historical events. Shri Kaul's personal contribution in ensuring the separate entity of the Secretariat of new India's Parliament was easily discernible from that thought-provoking address.

Personally speaking, I consider myself singularly fortunate in having been a part of the audience that day listening to Shri Kaul's address. It was, indeed, a very rich and rewarding experience. Among other things, Shri Kaul had made it clear to us that he would give "full and complete opportunities for development to those who wanted to make their careers here" but would "not allow the Secretariat to become a stepping stone for improving one's prospects elsewhere." He also declared that so long as he happened to be there he was determined "to see that wherever there is merit, it is clearly recognised and rewarded, as that is the only way by which a Department can fully prosper." He expected the parliamentary officials to feel the strength of their character all the time because matters coming up in Parliament are "sometimes so important and so delicate that it is not possible for any officer to exist except by the strength of his

character". The essence of his exhortation that day was that discipline, character and loyalty to the institution became essential qualities which the officers and staff working in our Secretariat had to imbibe for a successful career.

A Commemorative Souvenir published as a part of the Silver Jubilee celebrations contains a wealth of information in the form of articles on evolution of parliamentary practice and procedures and personal reminiscences by eminent parliamentarians and experts. The present generation of our colleagues would greatly benefit by going through this rare publication, photocopies of which are now available in the Parliament Library. The Souvenir contained, among other things, an excellent article "An Ideal Parliamentary Official" by Shri S.L. Shakdher, which was later published in the *Journal of Parliamentary Information* as well. Talking to Shri Shakdher one day on how he was able to incorporate so many gems in that single masterpiece, he in all his characteristic modesty, disclaimed any originality and said that whatever had gone into the article was drawn from the "reservoir of ideas" that the Great Master was. The fact remains that this particular article became a torch-bearer for the personnel working in the Secretariat and served as a useful guide-book. I understand it is even now circulated to participants in the in-service training programmes by the Bureau.

During the times of Shri Kaul himself and later under the able stewardship of Shri S.L. Shakdher, the Lok Sabha Secretariat maintained alround progress and attained high standards of efficiency which verily became the envy of Ministries and Departments of the Government of India. When in 1963, after the Chinese aggression, Shri Kaul loaned the services of some of his officers and staff on temporary deputation to Government of India, they won laurels for their devotion and dedication, speed and efficiency. Successive Secretaries-General have continued to maintain the high traditions laid down by Shri Kaul and Shri Shakdher. As a result, we have seen the vast expansion of the services and facilities for Members of Parliament and phenomenal accretion in the staff strength at various levels. Keeping pace with the scientific and technological advancement, our Secretariat too has embarked on a multi-dimensional modernisation programme, with computers, micro-films, electronic typewriters, word processors, closed circuit television and lately, the selective telecasting of parliamentary proceedings, having become the in-thing.

The Great Master was a visionary of the highest order. In early 1954, he had expressed a sincere wish that the name Lok Sabha, the Hindi equivalent of the "House of the People", more easily comprehended by the vast masses in the

country, should get popularised. Within months of the same year, his wish was fulfilled and "Lok Sabha" became a "current coin of the realm in India". He had also visualised an important role for the Parliamentary Committees and even a break-up of the Estimates Committee into as many Committees as there are Departments. Although the Estimates Committee, along with other Financial Committees, continues to perform an important role even today, we are on the threshold of having more and more department-related Committees, with three Subject Committees already functioning now. His vision of "a whole block of buildings arising across the Parliament Street" was partly fulfilled with the construction and commissioning of the Parliament House Annexe, acknowledged the world over as one of the magnificent, well conceived and functionally viable architectural masterpieces. Alas! his vision of a stately library building arising in the Parliament complex to meet the growing information needs of Members of Parliament, is yet to come to fruition inspite of numerous attempts made in that direction during the past several decades. It is our fervent wish that with the blessings and untiring efforts of our present Hon'ble Speaker, the dynamic Shri Shivraj Patilji, a majestic Parliament Library building equipped with all modern amenities and comparable to the best Library building in the world, would have taken concrete shape and become functional by the time we observe the birth centenary of the Great Master.

While the services rendered to the parliamentary institutions remain unaffected insofar as the speed and efficiency are concerned, it must be boldly and frankly confessed that, over the past decade or so, with the new generation of youngmen and women joining the Secretariat in larger numbers at various levels, and many officers coming on deputation from other services and departments, there has set in a gradual erosion of the traditions and cherished values, the institutional loyalty, efficiency and discipline for which our Secretariat has been an embodiment. Fault perhaps is not entirely theirs. They, in fact, do not get the orientation of the kind which people of our generation were privileged to receive in our times. Contrary to what Shri M.N. Kaul expected of the parliamentary officials, many of those who join the Secretariat now-a-days do make it only, what he himself had said, "a stepping stone" for improving their prospects elsewhere, attributes which he detested. Far from understanding the essence of the independence of the Legislature Secretariat from the Executive control, we even hear many of these officers question the very relevance of the concept which they pass on as a myth. Such a trend is pregnant with dangerous potentials.

It is in this context, that the Diamond Jubilee celebrations in 1988-89, observed with great fanfare, established an important milestone in the history of our

Secretariat. Through various programmes and functions spread for over six months, we were able to remind our younger generation colleagues of the importance of the independence of our Secretariat and to recapitulate for them the contributions of our great Speakers and Secretaries-General in zealously guarding the integrity and independence of the Lok Sabha and its Secretariat. Shri S.L. Shakti, who inaugurated the Diamond Jubilee celebrations on 22 September, 1988, while rightly lamenting at our failure in observing the Golden Jubilee in, 1979 had cautioned us about the continued Executive interference in the affairs of the Lok Sabha Secretariat and warned that if we do not maintain eternal vigilance in maintaining and preserving our independent character, our independence would be in jeopardy. Had our Great Master been alive, he too would have complimented us for keeping his banner aloft but would have echoed the same feelings on the gradual decline in the cherished values and traditions of the Secretariat and the unique parliamentary work culture that he had so assiduously built up.

It is very thoughtful of our Hon'ble Speaker Shri Patil Sahib to give his approval and of our Secretary-General Shri C.K. Jain, to organise the celebrations of the 91st Birth Anniversary of Shri M.N. Kaul this year. Shri Kaul was not just an ordinary bureaucrat but a respectful towering figure in the parliamentary world with national and international fame.

I am sure that his birthday celebrations would, as the Great Master himself once said, give the officers and staff of the Lok Sabha Secretariat "an opportunity to review the past, to assess the progress of the institution and begin to feel a pride in its development". This occasion should also enable them to revive and rebuild the fading parliamentary work culture in all its manifestations. That perhaps would be the fittest way of remembering the Great Master.

We of the older generation do naturally look forward to be alive to see the Lok Sabha Secretariat marching gloriously and progressing by leaps and bounds in the service of the great nation for many many years to come, keeping aloft the flag of its independent existence, and not forgetting to celebrate its Platinum Jubilee in the year 2004.

The Builder of Lok Sabha Secretariat

S. Balasubramanian

It was on a cold wintry day in January, 1949 that I had the opportunity to meet Shri M.N. Kaul. Though I had no prior appointment, I sent a slip to him giving my name and the purpose as possibility of placement as a Reporter in the Central Legislature. Shri Kaul was courteous and kind enough to receive me and gave me a good hearing. Although he explained that his hands were tied by the Federal Public Service Commission, yet he extended the courtesy of sending a messenger with me to the Establishment Section where I was advised to leave my bio-data.

Little did I know then that three years later in May, 1952, I was going to join the Parliament Secretariat, as a Parliamentary Reporter on the recommendation of the UPSC and work in the House of the People under the very nose of Shri M.N. Kaul.

Shri Kaul's expectations of a Parliamentary Reporter were very high. Besides being at the top of his profession in regard to speed and reporting skill, the Parliamentary Reporter had to be well-versed in current affairs with clear understanding of the nuances and modulations of Government policies; he was also expected to possess a deep understanding of the subtleties of parliamentary procedures and practices.

One day, he paid a surprise visit to the Reporters Branch. After talking to each individual Reporter, he was happy to find that the Reporters Branch was indeed a 'walking encyclopaedia' each one being a specialist in one subject or the other. Shri Kaul wanted the high standards to be maintained. He immediately ordered that a list of reference books needed by the Reporters in the course of their day-to-day work be prepared and sent to him, to form the nucleus of the Branch Library. He also ordered that a built-in almirah be provided to the Branch to house the books. Later, one set of papers laid on the Table was also made available to the Branch, and the important among them such as Reports, etc., were added to the Branch Library, which resulted in considerable saving of time for Reporters in checking up quotations or clearing doubts, etc.

In the absence of a printed copy of parliamentary debates on the next day as in the House of Commons, UK, Shri Kaul introduced the idea of cyclostyling the daily debates, so that adequate number of copies thereof could be made available to all concerned for quick reference. Although each page of the cyclostyled version carried the words 'uncorrected—Not for publication', yet in practice the Members of the House and indeed everyone concerned took it for granted that the same was an accurate and faithful reproduction of the proceedings of the House. This naturally placed a tremendous responsibility on the Reporters who had to strive their utmost to ensure perfection in their job. There being no facility of taperecorders, the Reporters had to rely mainly on their shorthand notes, although they could occasionally consult members concerned for clarifying any doubts or mishearings. Whenever there was any dispute as to what was said in the House, it was always a case of 'Ask for the Reporter's version' which settled the controversy.

On one occasion, a senior member of the House, while criticising the Government, had said that wine and life were flowing freely on the streets of Delhi. The Prime Minister who probably had misheard the hon. member, while replying to the debate, stated that he had least expected such an undignified remark from a senior member. The hon. member then got up and clarified what he had said; he said that the words used by him were 'wine and life' and not 'wine and wife' as was sought to be made out. It was to the Reporter concerned that the whole House turned, and once he gave in writing that the words used were only 'wine and life', the issue was settled.

The Reporter was also expected to possess a special ear for catching sudden interjections which sometimes could not be heard by members clearly. On one occasion, a member had suddenly interjected, and the sound heard was 'fopa'. Everyone was curious to know what the interjection was. Shri Kaul then asked the Reporter concerned to write down the word along with its meaning and pass on the slip to him. The Reporter then wrote the word 'faux pas' together with its meaning and the slip was then passed on to Shri Kaul, who was quite happy on seeing it, because that strengthened the confidence which he had in the Parliamentary Reporters. After his tours abroad and after seeing the functioning of Parliaments in other countries, he often used to remark that our Reporters in India were second to none, and indeed they compared very well with those in the House of Commons, UK.

With the anticipated increase in the quantum of speeches in Hindi owing to the change in the complexion of the House, the need was felt for a competent cadre

of Hindi Reporters. The absence of persons with the requisite speed in Hindi shorthand made the problem very acute. Shri Kaul thought of the idea of recruiting people through the UPSC at a lower speed at which they could qualify, and then subjecting them to annual tests by the UPSC at the required speed at which they had to qualify before they could draw their increments. No doubt, the measure was unpopular among the Reporters and perhaps a little harsh also. But this in course of time resulted in the creation of a competent cadre of qualified Hindi Reporters. Once this was achieved, the increment tests were done away with.

As a step towards carrying the House of the People nearer to the people, Shri Kaul thought of the idea of using the name 'Lok Sabha', so that the very name enabled the people to identify themselves with the House as if it was their own, and it is this name which has been in vogue since then with the approval of the House.

Shri Kaul's sense of dedication and devotion to Parliamentary work was something extraordinary. He took very keen interest in the functioning of the Estimates Committee which had been set up in place of the earlier Standing Finance Committee which had been an adjunct of Government and which had been presided over by the Finance Minister. He used to attend every meeting of the Estimates Committee and took keen interest in guiding the deliberations of the Committee. On one day, he could not be present at the meeting due to some other pressing preoccupation. A member of the Committee took serious objection to his absence. Shri Kaul came to the meeting in the afternoon and apologised for his absence and explained why he could not be present. Almost with tearful eyes, he informed the Committee that if there was any one thing which was dear to his heart it was serving Parliament and building up its image among the people. In fact, he said that serving Parliament was the sustenance of his life and a solace unto his soul. Soon, senior whole-time officers were appointed to look after the work of the PAC and the Estimates Committee.

Shri Kaul strove assiduously to build up a very efficient Secretariat which could be a model for others to emulate. He wanted every officer of the Secretariat, especially those at senior levels to be well versed with current affairs and parliamentary procedures and practices as they were evolving in India and abroad. Papers were to be presented on selected topics by the different officers which were circulated to the officers and were later discussed by them at periodical meetings. This helped to develop in them the necessary managerial

competence and expertise to take quick and reasoned decisions. His advice to officers connected with writing committee reports was 'The recital of the argument should be the conclusion'.

Shri Kaul felt the need to bring out a comprehensive volume of parliamentary procedure and practice in India, which would obviate the need for frequent reference to *May's Parliamentary Practice*. As a first step, he conceived of the idea of crystallising the procedures and practices as they were evolving, in the form of Instructional Orders of the various Branches. These made the task of compiling the volume on parliamentary procedure and practice in India easier, and soon the first edition of *Kaul and Shakhder* was published, which became a useful and authoritative reference book not only for legislatures in India but for Parliaments in the countries abroad.

Parliamentary procedures, according to Shri Kaul could not be static for all time but will have to grow to meet the growing needs of members to provide them with greater opportunities for articulating people's aspirations and grievances. The general disallowance of adjournment motions which involved an element of censure was causing increasing resentment among opposition members. This led Shri Kaul to think of the Calling Attention Notice which took the sting of censure away from the adjournment motions and yet provided opportunity to the members to raise matters of urgent public importance, and make the Government react and also be responsive to legitimate criticism.

Eternal vigilance by Parliament over the executive being the *sine qua non* of a successful parliamentary democracy, there was need for enlightened membership which could prove adequate to the thrusts and stresses of parliamentary debates on subjects likely to come up for discussion. The Research and Reference Division which was set up then for this purpose has established itself as a useful instrument for servicing members irrespective of party affiliations.

Shri Kaul was a voracious reader, particularly of books relating to parliamentary government. Memoirs and biographies of great statesmen attracted his attention, so that he could draw inspiration from them for solutions to practical problems as they would emerge in the day-to-day functioning of Parliament.

By maintaining a good rapport with members belonging to all parties, Shri Kaul personified in himself the qualities of an ideal Clerk of the House who was available to everyone for consultation and advice, irrespective of party affiliations.

Shri Kaul was a dreamer and a visionary when it was a question of nurturing and preserving the independence of Lok Sabha Secretariat from the Executive, so that Parliament could function effectively and oversee the Executive, through the House and its Committees. His ideas found crystallisation in a brochure entitled 'Future Parliamentary Activities', which became the guidebook for the different Branches to plan their future activities.

The Lok Sabha Secretariat, as it has grown over the years, represents the gradual blossoming of his dreams, and today if it enjoys a pride of place in the parliamentary set-up in India, it is in no small measure due to the dreams of Shri Kaul.

Maheshwar Nath Kaul : Greatness with Ease

M.C. Chawla

"No great man lives in vain. The history of the world is but the biography of the great".

—Thomas Carlyle

William Shakespeare had said, in his play "The Winter's Tale": "Be not afraid of greatness: some men are born great, some achieve greatness, some have greatness thrust upon them."

Perhaps these lines were especially written for great men like Shri Maheshwar Nath Kaul, the first Secretary of the Indian Legislature after Independence; the architect and founding father of the magnificent pillars on which the Secretariat of the Lok Sabha had been built—known for uncanny sense and rare intuition, symbol of moral and intellectual integrity, an erudite, suave, versatile, avid and voracious reader and the repository of infinite knowledge and above all, a very gracious and benign administrator. Shri M.N. Kaul was very much averse to a thoroughly inefficient and slow moving bureaucracy shackled in its own regulations. He took a very clear-cut decision on all matters, however grave they might be and his decision was always flawless and unchallengeable.

Presently, I confine myself only to my own recollections of having worked under this apostle of matchless sagacity and wisdom, knowledge and graciousness towards his subordinates, whom he always encouraged to show their merit, but after lot of introspection. By divine grace, he possessed a very charismatic personality which made him an adorable person, who effulgently dispensed his great knowledge whenever he had any talk with his subordinates. At least, I learnt all that I could at his blessed feet and for which I am beholden to him even at this late stage of life. He never liked genuflection but only sincere, prompt work and faithful discharge of duty by his subordinates.

While many people look upon him as the 'Erskine May' of India, I in my own humble reading regard him as an 'incarnation' of MANU—the great exponent

of Law in the ancient times—in the parliamentary parlance of evolution of the parliamentary institution in India—its practice, procedure and the case law. Emerson wrote that an institution is the lengthened shadow of one man. Of the institution of the Secretariat of Parliament (now called Lok Sabha Secretariat), it may truly be said that it is the lengthened shadow of Shri M.N. Kaul. He had been the dynamic centre from which the principles and practices of the free ways of life had radiated forth. Parliament is the mirror of people's minds and the guardian of their liberties, but Shri Kaul was the beacon of its secretariat which he so assiduously built.

Now I mention about some of the unique foundational structure of the present day set up of our Secretariat which Shri Kaul with his remarkable vision and foresight laid in the earlier stages of the coming into being of the new constitutional set-up. The first and foremost task was to take over the functions of the Public Accounts Committee, which was constituted in the wake of the Montagu Chelmsford Reforms as far back as 1921, from the Ministry of Finance. (The motion for the election of the first Public Accounts Committee was moved by the late Sir Malcolm Hailey in the defunct Legislative Assembly on the 22 February, 1921 entrusting this Committee with the functions of 'examination of accounts showing the appropriation of the sums granted by the Legislature to meet the Public expenditure'.)

Now this was really an uphill task for this Secretariat to start with. Shri Kaul was very ably assisted in this task by Shri S.L. Shakhder, a very dynamic and knowledgeable Officer, who with his richness of administrative skill, accounting knowledge and his very ingenious grasp of the very intricacies of the problems dealt with the four series of the Appropriation Accounts (Civil), (Defence), (Railways) and (Post and Telegraphs) - the coping stones of the financial structure of the year and Audit Reports thereon made it a renowned success and even the then Comptroller and Auditor-General of India, a veteran and noted finance expert in his time, complimented the Secretariat for the First Report which was adopted by the Committee under the chairmanship of late Shri B. Das, affectionately called the 'Father of the House', the first non-official chairman of the committee, a veteran and most experienced member of the Public Accounts Committee since the British days. I had the good luck of serving this Committee in the initial stages in a humble capacity. The first thing which Shri Kaul wanted was to acquaint the new members of the Committee with its background and function and with this end in view, he directed a brochure entitled 'Select documents—PAC' to be prepared which was done by me.

Now I would mention by way of illustration how Shri Kaul made this Committee a resounding success in the new set-up. He himself used to attend the sittings. Once, it so happened that the light went off—it was towards the evening—the Committee were discussing a very complicated agreement with TELCO for the manufacture of Locomotive Boilers, which was entered into by the Railway Board sometime in 1947 for the manufacture and sale of Locomotive Boilers and Locomotives required by the Government. The agreement was to run for 16 years from June, 1945 and the production of boilers during different periods of the contract was programmed in terms of periods 'A', 'B', & 'C'. He asked me whether I had understood the implications of this complex agreement. I said 'Yes Sir'. Then he said: 'Explain to me'. I did it to the best of my knowledge and ability. Luckily, what I had explained to him proved to be true, as later deposed by the Financial Commissioner, Railways. I am just stating this by way of an illustration, how he with his marvellous power of intuition, and introspection at times made an in-depth minatory examination of his subordinate's knowledge and study of the day-to-day matters and measured his worth. I can cite several examples like this in his day-to-day questioning me on certain matters being discussed at the PAC meetings. He never appreciated any teetering of the issue but always expected a straight and meaningful reply.

Along with the taking over of the functions of the Public Accounts Committee, Shri Kaul may rightly be described as the founder and a celestial lamp-post of the Secretariat of the Estimates Committee, another Financial Committee, set up in 1950. This Committee in its own way made a mark by exposing some shady deals like the purchase of Jeeps in U.K. and the need for economy in the functioning of the various Ministries/Departments of the Government of India and their reorganisation. These Committees represent the microcosm of the House.

Later, a very piquant situation arose—the Rajya Sabha, which was not represented on the PAC—mooted the idea of setting up a similar committee of its own, in case its members were not appointed to the Committee. A lot of high level discussions and the deliberations in the Committee took place but the issue could not be resolved satisfactorily. Shri Kaul, however, with his usual dexterous official and political skill, very successfully handled the matter and seven members of the Rajya Sabha were associated with the Committee at the time of its constitution every year.

Then came the Railway Convention Committee in the mid-fifties. For the first time, this Committee was set up to determine the rate of dividend payable by

the Railways to the General Revenues. The Committee's functions were also entrusted to the then PAC Branch and as directed by Shri Kaul, a brochure on the 'Separation of Railway from General Finance' as a background paper for this Committee's deliberations was prepared by me after great deal of study right from the days of separation of the Railways from General Finance dating back to 1924. The usefulness of this Committee and the very sound recommendations made by it actuated the Government to make it a Standing Committee as at present.

Then came the evolution and formation of a Committee on Public Undertakings. I made out a case for this also.

As a matter of fact all these Committees functioned under the overall superintendence, direction and control of Shri M.N. Kaul, who, I may say was fortunate to have Shri S.L. Shakhder with him to handle all this herculean task. It was a proper recognition of Shri Shakhder's unique qualities of head and heart that a worthy successor in him was installed in Shri Kaul's Chair.

Before I come to Shri Kaul's monumental work and his becoming a top expert on parliamentary system, gaining name and fame for India within the country and abroad, I would recapitulate some other instances to show how he encouraged his subordinates to handle difficult situations but only after he had developed faith in their capacity to deliver goods.

Once towards the evening, he sent for me in the Chamber and told me that the mural hung at the entrance of the Parliament House (Opposite P.N.O.) was not in good taste, as complained by a Lady member from Andhra Pradesh. I was also at one time looking after the functions of the Artists Committee which approved these Murals. I told him: 'Sir, this had been approved by the Committee'. He said you better examine this and submit a note immediately. This refers to Panel No.1 which shows the seal of Shiva as Yogi—the Indian ideal of meditation. Also, Bull and Unicorn from Mohenjodaro (3rd Millennium B.C.). I came back to my room and got some ancient books on history and Indus Valley Civilization and delved into them. Being a student of history, it was not a difficult job for me to substantiate the impugned issue and before the House rose for the day, submitted a detailed note to Shri Kaul. Next day, he asked me to explain it to the Lady member, who was quite satisfied with the historical background and genesis of the subject matter, I placed before her.

A mural was got ready on 'General Dyer's Shooting scene in Jallianwala Bagh' (1919). It was the practice to first get a small proto-type prepared by the Artist assigned this job and then to place it before the Committee. After the Committee had approved it, Shri Kaul had the intuition of showing it to the then Prime Minister Shri Jawaharlal Nehru. The Prime Minister did not appreciate the shooting scene and recorded a note thereon as according to him it did not portray the intensity of the firing in its true perspective. He wanted the matter to be discussed with him. The note came back and Shri Kaul asked me to go and explain to the Prime Minister and get his instructions. Somehow or the other, this matter was not pursued at that time and I do not know what happened to this mural later on—whether at all it was got ready and displayed in Parliament House. I am only mentioning this to state how Shri Kaul had faith in his subordinates and always gave them an opportunity to show their worth.

In 1956, I happened to accompany Shri Kaul along with the Indian Parliamentary Delegation to China—the biggest Delegation that ever visited any foreign country—particularly the first to visit China in the hey-day of '*Hindi-Chini Bhai Bhai*'. In the evening, he used to ask me about what notes I had taken about the places visited and discussions held. I was told to submit a detailed report on return, which I did in two volumes.

It was some time in the late fifties that I happened to accompany the PAC to Bhakra Dam, where there had been a disastrous mishap in the hoist chamber of the Dam. On my return, I put up a note. Shri Kaul sent for me in the evening and asked me to explain by drawing a sketch as to how it all happened. Somehow or the other I must confess I could not fully satisfy him, as my knowledge was restricted to what the engineers at the site had told us. He put me many intricate questions—mostly bordering on technical and engineering aspects. I submitted: 'Sir, you might visit the site yourself and see things as to how it happened'. At that time, he said: 'Yes'. But later on he could not make it. So this is one of the many instances showing how Shri Kaul was agile and versatile.

Shri Kaul's name has become immortal by his monumental work 'Practice and Procedure of Parliament' brought out by him in co-authorship with Shri S.L. Shakdher, who followed the footsteps of his one-time illustrious senior, in grasping the subject with rare aplomb. This celebrated treatise is unparalleled in the Indian parliamentary curriculum.

Shri Kaul was duly rewarded for his acumen in the evolution and development of parliamentary practice and procedures by his nomination to the Rajya Sabha.

Here during his tenure, he became a member of the Joint Committee on the Judges Inquiry Bill of which I was the Secretary (as Deputy Secretary of Lok Sabha Secretariat). This was a very intricate and delicate piece of legislation and I must say that I was fortunate to take his enlightened guidance at every stage of the committee's deliberations. This shows his magnanimity. The membership of Rajya Sabha was the pinnacle of his long legislative career.

Shri Kaul's legendary life exemplified the virtues of truth, courage, conviction, probity, fortitude, knowledge, perseverance and sense of duty, dedication to the promotion of the roots of Parliamentary practice and procedure and usages and its legislative sovereignty.

Sands of time and age withered this august personality—towards the end of his life, he started bending; but still he maintained his daily routine of evening stroll marked with his characteristic pose and gait. At long last, the inevitable happened and it was a very poignant scene to see his ever-reverberating serene body lying in rest when his cortege was brought to Parliament House for the staff to pay their homage to the great and noble soul, the founding father of the Secretariat, on its way to his place of consumption by flames.

His celebrated treatise on "Practice and Procedure in Parliament" is his epitaph.

May he rest in Heavens.

I will now conclude with the following recitation from "THE BHAGAVADGITA":

यद्यदाचरित श्रेष्ठस्ततदेवेतरो जनः ।
स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥२१॥

(For whatsoever a great man does, that very thing other men also do, whatever standard he sets up, the generality of men follow the same).

An Administrator Par Excellence

S. Rangaswami

It is our good fortune that in the hour of freedom we had the right men in position in almost every field. In the legislative sphere in particular, we were exceptionally fortunate to have the great Mavalankar at the helm to set the course for free India's Parliament, and a Kaul and Shakti to build a sound and durable infrastructure for the country's apex legislature to fulfil the role that belonged to it in the democratic polity.

It is difficult to talk about Shri M.N. Kaul without referring to Shri Shakti, while discussing matters parliamentary. I have often thought of them as a *Shiva-Shakti* combination—Shri Kaul, the far-sighted visionary, and Shri Shakti, the driving force that translated all his dreams into a reality. In administrative annals, it is hard to come by a chieftain and a lieutenant so unified in their aim and purpose, so united in action, as the two were. Shri Kaul, a product of the liberal tradition, had a sense of history and of his own obligations at the point of time where he stood. As the chief servants of the country's federal legislature in the crucial transitional years of its emergence as a sovereign Parliament, both of them were conscious of the privilege and burden of their trust, and sought fully to measure themselves up to the call of the hour.

My first meeting with Shri Kaul is still fresh in my mind. It was a sunny morning way back in February, 1952. I was one among several called, from far and near, for interview for recruitment to parliamentary service. Even before my meeting with him, I came to know of him as a stickler for form and standards, one recognisably different, who had a mind of his own and stood his own ground.

When I entered the Board Room there he was, the great Kaul—a tall and handsome man with classic features, in greyish blue lounge suit, every inch of him an aristocrat, in the best sense of the term, fully conforming to the image I had conjured of him. He hardly spoke, but only intently watched, while others, mostly Shri Shakti, asked all the questions.

I was inducted into parliamentary service in August 1952, in Committee Branch, where I met the gentle, hardworking Damodaran, who was to be my unofficial mentor and initiate me into the rudiments of Parliamentary lore.

I doubt whether my career would have been as fulfilling, as it has been, had Providence cast my lot elsewhere. Ten years after retirement, even today I cannot but feel a part of the LSS team, still a privileged member of the LSS family. For, Lok Sabha Secretariat has not been a mere work place, like any other. It is a universe by itself, with its own distinct ethos, its own values, and binding ties and traditions. For what it has come to mean to me, and other of its members like me, and for what it has come to stand to the outside world—a gracious place where one could look for civility, caring attention, and service of a high order—we owe entirely to the uncommon administrator, the late Shri M.N. Kaul.

Shri Kaul was an institution builder—a builder with vision and wisdom. He clearly saw that his role was to help free India's Parliament establish itself as a people's institution, and to this end, develop appropriate procedures and institutional arrangements and build a strong House Secretariat for a reliable support structure.

Upon these tasks Shri Kaul, together with Shri Shakhder, embarked earnestly. The period 1952-57, covering the span of the First Lok Sabha, was particularly one of great activity. It was the time when we were engaged in developing new procedures and experimenting with new institutional forms. And this was done in no perfunctory manner. The adoption of any new rule or practice was preceded by extensive study of the experience of other legislatures abroad and careful weighing of its implications. Not a week passed without a note from Secretary or Joint Secretary for some new proposal to be studied. *May and Campion*, *Hatsell and Redlech*, *Cannon's Precedents* and *Jefferson's Manual* were our constant companions. The *Hansard volumes*, *Commons Manual*, *The Table*, and *Parliamentary Affairs* were frequently looked into. There was an atmosphere of study, a spirit of inquiry and excitement in the air. Opportunities for meeting with the staff were then many, and those were memorable occasions when the great talker Shri Kaul would dwell on the latest developments in the other world Parliaments and the experiment we were engaged in, in our own Secretariat. A recent worthwhile note or significant contribution from the staff would invariably come in for mention. He made the staff all the time feel the importance of the

work they were doing and its relation to the larger context of Parliament's role in the polity.

Before long, the main corpus of the rules of the House had been consolidated and organised, and a body of directions by the Speaker issued to supplement the rules and take care of their nuances in practical application. The three Manuals of Business, gathering the rulings and precedents relative to the rules of procedure, the directions by the Speaker, and provisions of the Constitution having a bearing on the Parliament were also brought out. These three manuals, constantly kept updated and in use in the House even today, were to supply the main source material for the ambitious project on the Practice and Procedure of Indian Parliament, work on which had already begun. The procedures and processes developed now provided for all the needed opportunities for the private member to raise matters on the legislative floor and a network of arrangements for effective legislative oversight of the administration. Also, by now, the main committee structure had been raised and their working procedures well settled, systematic efficient enforcement of executive accountability. In some respects we had even broken new ground—by providing for a strict time-tabling of parliamentary business through the machinery of the Business Advisory Committee; systematic follow-up of ministerial assurances through the innovative Committee on Government Assurances; and the elevation of the Petitions Committee from an innocuous body it was elsewhere to a vigorous Grievances Committee. We could now talk with pride of a distinctly Indian practice and procedure. And, with Shri Mavalankar as the presiding deity to set the tone and tenor of parliamentary life, the corporate presence of Parliament had soon become a reality to reckon with.

To accomplish all this Shri Kaul, with Shri Shadkher, fashioned a House secretariat that was unique in many ways. Both of them had a genius for details, a capacity to translate their administrative philosophy in terms of a practical agenda for action, a tangible system of procedures and work methods. The insistence on absolute tidiness in work habits; the system of neat submission of files in closed file folders with a movement slip to indicate the destination (a practice unknown in Government departments); the periodical parade of class IV staff to see whether they remained trim always; the programmed round of annual inspection of Branches which was an occasion for them to undertake massive spring cleaning operations and spruce themselves up and provided an opportunity to Secretary/Joint Secretary to meet every member of the staff face to face and get to know personally how the organisation is functioning; a

personnel policy that set merit and performance as the criteria for advancement, and continually monitored staff performance through a network of prescribed returns and special reports; in-built institutional arrangements for constant upgrading of professional skills; a work ethic which had no place for slackness and which believed that anything considered worth doing must be undertaken seriously and done well, with all possible expedition; recognition of the importance of a clean and pleasant work environment as necessary and conducive to efficiency and the progressive view that expenditure incurred on maintenance and tidy upkeep of office rooms, furniture and the building is an investment and not a frittering away of funds; the establishment of a welfare wing that rushed to help the staff in times of sickness and sorrow and participated in their moments of happiness—all these were part of that system in which orderliness, discipline, efficiency and humane concern were the prized values.

A genuine believer in the philosophy and destiny of the representative institution, Shri Kaul was very particular about attitudinal attunement of his staff to the larger cause they were called upon to serve. I am reminded in this context of an incident Shri Kaul himself used to narrate. A senior official from the Government had come on deputation to LSS and was assigned one of the Committees. Shortly thereafter, when Shri Kaul casually met the official, he enquired of the official as to how he found his committee. The reply that he got was that 'it was like a fish market'. Shri Kaul lost no time in packing him back to his Department. A person who had no empathy for the people's representatives and the parliamentary processes, according to him, had no place in the service.

Uniform courtesy to all members, as members, regardless of their political affiliations, promptness and efficiency of service of a high order were the objectives Shri Kaul held high before his men. He expected them to be objective and unbiased at all times. Like the Speaker, the Speaker's staff, he said, belonged to no party, and belonged to all parties. His passionate advocacy of an independent Secretariat for the Legislature was not only to ensure that the staff functioned in an atmosphere of complete freedom owing allegiance to the Speaker and the House, and to no other outside authority, but also remained a cohesive work force fully attended to the values and work culture of Parliamentary Service.

Shri Kaul was a strict disciplinarian, but the atmosphere in the Secretariat was one of total intellectual freedom. He appreciated individual initiative and enterprise, and welcomed free expression of views, provided the language was

temperate and one did not overstep the bounds of decorum. Shri Kaul did not mix with his staff easily. He remained a distant figure, but was keenly observant and knew his men individually. He was ever receptive to ideas. I remember early in 1953, during the time of the First Lok Sabha, we were experimenting with a new procedure in the handling of spot amendments given by members in the House. I happened to be the concerned official. One afternoon Shri Kaul dropped in at the Legislative Branch, accompanied by Deputy Secretary Shri Nandi. He wanted to know how the new procedure was working. Before I could say anything, Mr. Nandi (who actually was a highly conscientious and dedicated officer) tried to assure Secretary that it was working smoothly. Shri Kaul was not satisfied. He had noticed that I was wanting to say something. Referring to me, Shri Kaul told Shri Nandi "He seems to have something to say. Let us hear him. Mr. Nandi, we must learn the art of listening." As I explained the difficulty I was encountering while working the procedure, he was intently listening, and at the end said "I thought as much", indicating that he had mentally anticipated what I was bringing to his notice.

Early in my career, when I was working in the Committee Branch, I undertook a study of Adjournment Motion in Government time in the Commons, and submitted a somewhat comprehensive note. Along with the file, I remember, I had sent in a cartload of *Hansard* volumes and other material I had relied on in my note. That note Shri Shakhder who had the reputation of not keeping with him any file overnight, kept that file for a whole week and more. That note must have made an impression on Shri Kaul. For, some years later when I appeared before him in a promotion interview, he was remembering that note and asked "Did you not submit that note?". Still several years later, in the Institute of Constitutional and Parliamentary Studies, I had to appear before him again in a promotion interview. Rajya Sabha Secretary General Shri B.N. Bannerjee and the Executive Chairman of the institute were the other members of the Board. During that interview Shri Kaul was again referring to that note. He wondered why at all I should have been asked to appear before the Board when they had known me and my work all along. Several appeared for the post. I was listed No.1 in the panel of names recommended for appointment. Can anything afford greater satisfaction than the thought that one's work has been looked upon with approval by a person of Shri Kaul's eminence?

In the service Shri Kaul established a work culture which demanded total identification with the institution and a willingness to shoulder responsibility, however challenging the task. Once a job was assigned to a staff member, he

was solely and fully responsible till its successful completion. At whatever level he was, he would have all the facilities needed and the full support and cooperation of everyone concerned for the completion of the job. The entire body of staff functioned in unison, as a team, with one common aim—namely to keep the LSS flag flying high. I remember when the nomenclature of Lok Sabha for the House of the People was first announced in the House, the amendment list circulated within minutes of the announcement reflected the change, to the pleasant surprise of everyone in the House, including Shri Kaul. Some of us, entirely on our own, had rushed to the Distribution Branch to effect the change in the list before circulation. A trivial incident, but indicative of the spirit that permeated the entire service then, down to the juniormost level.

Kaul and Shakhder were pathfinders in administration. They were bold unconventional thinkers who looked for new ideas all the time to better the system. Although they recognised the importance of individuals in an organisation, their stress was in developing a system which would keep the work going even under non-ideal conditions. To cite but one instance, the Instructional Orders and Routine Orders they got drafted in respect of each and every item of work handled in the Secretariat, was a feature unknown elsewhere. These orders, drafted by concerned dealing hands themselves, laid down in minute detail the steps in the action to be taken while dealing with an item of work so much so any new staff member posted to a seat had no difficulty in carrying on the work simply by following the instructions. I am inclined to recall an anecdote Shri Kaul used to narrate. An Assistant Secretary one Shri Narayan Rao who retired in 1952 or 1953 was systematically moving his pension papers months before he was due to retire and managed to get his pension and retirement benefits settled almost simultaneously with his retirement. Shri Kaul who was quietly signing the papers put up to him and had all along been watching the goings on, called Shri Narayan Rao, it would seem, and asked him to time-table the steps taken by him, for the benefit of other retiring employees in the Secretariat. This became the schedule to follow, so much so it is to the credit of Lok Sabha Secretariat that every retiring employee got his pension and terminal benefits settled within a fortnight of his retirement.

Shri Kaul knew the value of new ideas for the sustained growth of the organisation and welcomed them, from whatever quarter they came. The Suggestion Box, kept for name's sake and routinely handled in other organisations, was put to good use in LSS. Anyone in the service, at whatever level, was free to put in his suggestions. These received serious attention at the highest level and the worthwhile among them were implemented in the form most feasible, after

taking into account the views of the Branches concerned with the implementation. The folders we have for public distribution on different aspects of functioning of Parliament, the display of business in progress in the House at focal points in the Parliament House and Annexe and, also perhaps, the systematic collection of recordings of historic speeches in the House are only a few instances out of several such suggestions implemented.

Whenever there was a slip up, which was rare, the immediate concern was not to find out merely who was responsible, but *what* went wrong, and *why*. I am reminded here of what happened once, before the flash voting system was installed in the chamber. During those days members' votes at a division were recorded at several booths in the inner lobby of the House, manned by the staff members who were appointed as Tellers at the beginning of the session. As soon as a division bell started ringing, the Tellers were supposed to leave their work and rush to the Chamber before the bell stopped ringing and the Chamber doors were closed, to take their positions at the booths. Even Committees in session were expected to suspend their work to enable members to repair to the Chamber for voting. On a particular day, the bell rang several times and the Teller staff rushed to the Chamber several times, only to find every time that it was a quorum bell and not a division bell. When the bell rang again, many of the Tellers took it for another quorum bell, while actually it was a call for division. With a number of Tellers not turning up, there was some confusion in the House. Explanations were called. While offering mine, I pointed out how such a situation would not have arisen if only there was some means of distinguishing a division bell from a quorum bell. I went on to suggest the installation of a lamp in every office and committee room and in the members' canteen, which would glow in the case of a division bell. Since already the Lok Sabha and Rajya Sabha halls were differentiated by the mode of their ringing, I said, any attempt to distinguish a division bell through further variation in the ringing mode would lead to confusion. To my wonder, one fine morning a few months later I found workmen furiously pounding the wall to lay the wiring for installation of the lamps throughout the building.

Shri Kaul's interest and involvement was not confined to the Parliament at the Centre. His vision encompassed the whole of India. In fact, he looked upon, and often spoke of, all the legislatures in the country as constituting one 'Grand Parliament of India'. It was the spirit behind this thinking that saw him actively promote inter-legislature relations within the country and help foster among all the legislators and Legislatures a sense of belonging to one common fold, with a common aim and mission. In addition to the Conference of Presiding Officers

which was already there, he convened on similar lines the Conference of Secretaries of Legislative Bodies in India (now regularly meeting at the time of the Presiding Officers Conference) to provide a forum for exchange of views and sharing of experience on problems arising in legislative administration. The periodic conferences of Chairmen of the different Financial and other Committees, which enable discussion of problems in the Committee sphere, again owe their origin to him. He provided inspiring leadership and authoritative guidance whenever his counterparts at the State level turned to him for help and advice. He was for uniformity of procedures and practices in all our Legislatures so that a common pool of experience was available for anyone to draw upon. If that is largely a reality today, it is attributable to him.

The Institute of Constitutional and Parliamentary Studies which he and Shri Shakdher, along with luminaries like Shri M.C. Setalvad, N.C. Chatterjee and Dr. L.M. Singhvi, founded, is a tribute to the original thinking of its founders. Conceived of as an amalgum of an academic body and a 'support' institution in our democratic polity with 'extension' functions, it has no parallel elsewhere in the democratic world.

It was only as it should be that Shri Kaul with his breadth of vision and intimate personal knowledge of the parliamentary processes in their practical working, was a respected figure abroad. He was actively associated with the work of world bodies like the Inter-Parliamentary Union, the Commonwealth Parliamentary Association and the Association of Clerks at the Table. His reports on the Present Day Problems of Modern Parliaments and Independent Legislature Secretariat are among his significant contributions. He raised the prestige of the Indian Parliament, and if it is held high today in international parliamentary circles, we owe it not a little to his work on the international bodies and the deep impression he made on his peers the world over.

If I may strike a personal note, my association with Shri Kaul began with my joining the Lok Sabha Secretariat in 1952 and continued till 1964 in the Secretariat and from 1965 till 1970 in the Institute of Constitutional and Parliamentary Studies (ICPS). It was my good fortune that Shri Kaul (and Shri Shakdher) took a special liking for me from the beginning. Right from day one till my retirement there was not a single dull moment for me. Major assignments came my way all the time. I felt privileged to be associated with the editing of the three volumes of Manual of Business in Lok Sabha. I owe much to both Shri Kaul and Shri Shakdher for their kindness. When ICPS was being

set up, I was deputed to the Institute, and later, when the Bureau of Parliamentary Studies and Training was established, again I was chosen to organise the initial courses of the Bureau. When ICPS was invited to tender evidence before the Parliamentary Joint Committee on the Judges Inquiry Bill, I was asked to prepare the memorandum for the Committee. I remember, Shri Kaul, who was appreciative of the effort, commending it to Shri M.C. Setalvad and suggesting to him to appear before the Joint Committee on behalf of the Institute. Shri Setalvad said he would, provided he was in agreement with the views expressed in the Institute's memorandum, and on going through a copy sent to him, readily agreed to appear. When devaluation of the rupee was announced on 6 June, 1966, I was asked to come out with a publication on its implications for the use of MPs during the debate on the subject in Parliament. I received the order on 11 June, 1966 and printed copies of the book running to over 225 pages were in the hands of the Members on 21 July, 1966. I remember both Shri Kaul and Shri Shaktidher taking keen interest as the Mss was getting ready. Indeed, there are several such cherished memories.

The most enduring monument to the memory of Shri Kaul is his own celebrated treatise on the *Practice and Procedure of Parliament* (co-authored with Shri Shaktidher) which he has left behind as a permanent legacy to this House and the Secretariat he nurtured with such care and concern. It is a matter of national pride that outside Britain, the Home of the "Mother of Parliaments", there is no study relating to parliamentary procedure and practice comparable, in depth and dimension, to Kaul and Shaktidher's classic work. Equally precious are the values and traditions he has left behind in our Secretariat, which have survived and sustained us to this day.

For Shri Kaul's lasting contribution to the cause of representative government and parliamentary institution, the country owes much to him. A life, so dedicated to a cause, is rare to come across. After retirement Shri Kaul was made a Public Trustee, Ministry of Finance, Government of India, and was later nominated to the Rajya Sabha. For service, exceptionally distinguished as his, further honours should have followed. Not that any such thought ever crossed his mind... And, in the Secretariat, our debt is immeasurable.

We owe much to Shri Kaul. The country owes much to him. We are doing entirely the right thing by ourselves in deciding to celebrate his birth anniversary. It is the minimum we can do, to tell ourselves, we remember him.

Karmayogi Kaul Sahib

J.N. Bhan

Is it a coincidence, in sheer serendipity, that nobility and humility combine to endear an administrator to his subordinates? Or, is it the intrinsic mettle that outweighs all other facets of a man to prove that he, as a bureaucrat, can be determinedly purposive in holding together the disparate elements of human material in his own domain, cement them and construct an edifice for high and low, to accomplish challenging tasks?

It is, perhaps, the latter one that is true in case of the late Kaul Sahib whose father-figure was a multifaceted personality that shone in various fields, whether it was his legal practice, or juridical writings for and editing the *Law Journal* of Allahabad before 1938, or the Secretarial challenges of the evolving norms of procedure in the Central Legislature, thereafter, which, later, in free India, became the Parliament, or the functions of a member of the Rajya Sabha after 1964. His Midas touch turned the object of his perception into gold. He sought perfection in everything he handled, and his strong will-power backed up by his disciplined life paid him rich dividends (of achievement) which he bequeathed to posterity.

As *facile princeps* comes to mind, the great quality of discipline in his life which, not so even though, was very much like a true *Sannyasi* and *Yogi*, performing the bounden duty without depending on the fruits of action, for he was wedded to action only and not its fruits, in the true tradition of the teachings of *Srimad Bhagavadgita* A great *Karmayogi*, indeed!

Underneath his steel frame was a humble human heart ever throbbing for the under-privileged and not-so-lucky; and he, with his lofty ideals, never wanted to own any credit for the help he would render to them—be it through his mighty pen, or through monetary help, or through putting in a word, or even through his munificent step for the cause.

It is not so easy for an officer of much lower rank to put down the impressions he had formed about his superior who had been very high above and was, in fact, distant. A span of three decades and odd bedims one's memory lane as one

looks into the past; nevertheless, I reminisce to have seen the great human qualities of Kaul Sahib, on most of the occasions, which left a deep impression on my mind. One of such occasions was the retirement of a messenger attached to the L.S. Chamber. A parting gift was handed over to him. The audience was thin. I was there. I vividly remember the words Kaul Sahib said in a low tone, "It is an accident, call—it luck, that I am the Secretary and the retiree is a messenger. We all are governed by our destiny." That was his humble self under his steel frame.

During my own office-tenure, when Kaul Sahib was the first Secretary to Lok Sabha, I never saw him laugh. The rigours of official conduct of a disciplined administrator could be such, perhaps.

As the executive head of an institution, an administrator has many tasks to perform. Their execution is not always something pleasant for everybody. And we, in common jargon, call it a 'thankless task'. Even in such a set-up Kaul Sahib's disposal was generally judicious, based on compassion lest anybody might be harmed. I do recollect a certain case where a bright candidate, who qualified for a technical post in the Lok Sabha Secretariat, had a slight tiff with the medical board while undergoing medical test for securing a fitness certificate. Kaul Sahib saw to it that the candidate should not suffer. The candidate got the fitness certificate and joined the Secretariat. This very employee, later, rose to be an officer of high rank in a Ministry of the Government of India where he had been sent on deputation.

Kaul Sahib's masterly and significant glance in initiating human material into purposive action and conduct had vibrations of initiation like those of a spiritual *guru* who initiates his disciples into the mysteries of the spirit. Just a word and a graceful glance would launch the man into action!

His oratorical skill, on certain occasions, was stunning. Once, I recollect, there was a function where the great parliamentarian of scholarly oratorical skill, Prof. Hiren Mukherjee, was to be honoured. It was a great intellectual treat to listen to Kaul Sahib who spoke on the occasion. From memory he quoted chapter and verse from the great speeches of Prof. Mukherjee, expounded his contribution *vis-a-vis* parliamentary practice, and the audience—the elite of social intellectual and parliamentary circles—was spellbound.

Kaul Sahib was a voracious reader with a sharp memory. He had imbibed the *Upanisadic* wisdom, in a hard, self-taught way. In the words of the Kashmiri

Saint poetess Laleshwari, he 'had quaffed at the *Vitasta*', i.e., practised hard penance to attain his knowledge. His travels far and wide had afforded him an opportunity to know more and more not only about parliamentary procedures as obtained in foreign countries, but also the lifestyle of the people, in general, and the behaviour of human mind in particular. He shared his thoughts and experiences with his trusted successor, Shri S.L. Shakhder; and the two veterans, pioneers in the field of parliamentary procedure, have given to us the voluminous book, *Practice and Procedure of Parliament* whose adumbrator was Kaul Sahib. This *magnum opus* serves as a beacon to all the institutions seeking the democratic way in various fields of life, without overstepping the norms which have stood the test of time.

Kaul Sahib was an acme-oriented scholar of jurisprudence whose great quality of his mind did reflect in working upon the evolution of parliamentary procedure. To him Parliament was, perhaps, much more than a debating forum which had to hammer out solutions to national problems with dialogue, debate and discussion, keeping in view the rationale that justice could be done to all sections of society. His eclecticism had broadened his vision which, in turn, had lent grace to the institution he headed. His profundity of thought and perceptive eye elevated him to a very high pedestal.

I recollect to have talked to him quite some time before he left his mortal coil. It was, *inter alia*, regarding the political disturbances and riots in many parts of the country. As always, it was a great treat to listen to him. Pristine qualities of a scholar were manifest in his discourses. I found in him the same alacrity of senses, the same presence of mind, the same majestic tenor in voice and disposition, and the same unimpaired firm will to do good to others. The *summum bonum* of his creed was 'Live and let live', the quintessence of our scriptures, as put forth by the sage *Vyasa*. He bequeathed philanthropic institutions like the Charitable Trust for orphans and widows, and much more. It is rightly said that society judges the deeds of a human by the bequeathal he makes to posterity.

Simple living and high thinking was Kaul Sahib's way of life, the very forte of his character. He led a regulated life and was very punctual, be it his morning prayers or evening walk. A man of indomitable faith as he was, he did practise *yoga* for a very long time, but with his advancing age he had taken to meditation only, having stopped *pranayama* and other *yogic* exercises.

Kaul Sahib, even in spite of the persuasion of the then Hon'ble Speaker Sardar Hukam Singh, did not accept the extension of his tenure. Like a true *guru*, the Great Master as he was, he relinquished his office to his successor, following, thus, the great precept of *Dharma*, शिष्यात् इच्छेत पराजयम् (yield to your disciples). Thus, he honoured the golden tradition of the sages of yore who always inducted young and fresh minds in the interest of healthy evolution of society. A self-effacing soul, indeed!

Kaul Sahib will be remembered by all who believe in a clean democratic way of life, having respect for all shades of opinion and faith—the *Sarvadharmā Samabhava*, as we all should know it.

My humble tribute to the venerable memory of this noble soul, on the occasion of his 91st birth anniversary.

Kaul: My Guru

K.S. Menon

I was filled with irresistible nostalgia when I learnt that the Lok Sabha Secretariat was intending to celebrate the birth anniversary of Shri M.N. Kaul.

To those of my young readers who do not know me, I joined the then Legislative Assembly Secretariat in January 1948, a good 44 years ago, a fresher direct from college. I left in May, 1967 to join the Indian Oil Corporation Ltd. from where I retired in 1985. I am now a Management Consultant practising in Bombay.

We were a handful of youngsters in 1948, mostly replacements for those who had gone to Pakistan, and all of us knew as much about parliamentary practice as a tadpole knows about the sex habits of elephants. "Are you willing to learn?" asked Shri Kaul at the selection interview. "I am a Madras University ranker in English Literature, Sir, if that should be adequate evidence", I replied. "Do you ride a bicycle?" was the next question. "Yes Sir". "Better buy one. You will need it when you go home late".

I knew I was in. The interview was over in less than five minutes. I had a sixth sense at that moment telling me that I was to work for a man whose motto was "brevity". No long-windedness for him. No beating about the bush, verbosity or circumlocution for him. "Come straight to the point", he would say. "If I cannot agree with you on your first statement, you will be allowed to argue your case, otherwise don't waste your time and mine. A man who speaks or writes too much is not sure of his mind."

The momentous and significant value of this piece of advice never deserted me. Time and again in life when as a speaker or a writer, when I felt I was tending to be needlessly emphasising a point I would hear Shri Kaul whispering in my ears: "Be brief. Don't waste time". As a Management teacher, I must have told my students time and again over what I learnt from my *guru*.

As children, we are all used to hear bed-time stories from our grandmothers or mothers, mostly fairy-tales, fables or short stories from our scriptures. We hear

them and forget them. However, later in life when we have acquired a high degree of maturity, the moral underlying these stories dawn on us. We begin to see these stories in a different light and draw lessons from them. So it was with my association with Shri Kaul.

We hear so much of bureaucracy these days and see Laxman's common man writhing under its rigours when everything in Government moves at snail speed, if it moves at all. Here in contrast was a Government CEO who wanted everything yesterday and saw to it that he had his way. I remember the day when Shri Kaul took a decision to get the day's debates cyclostyled overnight and get them ready by morning. He ordered that 20 Gestetner cyclostyling machines be purchased and wanted them in a week. Those were days when the repair of a cycle for more than Rs.20 required the concurrence of the Finance Department. It would normally have taken one year to get those machines with the Finance Department raising one question after another, not at one time but after the file had been tossed back at them with an answer to the previous question. Finally, they would throw in their trump card: "There is no budget provision this year". However, Shri Kaul had his way and he got 20 machines in one week. The Branch Manager of Gestetner could not conceal his excitement. Nothing like this had happened before.

When we bragged about Shri Kaul's achievements to friends in other Departments of the Government they would not believe us. So, it was with everything. If any bureaucrat in the Finance Department or elsewhere dared to quote the scripture to support an objection to a proposal, he was told that the Speaker's writ was supreme. If Shri Kaul said it was supreme, it must be supreme. Such was the awe with which Secretaries to Government (forget about the smaller bureaucrats) looked upon him. This halo fell upon us small fry's also and we never spared an opportunity to capitalise on it. I remember one interesting instance. We had a deputationist from the Law Department, one Shri Majumdar, who wanted a loan of Rs.10,000 from his G.P. Fund. He gave me his application at ten in the morning. I went personally to the Finance Department in the North Block. In half an hour the sanction was accorded and given to me. I went to the AGCR's office in Curzon Road. A young IA & AS officer was so overawed at seeing a representative of the Speaker in his room that he himself got the cheque ready and after an apology for being late gave me the cheque in forty-five minutes. When I handed over the cheque to Shri Majumdar at 3 p.m. he was totally taken by surprise. He had hardly realised such a thing could happen.

The moral of the story that Shri Kaul had taught me is: "If you are determined to get a thing done, go ahead and get it done. Most of the time you will succeed; if you can't succeed ask for help. Success depends upon the degree of your determination."

There have been innumerable occasions in my life when Shri Kaul's sonorous voice would ring in my ears goading me on.

Shri Kaul had one very interesting philosophy: "Put everything down in writing", he would repeat time and again. The Barrister in him made him appreciate the problems of vagueness and ambiguity. If things are stated in writing, ambiguity will reduce, if not disappear. If an order is given verbally the listener will benefit, if it is written down, everyone will benefit. "Don't rely on memory", Kaul would say, "It can fail you". In those pioneering days when everyone was groping about his work, he used to issue Instructional Orders (IOA) on every conceivable subject, whether it be the procedure for dealing with questions and cut-motions or how to maintain decorum while dealing with MPs or how to address various dignitaries within and outside the country. So much so that the IOs became a sort of bible for us. They were reference Manuals.

The IO regarding addressing foreigners resulted from a rather amusing incident. When India became independent, someone raised a lively countrywide debate about formalising a dress for MLAs and MPs. Someone wanted the *dhoti*, someone the *pyjama*, another a *churidar* and the others a pant and shirt and so on. The Secretary of a State Legislature eager for a precedent, wrote to the Clerk of the House of Commons: "Do all your Members wear pants when they attend the House of Commons?" Non-plussed, the Clerk wrote to Shri Kaul asking his help and wondering if it was a nasty joke or whether he had got the message wrong.

It was the same case with the proceedings of the House. Of course, he looked to the House of Commons and May's Parliamentary Practice for inspiration and precedents but when it came to advising the Speaker as to what to do, he seldom "adopted". He "adapted". I have always considered this as a hallmark of his genius. The book on Indian parliamentary practice which he co-authored with his able successor, Shri S.L. Shakhder, is evidence of his profound breadth of view. It has not only become a bible for Indian legislatures, but I am told, for many Third World Parliaments.

This is another lesson which I learnt from Kaul. We talk of the Japanese system of Management, JIT, Kaan-baan, Kaizen and the rest of it. It is suicidal for Indian Companies to simply "adopt" these techniques. They should be adapted to suit our culture and our environment. When I teach Management, I am never tired of differentiating between adopting and adapting.

As an administrator, Shri Kaul was a great disciplinarian to the extent of being seemingly dictatorial sometimes. He could never suffer fools and if someone did something wrong, however small it might have been, the offender got what was popularly called a "green cover". I was a recipient of two such covers during my tenure. We hated them, but in retrospect I have often felt that they chastened us. Kaul wanted to make the Lok Sabha Secretariat a symbol of efficiency where Quality was a sacred principle and no violation of this principle could be supported with excuses. He drove us, and drove us hard. However, he was a leader not a dictator, a friend and guide, not a task-master or a bully. He inspired us. We hated the green covers but behind them we saw the large hearted head of the family, correcting our waywardness and leading us down the path of accomplishment.

Today, in the International industrial world, quality has become the most important parameter to guide organisations and goods. Quality was (and probably is) of little consideration in the Indian ethos, especially when it came to service in general and office work in particular. Kaul inspired in his subordinates the regard for Quality as only Denning had done for Japan.

As section officer in charge of the Administration Department, I remember how I had to visit the toilets of Parliament House at least once a day to ensure that they were as clean as anything could be clean. No foul smell, no leaking faucets, not a stain on the wash basins or what have you. The caretaker of Parliament House was always on his toes. Kaul's surprise visits would have been the end of him if he wasn't.

That the culture which he had nurtured and installed is even now being sustained is proof of the calibre of the founder.

Sitting back and remembering incidents which happened thirty to forty years ago makes one nostalgic. I wish to sum up my assessment of Shri Kaul in two sentences. He laid the foundation of democracy and sound parliamentary practice in this country. Second, his managerial acumen was uncanny. Today,

we can read Peter Drucker and acquire management knowledge and skills, but in Shri Kaul's time there was no Drucker to refer to. As a student of Management when I look back, all that I can sincerely say is that Shri Kaul practised the Management about which Drucker writes books now.

To me personally, he was a great *guru*—a person who has inspired me like no one else has. To use D.F. Karaka's words: Out of dust, he made us into man.

M.N. Kaul's Contributions towards the Growth of Indian Parliamentary Institution

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With the dawn of independence, India ushered in a new era of representative democracy which is a highly sophisticated form of polity. Although, we had the Central Assembly prior to Independence, the procedure, practice and precedents governing this institution were mostly British. The responsibility in transacting the business of the House in a smooth and orderly manner including the admission of questions, motion, etc. was not the exclusive preserve of the Speaker then called President. He had to share this power with the Governor-General of India. Speaker's authority in the House was, therefore, not untrammelled. There was, therefore, not much scope to evolve our own parliamentary practice and procedure suiting our ethos, genius and situation.

The Indian Constitution was adopted, enacted and given to the people by the people of India themselves on 26 January, 1950 as the Preamble to the Constitution declares. It is manifest from the Preamble itself that the Indian Constitution is not an imported one, nor is it imposed by any other authority. But is a self-imposed one, given to the people of India by themselves. It has been adopted as an instrument, with purity of means, to secure justice, liberty, equality and fraternity among the people of the country. It, thus, stands as the sole source of progress, prosperity and happiness for the Indians based on the fundamental laws and the fundamental principles enshrined in the Constitution.

For a new-born Republic of India's size, population, dimension and mass illiteracy, it was but natural then for many Westerners, with little background knowledge of India's rich democratic heritage and values, to wonder as to whither India was drifting. Such apprehension was further heightened because of "Universal Adult Franchise" adopted by India which was not available even in many Western democracies at that point of time. But the genius of Indian masses, the talent and wisdom of the Indian leaders of freedom movement, the

inherent Indians' flair for democratic institution had called the doubting Thomas' bluff, by rising to the challenge with resounding success.

In the formative years when sovereign legislature was set up, India had been fortunate enough to have the distinguished service in the person and calibre of Shri M.N. Kaul, the first Secretary of Lok Sabha. He joined the Central Legislature in 1937 under the Speaker (President) Sir Abdur Rahim and worked for over three decades in the Parliamentary service presenting a very fascinating, edifying and innovative era in Parliamentary practice and procedure. On his joining the office, the President Sir Abdur Rahim taking the treatise of "May's Parliamentary Practice" advised Shri Kaul: "Here is the book that you have to master for the job". This very advice, provoked thoughts in his heart and mind posing the question as to why "a similar book could not be produced of our own" so that looking forward to thousands of miles away to conduct our parliamentary business may no longer be necessary. This advice not only stirred his mind but also inspired him to have such a treatise in time *suiting the Indian condition*. And with this aim in view, ever since his joining the service, he studied all the files, notings, observations, precedents and rules and procedures relating to the Parliamentary affairs since it came into being in 1921 and the successful culmination was the remarkable treatise—"*Practice and Procedure of Parliament*" with Shri Shakhder as his co-author. His knowledge, understanding and perception of all the world Constitutions, was so deep and his contribution towards evolving parliamentary practice and procedure was so sound and sweeping that soon he emerged as the "Indian May".

An economist and legal counsel having joined the Parliament service, devoted his prime of life to the cause of people, being in the centre of politics—that is Parliament which is the microcosm of the nation for long 23 years both as Secretary to the Lok Sabha and MP in Rajya Sabha, his sweep of knowledge about the representative institution, his conception about the India's grand parliament and its role in subserving the cause of the masses and modelling the rules of procedures stand as a monument in India's Parliamentary history. His numerous momos, write-ups, speeches, books and booklets on reform of parliamentary procedures suiting India's needs and in building, moulding and training the Parliamentary officials to serve the House has been so unique, impressive, effective and dependable that the great authority of Erskine May in Parliamentary Practice even had to yield place for India's Kaul in this dense arena.

Some of the Indian innovations like President's address to Parliament, Committee on Government Assurances, Business Advisory Committee, Calling Attention Notice, Publication of the Journal of Parliamentary Information, Conference of the Secretaries of the Legislative Bodies in India, Committee system and The Research & Reference Section were his brain-children. As a visionary, he could perceive the utility of concurrent broadcasting and telecasting of the proceedings of Parliament in 1965 itself for the benefit of the people as basically it is the people's institution.

In the framing of the Constitution also, he made remarkable contribution so far as the position and function of the Legislature is concerned. The exclusive power of Parliament in levying taxes, initiation of financial proposals being the exclusive business of the Executive, the demarcation between the executive and legislative jurisdiction so that the parliament can preserve its undiluted right to criticise the Executive making it accountable to the Parliament are the result of his proposals. We all deeply owe to Shri Kaul for the independence of the Legislature Secretariat for which he relentlessly fought since his joining the service and ultimately got it enshrined in the Constitution.

Shri Kaul was also very conscious that in order to serve the House efficiently and effectively a very dedicated team of Parliamentary officials is but a *sine qua non*. He therefore made it a point to recruit and train the personnel for the job who had interest and dedication. How much importance he attached to a dedicated and efficient corp of Parliamentary officials could be well appreciated from a remark he made while speaking on the Silver Jubilee celebration of the Lok Sabha Secretariat on 10 January, 1954 and for our guidance I quote him :

"..... So long I happen to be here, I am determined to see that wherever there is merit, it is clearly recognised and rewarded, as that is the only way by which a Department can fully prosper".

And because of this sound principle enunciated by Shri Kaul, Indian Parliament continues to have a very efficient and dedicated team of workers to the admiration of members of Lok Sabha all these years. That Shri Kaul had built up many a healthy practice and procedures in parliamentary affairs is attested by the fact that many delegates, officials even from various Commonwealth countries prefer to come to Lok Sabha Secretariat to study these matters. They also highly value the book on Parliamentary practice and procedures written by him with Shri Shukdher which is regarded as authentic and authoritative. The *raison-*

d'etre of the rules and their implication, ambit and applicability fully explained with many relevant judicial pronouncements on Constitutional and legal matters provides abiding interest to all interested in parliamentary democracy.

His speeches on the role of Speaker, Secretary, Parliamentary Committees, Speaker-Secretary relationship are very educative and illuminating. And these are very dependable and sound guide for all of us. While he regarded himself as the Confidential Assistant to the Speaker, he also in a subtle way referred to the only source on which Speaker can rely for advice through the mouth of a very experienced Clerk of the British House of Commons, who reportedly conferred with him once thus: "The members of the House respect Speaker who makes up his mind, rightly or wrongly, in consultation with the Secretary of the House, who is his confidential adviser. When members suspect that Speaker goes outside the normal sphere and consults his friends, particularly, where decisions have political implications, such a Speaker does not command the respect and his decisions are likely to be challenged". This principle adds further burden on the part of the Secretary to be thorough, sound and authentic in advising the Speaker so that he need not look forward to someone else in discharging his duties.

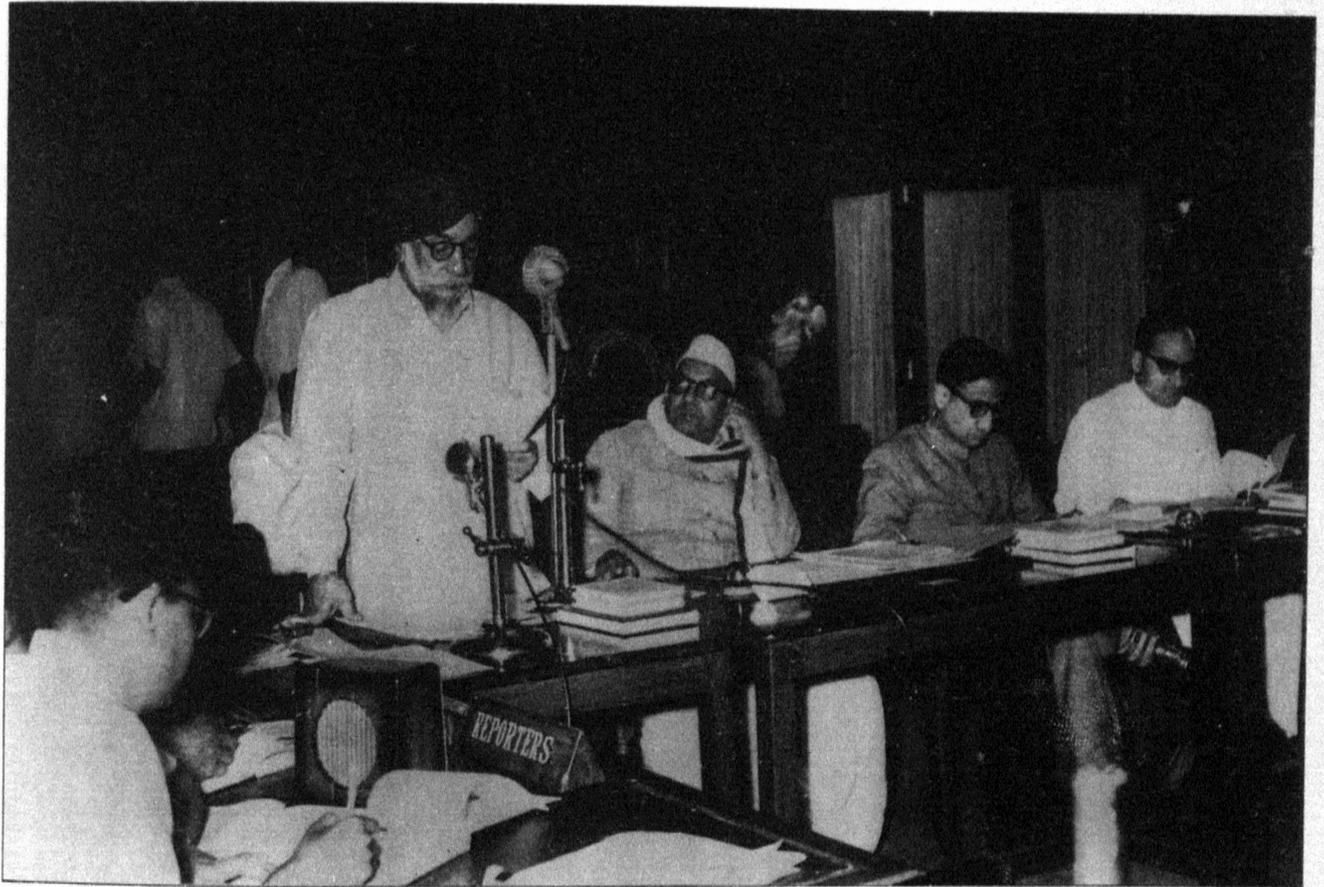
Paying rich tributes to Shri Kaul on his retirement on 1 September, 1964 after having rendered long 27 years of dedicated and distinguished service the then Speaker Sardar Hukum Singh said :

"His tenure of office was marked by many transitions and changes, constitutional and procedural. In all these matters, he tendered sound advice to the Speaker and helped in moulding Constitutional provision relating to Parliament and Rules of Procedures on modern lines..."

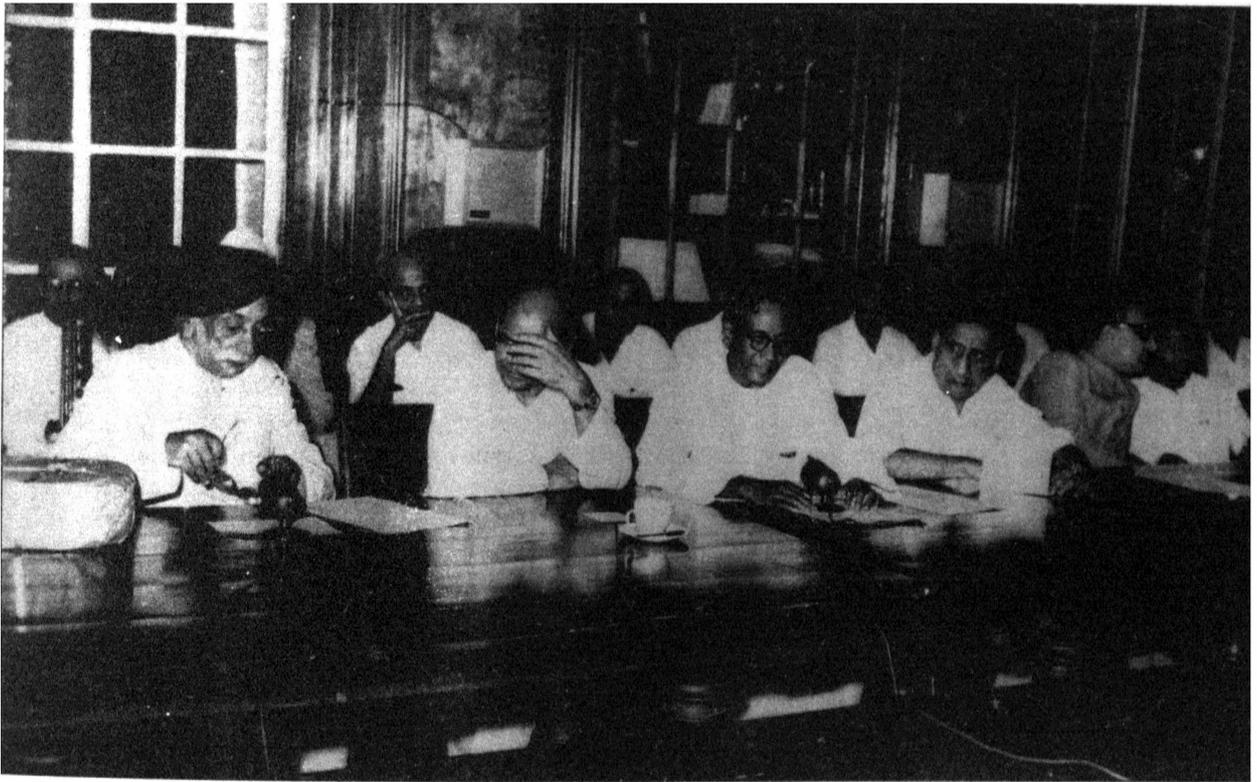
Fully sharing the sentiments and admiration of the Speaker, the then Prime Minister Shri Lal Bahadur Shastri described Shri Kaul as a "familiar and friendly figure who helped in building up high traditions and healthy convention in Parliamentary work". Recognising his distinguished service, Shri Kaul was, on his retirement, appointed as the Honorary Officer of the Lok Sabha and then nominated by the President to the Rajya Sabha from 1966 to 1972. With his long experience, parliamentary expertise and deep and abiding interest in representative institution, Shri Kaul also made great contribution to the deliberations in Rajya Sabha in shaping the destiny of the country and in dispensation of social justice to the masses as enshrined in the Directive Principles.

The Nagaland Legislative Assembly started functioning from 1964 after the creation of Nagaland as the sixteenth State of the Indian Union. The members of the Nagaland Assembly and its Secretariat are, therefore, fortunate and we feel proud that there was no necessity to look forward and ransack May's treatise written in 1844 as the guide and authority in conducting the business of this nascent Legislature as by that time we had our own "MAY" in the scholarly person of Shri M.N. Kaul.

Shri Kaul was not only a dedicated Secretary with deep knowledge of Parliamentary institution, but was also an able administrator, researcher, planner and a great visionary, which helped the institution of the Lok Sabha Secretariat to progress and develop fully. For, as Bible says, "Where there is no vision, people perish". It is also equally true that where there is no vision and proper planning, an institution is destined to stagnate, degrade and decay ultimately. Indian Parliament and for that matter all the State Legislatures of the Union are fortunate enough that we had an officer of high calibre, foresightedness and vision for more than three decades in the outstanding personality of Shri M.N. Kaul, specially during the formative years of the highest representative institution. It is, therefore, becoming on the part of the gratefuls that Shri Kaul is known and regarded as the "Father of the Lok Sabha Secretariat" as he was the true friend, philosopher and unfailing guide to India's Parliament. On the 91st birth anniversary of such a great and dedicated public servant, the best tribute and homage would be that we do not fail this representative institution which he nursed and nourished so assiduously with the quality of his head and heart.



At the Conference of Chairmen of Committee on Subordinate Legislation,
30 April, 1960.



At the inauguration of Public Accounts Committee and Estimates Committee,
4 May, 1963.

M.N. Kaul's Contribution in the Evolution of the Estimates Committee

Estimates Committee Branch

Shri M.N. Kaul, former Secretary of Lok Sabha has played a very crucial role in defining the role of the Estimates Committee and the scope of its functions as also its relationship with the Government. His valuable suggestions in fact, were instrumental in guiding the Committee in its formative years and in establishing the relationship between the Parliament and the Government on an even keel. Naturally, his views were held in high regard by the Committee as also the Government and other institutions like C&AG of India. Some of his suggestions and interventions, as on record, are reproduced below :

Question of taking over the functions of the Standing Finance Committees by Estimates Committee

At the meeting of Estimates Committee held on 10 July, 1952, the question was raised whether the Estimates Committee should take over all or some of the functions of the Standing Finance Committee which had ceased to exist. The Chairman informed the members of Estimates Committee that the Standing Finance Committee had been functioning till lately under the Chairmanship of the Finance Minister. Shri Kaul explained to the members of Estimates Committee the present position and background of the question raised and observed that if Estimates Committee decided to assume all or some of the functions of the defunct Standing Finance Committee it would be necessary for them to devise a procedure for taking quick decisions so that the advice of the Committee might be available in time. The question was discussed at length and the consensus was that it would not be advisable for the Committee to take over the functions of the Standing Finance Committee.

The Chairman, Shri M.A. Ayyangar summarized the position as under :

" The Estimates Committee has come into existence with a definite object and it is clear that this additional work does not fall within our scope."

The proposal regarding the assumption of the functions of the Standing Finance Committee by Estimates Committee was accordingly dropped.

Examination of Railway estimates by the Estimates Committee

The Estimates Committee was first set up in April, 1950. In May, 1950 the Financial Commissioner for Railways Shri A.K. Chanda in a reference to Secretary to Parliament expressed the view that it may not be necessary to provide for the examination of the Railway estimates by the Estimates Committee particularly as, unlike the civil estimates, the entire budget plan for the Railways was unfolded before the Standing Finance Committee for Railways, which could in view of its wider functions fulfil the dual role.

Shri M.N. Kaul, the Secretary to the Parliament, sent the following reply to the Financial Commissioner for Railways on May 16, 1950 :

"The Estimates Committee has been set up in pursuance of Rule 145 of the Rules of Procedure and Conduct of Business in Parliament. It is clear from the provisions of Rule 145(1) that the scope of the Estimates Committee extends to the estimates presented to Parliament. The Public Accounts Committee scrutinises the audited accounts while the Estimates Committee examines the estimates presented to Parliament.

The Estimates Committee is a committee appointed by Parliament to examine the estimates that have been presented and it is responsible to Parliament under the general direction of the Speaker. The Railway Standing Finance Committee, on the other hand, like the Standing Finance Committee and other standing advisory committees, is a purely advisory body. Finance Minister who attended the first meeting of the Estimates Committee on 18 April, 1950 explained to the Committee the distinction between the Standing Finance Committee which was purely an advisory body set up by the Executive in its own discretion and the Estimates Committee which was a Parliamentary Committee with wider powers of scrutiny and investigation."

In the discussion that followed various difficulties were anticipated by Members in undertaking, wholly or partly, the duties that were performed by the old Standing Finance Committees.

It was finally decided that the Estimates Committee should not assume any of the functions of the Standing Finance Committee.

Examination of budget estimates

A question arose as to whether the Estimates Committee was competent to call for the details and material in support of the budget estimates in relation to expenditure charged on the Consolidated Fund of India, *i.e.* expenditure mentioned in clause 3 of article 112 of the Constitution.

Shri M.N. Kaul explained to the Committee the implications of the issue raised and said that according to the provision in the Constitution, Parliament could discuss the charged expenditure, although it could not reduce the amount. After a brief discussion the Committee came to the conclusion that as the Constitution permitted discussion on expenditure charged on the Consolidated Fund of India, it was open to the Committee to call for details in respect of such expenditure also and to examine them in the usual way.

Information regarding Indian Audit and Accounts Department not to be routed through Ministries

While considering the replies to the recommendations made by the Estimates Committee in their First Report (First Lok Sabha) the Committee desired to be informed of the actual steps taken by the various Departments, in pursuance of a particular recommendation [Para 108 (ii)]. In that connection the Ministry of Home Affairs addressed among others the Comptroller and Auditor General asking him to furnish the Ministry with a note on the action taken in the Indian Audit and Accounts Department, so as to enable the Ministry to furnish a consolidated reply to the Estimates Committee.

The Comptroller and Auditor General, Shri A.K. Chanda wrote a D.O. letter to M.N. Kaul, Secretary, Lok Sabha, saying that while he had no objection whatsoever to supply any information which the Speaker or Chairman of any of the Parliamentary Committees, in due discharge of their business, might require from him in matters impinging on his administrative functions, he felt that it should be done in such a way that his statutory independence was also maintained. He, therefore, thought that in case of statutory authorities like the Indian Audit and Accounts Department, it was not desirable to route the replies through the Ministries.

The Secretary, Shri M.N. Kaul agreed with the Comptroller and Auditor-General and the Ministry of Home Affairs were accordingly addressed to say that they need not to furnish the information in respect of the Indian Audit and Accounts Department.

Points of conduct and etiquette for the guidance of witnesses appearing before the Committee

In July, 1957 a revised text of the points of conduct and etiquette for the guidance of witnesses appearing before the Committees of Parliament was sent to Ministries. In that connection Shri S.B. Bapat of O&M Division, Cabinet Secretariat raised certain objections and wanted that the matter should be placed before the Chairmen of the Committees and Speaker for the final decision in the matter. Shri Kaul talked to Shri Bapat and wrote a letter to him explaining the issues raised by him. The matter was settled subsequently. Thus, Shri Kaul helped in averting a definite tussle between the Parliament and the Executive.

Convention that Estimates Committee Reports are not discussed in the House

As a convention, reports of the Estimates Committee are not discussed by the House, the idea being that as reports are detailed and deal with diverse subjects, recommendation of the Committee in a general discussion may not be viewed in their proper perspective. The discussion may also not afford sufficient time and scope for presentation of full data which is pre-requisite for proper appreciation of the details of the reports.

Moreover, the recommendations of the Committee represent the unanimous views of members belonging to various parties/groups. Once a discussion takes place in the House it is bound to run on party lines thereby causing embarrassment to the members.

The desirability or otherwise of discussing the reports of the Committee came up before various fora such as the Committee itself, the House and the conferences of the Chairmen of Estimates Committees. It also figured in the correspondence between Shri Kaul and Shri Ashok Mehta, MP and at a meeting of the Speaker, Shri M.A. Ayyangar with the then Minister of State for Parliamentary Affairs, Shri Satyanarayan Sinha and Leaders of various groups in Lok Sabha held on 6 May, 1958. The consensus was that it was not desirable to discuss the

reports in the House. The extract of letter from Shri Kaul to Shri Ashok Mehta, MP was as under :

" The reports of these two Committees are highly technical and cover many subjects. A discussion on the whole report will be very general and the attention may not be focussed on any one point. It would perhaps be better to adhere to the existing convention of not raising discussion on the report of the Committees in the House unless there is a serious disagreement between the Committees and the Government or the matter is so fundamentally important that it ought to be discussed in the House. In that case it would be better to give a notice on a definite matter so that the attention of the House may be focussed on that point. There is yet time for giving notice of any motion for the next session and if you consider it necessary, we may discuss the matter further before you give a formal notice. Of course it will be necessary to give a fresh notice in case you wish to raise the matter during the next session."

A Highly Spiritual Noble Soul

Makhan Lal Shakhder

Shri Maheshwar Nath Kaul, affectionately called Sarkar Sahib in his family circles—was no relation of mine. He was neither my Father nor my brother or my Guide or Philosopher or friend in the sense and language these terms are commonly and generally understood. Yet, he was to me all that in essence and spirit.

I got introduced to him through my illustrious brother Shri S.L. Shakhder, former Secretary-General, Lok Sabha and Chief Election Commissioner of India.

My first impression of him leads me way back to early January, 1948, when we had migrated to Delhi from Srinagar, Kashmir, soon after the partition of India.

He had come to see my ailing Father at Lodi Road, then our residence, a day or two after our landing in Delhi.

He sat in front of my father, exchanged a few words of greetings and on some mundane matter and left. During these moments, he struck to me as a towering, graceful and an inspiring personality with deep set sparkling eyes and a broad smiling face. When he came and sat, he cast a silent direct affectionate glance at me and then at my sister—we were both sitting one on each side of my father—and then at my father.

The affection radiated from his person naturally which could normally or possibly be felt by a Father for his son or daughter.

My second silent meeting with him was in the year around 1954 or 1955. He had come to see my brother at our residence at Duplex Lane. Since my brother and all other family members had gone out at that particular hour, I, being alone in the house, came out and greeted him and offered him a seat in the garden. It was about 9.00 P.M. The moon was in its full bloom. I offered him some fruit lying in the house. He ate a little as the fruit (pears or apple perhaps) were of hard quality and a bit sour. Both of us sat silently for a considerable time

watching the moon and the trees and plants and flowers around us. This situation arose as I was afraid of talking to him, fearing I should not speak something which might look odd or silly on my part. Probably, he saw my discomfiture and he started admiring the beauty of moon which was at its full glory. Since there was not much response from me to his profound thoughts, he got up and left so that I should not feel embarrassed or tortured by his presence. My third encounter was in the year 1956 or 57. During these days, I was preparing for the I.A.S. examination. He came to know of it through my brother. He was pleased to get this piece of information from him. He at once suggested the method and the plan I should adopt for this examination.

He told me that first of all I should get hold of all the old question papers of previous years on each subject. I have opted for the examination. And then every Sunday, till the examination day, I should sit in the chair with a table in a separate room as if I am in the examination hall, with a wrist watch in front of me, and then attempt to answer exactly in three prescribed hours (which were allowed then), all the questions in these old papers one by one, every week. After I have answered them, I should recheck these with the concerned books for its correctness or otherwise.

This way he advised I would know how much I have grasped, understood and retained the whole week's study and more important that this would give me the enough confidence, clarity of thought and enough of practice to answer the actual papers on the actual date of examination with much ease and comfort and without any nervousness. He also helpfully arranged for me the necessary reading material - Summaries of current events which Lok Sabha used to publish during those days for the Members of Parliament. Unfortunately for me, I did not take this advice earnestly, though once or twice I did make a feeble attempt on these lines.

In 1960, when I got married, he came to my house and presented me with an expensive Kashmiri *Pashmina Shawl*. This Kashmiri *Pashmina Shawl*, I understand from my brother, was one of the most valuable possessions of his; as it was wrapped every morning by his mother during her *pooja* (prayer). So, one can imagine how difficult it must have been for him to take this decision. And yet he did part with it for me.

I do not know what special bond he had for me. As we Hindus believe, there must have been some kind of relationship between us in *Poorv Janam* that continued to exhibit in this existence.

Again in December, 1964, I was going for the first time abroad to Sweden for a training course—I was then working for Scandinavian Airlines System - when he came to know of it, he without a moment's hesitation asked me about all my travel plans, as to how I am going, which route I am following and where I am going to stay, etc. During this conversation, he came to know that I have no warm overcoat. Next day Lo and behold: he sent me his own overcoat made in Europe, when he was a Cambridge student himself - and asked me to take it with me as it was very essential in that tough wintry weather to keep myself warm and cosy.

I must express here that even though the overcoat was heavy on my shoulders, it was definitely a great boon for me in that severe snowy weather and without it I might have not ventured out from the hotel so often as I did. It was again a thoughtful gesture and an act which only an intimate friend or an affectionate father or brother could do or think of. And he never asked me to return it. It is still with me as his fond memory.

On another occasion, he came to know again through my brother that I have an interest in Photography. He was happy to know about my hobby. He asked me whether I owned a camera. On my negative answer, he went home. Next day he brought with him his personal high quality camera- which he had purchased in Germany during his student days, and gave it to me with an instruction that I have to return it to him as and when he asks for it. In fact, he never asked it back, although once I did remind him of his instruction. Though he did not tell him openly and specifically, yet I have a feeling he was testing the strength of my character, in his own inimitable way. Moreover, he told me that I should use it frequently and achieve some sort of an expertise rather than lock it up.

Soon after its possession, I went to his house and requested him to pose for a picture for me. I distinctly remember the time was around 11.00 A.M. on a Sunday. He was relaxing in his *Kurta* and *Pyjama* in his study at his official residence at Ashoka Road.

The moment I made a request, he immediately welcomed it and readily acceded to my request to change into a Pant and Coat with Tie on. In a moment he was ready and came out to his beautiful garden, sat in a chair and allowed me to picture him from all possible angles and distances. All the time he was smiling, beaming and merrily chatting to me and obeying my directions, etc; giving me the feeling of a professional, which though I was not. It was an example of

patience with a novice. When later on I showed him his picture in a frame, he was grateful and thankful and jocularly remarked that his Suit in the picture has come out better than the person in the picture! And, believe me he had kept this picture on his table until his death along with his majestic Father's picture. At other time, he gave me a new pair of English Shoes to wear. This I used for a considerable period, as it was quite soft and durable and easy to walk with. He had tremendous sense rather an art of, preservation. When he gave this pair to me (again bought in UK or Germany) it was wrapped in neat thick cloth tailored in shoe design - with a wooden structure inside it to retain the shape and its formation in tact with not a single particle of dust on it. The shoe looked as if it had been bought from the shop a moment ago.

In this way, slowly and steadily the fear of aweness of him had gone out of me. We had started drawing closer to each other and in the process getting intimate too. One day he met me during his famous walk at India Gate and kept me absorbed with his wide knowledge of world famous men and current matters and his experiences of travels, etc. When my brother became Chairman of Minority Commission in 1984, he had to shift temporarily to Srinagar, Kashmir.

One day Shri Kaul Sahib, who was part and parcel of my brother felt his absence very much. The next best alternative at that time he perhaps thought was to ring me up at my residence. It was about 5.30 P.M. I had just returned to my home when the telephone rang. Luckily for me, I picked it up and heard the familiar, resounding and firm, voice from the other side - It was that of Shri Kaul. He said "*Mai Kaul Bhol Raaha Hun, Makhanlal Jee Bhol Raahen Hain.*" When I said, "Yes", then he started talking to me first about my family's welfare and then we continued talking for more than an hour about world affairs as it existed then. He gave me most pithy, accurate assessment of men and matters and on foreign affairs. After a long discussion, he fondly told me that "*Mai Aab Thak Gaya Hun*" and therefore, he is replacing the receiver, but not before saying Good night and God Bless me.

Such was a man whom you cannot easily forget, even if he was physically no more amidst us. Sometimes I personally hear his timbre voice, and his thunderous laughter which would keep company with a man for miles and miles, after he has bid you an adieu. His gentle manners were such that one day after our long meeting, he saw me to the Gate of the house with a remark "This would give me an opportunity to be with you a few moments more." This showed his high class breeding and his humbleness despite his kingly greatness.

He was essentially a spiritual man and seems to have reflected on Spiritual matters day in and day out as his forthcoming book being edited by my brother would reveal. Now-a-days, it is rare to find such a highly noble soul; who saw or felt or bore no malice, evil thought, anger, lust and greed. Like Buddha he seemed to have kindled fire within himself in which he burned all the known four evils. He was a friend, guide and philosopher to one and all who came in contact with him. I am sure he must have found his due place in *Brahmalok*. Wherever he is, may his Soul rest at peace.

PART SIX

HOMAGE

Shri M.N. Kaul was Secretary of the Lok Sabha when I was a Member of Lok Sabha. Shri Kaul was talented and well versed in Lok Sabha Rules and Regulations. He was a soft-spoken, and pleasant mannered person and we liked him, as he always gave us his well seasoned, experienced guidance on consultation.

He was unattached without leaning to any political party. On many delicate occasions and moments in the House, he always stood up from his chair, under the Speaker and showed proper Rules and Regulations. He always thought of strengthening parliamentary practices and procedures. In those early days, he was a tower of correct parliamentary behaviour and his advice was very valuable.

I have very pleasant memories of my association with him. I offer my tribute to Shri M.N. Kaul for yeoman's service he rendered to the Lok Sabha and its Secretariat. He will be long remembered by all of us who came in his contact.

Narendrasingh Mahida
Former Union Minister of State in the
Ministry of Defence.

* * * *

I met Shri M.N. Kaul at the CPA Conference held in London in 1948. In the spring of 1949, the British Foreign Minister, Earnest Bevin, sent me on a special mission to India. The purpose of the mission was to get together some Commonwealth representatives to agree helping Burma financially to overcome her problems. Pandit Nehru, Prime Minister of India, Sir Zafrullah Khan, Foreign Minister of Pakistan and Dr. Evatt, Foreign Minister of Australia and myself were associated with the scheme.

My reason for recalling this is that Shri M.N. Kaul was very helpful to me during my stay in India.

The Rt. Hon. Lord Bottomley
of Middlesbrough, O.B.E.,
Former Minister of Overseas
Trade, United Kingdom.

* * * *

I had developed great admiration for Shri M.N. Kaul when I was a Member of Parliament. He was a guide, philosopher and friend to young members like me. He was also a very gentle and kindly person, highly civilised and imbued with a spirit of service.

I would like to join in paying my tribute to Shri Kaul.

**M.R. Masani, Ex-M.P.,
Chairman,
Economic Research Centre,
Bombay.**

* * * *

I pay tribute to the memory of the Shri Maheshwar Nath Kaul, a long time friend and faithful servant of the Inter-Parliamentary Union.

Mr. M.N. Kaul's first encounter with the IPU took place in 1949 when he attended the 38th Inter-Parliamentary Conference in Stockholm as Secretary of the first delegation from an independent, fully sovereign India. As Secretary-General of Lok Sabha and of the Indian Inter-Parliamentary Group, he was later present also at three other statutory Conferences of the IPU, the 39th, in Dublin (1950), the 49th, in Tokyo (1960) and the 50th in Brussels (1961).

Mr. M.N. Kaul, who played a decisive role in establishing the Indian Inter-Parliamentary Group on a sound institutional foundation, was a leading international expert on parliamentary practice and procedures in newly independent countries. He was the author of numerous scholarly books and articles on the subject. Throughout his years of association with the IPU, he was an active participant in the work of the Association of Secretaries-General of Parliaments where his advice and opinions were often sought and highly respected.

One of his last formal contributions to the IPU came in 1965, after he had retired from the Secretaryship of Lok Sabha. Attending an international symposium on parliamentary issues he presented a report on "The Adaptation of Parliamentary Procedure to Meet Present-Day Needs". A quote from that report speaks volumes about the principles on which he built his entire professional life:

"The *sine qua non* of a true and efficient Parliament is (...) a properly constituted Secretariat which has in many matters, like the House itself, to perform functions which are of a higher calibre than those performed by the various Departments of Government, autonomous bodies, institutions and organizations that Parliament controls."

**Pierre Cornillon,
Secretary-General,
Inter-Parliamentary
Union.**

* * * *

I was glad to be able to pay tribute to Shri M.N. Kaul in a review I wrote of the fourth edition of Kaul and Shakhder for the July, 1991 edition of the *Parliamentarian*. The Indian Parliament has been fortunate then that the foundations of its standard procedural work of reference should have been laid by a man whose professional life was dedicated to the successful working of Parliament as an institution.

Many aspects of modern Indian procedure have their origin in the careful preparatory work done by Shri Kaul who consulted colleagues in European Parliaments, the United States Congress and the Supreme Soviet of the Union of Soviet Socialist Republics before preparing a Memorandum after visiting London in 1948 which drew heavily but with discrimination upon Westminster practice.

**Clifford Boulton
Clerk of the House of
Commons,
United Kingdom.**

* * * *

I have vivid recollections of Shri Kaul—a "cast-iron professional". Sir Gilbert Laithwaite, who had been a senior member of British administration in India

before and during the war, highly regarded him as a member of the Parliamentary Secretariat in the days before India's independence.

Shri Kaul became best known at Westminster during his official visit of 1948, when he carried out a thorough examination of the Westminster system by means of detailed interviews, which were recorded verbatim by an accompanying shorthand writer. Those interviews were printed up and bound under the title "Conversations in Parliamentary Practice and Procedure", of which I still retain a copy.

Shri Kaul visited London subsequently, where he continued to be regarded with high respect as a Parliamentarian, and with affection as a charming guest.

Sir David Lidderdale
Former Clerk of the House of
Commons,
United Kingdom.

* * * *

Shri M.N. Kaul, the very name conjures up an image of a legendary figure who helped to shape and develop the entire fabric of Lok Sabha Secretariat to suit the requirements of the Parliament of the Sovereign Republic of India. Shri Kaul a pioneer in the field of parliamentary practice and procedure, was fortunate to have the able guidance of Dada Saheb Mavalankar, the first Speaker of the Lok Sabha. When India became independent, the two formed a formidable pair an ideal one to accomplish the great task of building up parliamentary practice and procedure in the best traditions of the Mother of Parliament in U.K. Though it was a challenging task, Shri Kaul bent all his energies to it and provided a model for State Legislatures to follow.

The growth and development of the Conferences of Presiding Officers of India was the handiwork of Dada Saheb Mavalankar and Shri Kaul. Shri Kaul used to say that Indian Parliament with the State Legislatures constituted a grand Parliament of India. This dream is now practically converted into reality and we all owe a great debt of gratitude to the great pair of Shri Mavalankar and Shri Kaul whose constant endeavour, industry and free thought, made this realisation possible.

Side by side, under the Chairmanship of Shri Kaul a Secretaries Conference was started which met regularly along with the Presiding Officers' Conference and became a valuable forum for the Secretaries of the State Legislatures to meet, discuss and forge lasting alliances. He was its guiding spirit.

So far as Bombay is concerned, Shri Kaul may be remembered for conducting a privilege enquiry, known as Mudgal case. The first case of its kind, it involved a Member of Parliament for misusing his position, as a member of Parliamentary Committee, for obtaining some pecuniary benefits. He took enormous pains to see that the enquiry was conducted in the true text book fashion.

Shri Kaul was a dynamic person of tremendous energy and enthusiasm. All in all one can truly say that no one has done more in the cause of parliamentary practice and procedure, as Shri Kaul in his distinguished career as the Secretary of Lok Sabha.

Bhaskar Shetye,
Secretary (I),
Maharashtra Legislature
Secretariat.

* * * *

The Lok Sabha Secretariat deserves all praise and appreciation for having taken a decision to celebrate the 91st birth anniversary of Shri M.N. Kaul, Secretary of the First Lok Sabha and to bring out a Commemorative Volume on the occasion. The celebrations would be a befitting tribute to Shri Kaul for the services he rendered in the evolution of parliamentary practices and procedures and making the Lok Sabha Secretariat as an efficient and strong apparatus to serve the Parliament of India.

Shri Kaul accomplished both these tasks with great devotion and dedication. He was aptly describe as the " Father of the Lok Sabha Secretariat ". While assisting the drafting Sub-Committee on the Constitution, he made many valuable recommendations which were highly appreciated and readily accepted.

He worked for building up a common fund of experience for all the Legislatures in the country to draw upon. He was of immense help to, and took a leading part, at the Conferences of Presiding Officers of Legislative Bodies in India. He

studiously nursed the Institution of Conference of Secretaries of Legislative Bodies in India and always inspired confidence amongst his colleagues.

In parliamentary matters and procedures Shri Kaul was an institution in himself. For this, he was not only known in India but in the international parliamentary institutions as well. He has given a famous treatise *Practice and Procedure of Parliament* which served as a guide not only to the Legislatures in India but also to other parliamentary institutions around the globe.

I am sure that we will continue to get guidance and inspiration from his outstanding works.

G.L. Kaul,
Secretary,
Punjab Vidhan Sabha.

* * * *

Shri M.N. Kaul, the distinguished first Secretary of the Lok Sabha and more popularly known as the "Father of the Lok Sabha Secretariat", always emphasised for strict adherence to the Rules and Procedures of the parliamentary system. He had a great passion for establishing sound parliamentary procedures, traditions and conventions and was totally committed to the cause of representative institutions in the country. He played a commendable role in shaping certain provisions of the Constitution like the Presidential Address to Parliament, Privileges of Parliament, no taxation without the authority of law, Appropriation Bills Contingency Fund, etc.

A great visionary, Shri Kaul conceived the Parliament and the different State Legislatures in the country constituting as one "Grand Parliament of India". By his constant guidance he helped in bringing about uniformity in the procedures and practices in the Legislatures in India.

Laxman Singh
Secretary,
Himachal Pradesh
Legislative Assembly,
Shimla.

* * * *

The contribution of Shri M.N. Kaul, the distinguished co-author of *Practice and Procedure of Parliament*, has been invaluable and an asset to the parliamentary literature. The book is almost equal in gravity, depth and knowledge with the Erskine May's treatise on Parliamentary Practice and Procedure under the title *The Law, Privileges, Proceedings and Usage of Parliament*. His book on Practice and Procedure is an oft-quoted reference book and is referred as the Bible of the Parliamentary Procedure. The publication is a reference work for the Legislators, scholars, researchers, students of the political science and all those who are interested in the working procedures, processes and problems of parliamentary democracy.

Shri Kaul's contribution to the Indian Parliamentary democracy is invaluable and will go a long way as to guide the future authors.

M.M. Naik,
Secretary,
Goa Legislative Assembly
Panaji (Goa).

* * * *

I consider it a privilege to have worked under Shri Kaul for nearly 17 years during the formative years of the Lok Sabha Secretariat. While on duty in the Chamber during the sessions, I could see the Great Master occupying the Secretary's Chair, placed just below the Speaker, well in advance of the commencement of the sitting and giving directions to the officers sitting at the Table.

During Shri Kaul's time, supplements to the Lok Sabha days's proceedings were unheard of, because he insisted that the Lok Sabha proceedings must be issued the very same day. He himself would go through the proceedings and issue necessary instructions to ensure that they were free of mistakes and were put in a perfect, accurate and presentable form.

I can say without any hesitation that the Lok Sabha Secretariat had been fortunate in having, at the helm of its affairs, a man of insight and vision, a great genius and a man of dedication. It is as a result of the untiring efforts of

Shri MN. Kaul that today the Lok Sabha Secretariat functions as an independent entity under the ultimate guidance and control of the Speaker.

**H.K. Khanna,
Former Chief Reporter,
Lok Sabha Secretariat.**

* * * *

It gives immense pleasure to me to remember Shri Kaul on his 91st birth anniversary.

Shri Kaul loved to attend the meetings of the Business Advisory Committee which were presided over by the Speaker and attended by the Leaders of Parties and the Minister of Parliamentary Affairs. His contribution in resolving very amicably the various contentious matters referred to the Committee was immense.

Shri Kaul is very rightly called the author of our present Rules of Procedure. Unlike the Rules of Procedure of the House of Commons, U.K., where power in most matters is vested in the House itself, our Rules give the power to the Speaker. In one of his talks, he said that it was done consciously for the healthy growth of procedure in our nascent institution. It can be said that his judgement has proved correct. By and large, our Rules of Procedure have stood the test of time. No difficulty has come in their working. There has been hardly any need to amend these Rules. These are almost the same as authored by Shri Kaul. This is a great tribute to his memory.

Shri Kaul's relationship with the Officers and staff of the Secretariat was like that of a head of a family. He loved to attend the social functions, get-togethers, dramas, etc. organised by the club for the staff and their families and showed keen interest in these activities. His presence added a grace to the functions and hearing a word of praise from him on such occasions gave the staff a feeling of belonging to one family under a great patriarch.

**R.C. Anand,
Former Under Secretary,
Lok Sabha Secretariat.**

* * * *

Remembering Old Comrades

The Central Assembly came into being in 1921 and the first Secretariat, under the control of the President of the Assembly, was constituted in 1929. At the time of its inception, Lok Sabha Secretariat, then known as the Legislative Assembly Department, was a tiny organisation consisting of about seventy persons. The only other officer besides the Secretary was an Assistant Secretary. The Legislative Assembly Department served the Central Assembly (Legislative) till 1947 and then its successor the Constituent Assembly (Legislative). During the period 1929—1947, there was no major change in the structure of the Department or in the number of staff. On the coming into force of the Constitution of India in 1950, the Constituent Assembly was transformed into the Provisional Parliament and the Legislative Assembly Department was rechristened as the Parliament Secretariat. In 1952, the House of the People was duly constituted after the General Elections, the Parliament Secretariat functioned as the Secretariat of the first House of the People. Later, in 1954 the Parliament Secretariat was re-designated as the Lok Sabha Secretariat in keeping with the nomenclature of the House of the People in the national language.

From the Legislative Assembly Department of 1929, the Secretariat has come a long way. Today, the Lok Sabha Secretariat, with a strength of about 1500, is a full-fledged organisation catering to the multifarious requirements of the members of Parliament. The Secretariat, during the last six decades, has had to live through many changes and challenges to reach its present status and position of eminence. Credit for this goes to the officers and staff of the Secretariat who worked hard and conscientiously and set up high standards to make the present institution a model of efficiency, responsibility and objectivity. On the occasion of the 91st birth anniversary of Shri M.N. Kaul, the first Secretary of Lok Sabha, the Lok Sabha Secretariat remembers with gratitude all the former staff and officers who served this great institution with dedication and devotion ever since its inception.

Sr. No.	Name and designation	Date of joining	Date of retirement	Remarks
1	2	3	4	5
1.	Shri Brij Mohan, Peon	10.1.29	1.7.49	
2.	Shri Choudhury-I, Messenger	1.11.23	9.3.61	
3.	Shri Atroo, Messenger	10.1.29	1.7.63	
4.	Shri Ganga Ram, Messenger	26.1.29	1.7.63	
5.	Shri Sant Singh, Messenger	11.7.50	16.11.63	
6.	Shri Mangoo Ram, Messenger	26.1.29	1.7.64	
7.	Shri Jagan Nath, Messenger	17.1.66	Expired on 15.5.75	
8.	Shri Mohar Singh, Messenger	20.10.67	Expired on 19.3.77	
9.	Shri Khan Chand, Messenger	28.7.53	31.12.77	
10.	Shri Hira Nand Mudgal, Messenger	10.7.78	Expired on 16.7.84	
11.	Shri Phool Chand Ram, Messenger	29.12.77	Expired on 22.8.87	
12.	Shri Khema Nand Messenger	7.11.50	Expired on 30.3.71	
13.	Shri Hans Raj, Messenger	2.2.84	Expired on 31.10.92	
14.	Shri Prabhu Ram, Farrash	10.2.56	Expired on 6.9.77	
15.	Shri Sumera, Sweeper	2.9.49	1.7.68	
16.	Shri Chandan, Sweeper	1.6.49	Expired on 15.9.67	

1	2	3	4	5
17.	Shri Budhan, Sweeper	17.8.56	Expired on 4.2.71	
18.	Shri Shiam Lal, Sweeper	14.2.55	15.7.77	
19.	Shri Pearey Lal, Sweeper	9.11.59	22.2.78	
20.	Smt. Sarupi Devi, Attdt. Gr. II (Safaiwala)	21.11.72	31.1.92	
21.	Shri Tikku, Jamadar	10.1.29	16.11.62	
22.	Shri Atru Jamadar	10.1.29	1.7.63	
23.	Shri Mahadeo, Jamadar	2.5.30	1.7.68	
24.	Shri Kirpa Ram, Jamadar	10.1.29	1.7.66	
25.	Shri Uttam Ram, Jamadar	24.1.29	1.7.69	
26.	Shri Sainu Ram, Jamadar	10.1.29	1.7.67	
27.	Shri Bishram Singh, Jamadar	22.9.29	1.7.67	
28.	Shri Kashi Ram, Jamadar	10.1.29	1.7.66	
29.	Shri Jeeva Nand, Jamadar	9.5.35	1.9.72	
30.	Shri Sri Ram-I, Jamadar	1.2.33	1.7.74	
31.	Shri Mool Chand, Jamadar	19.9.46	Expired on 10.1.75	
32.	Shri Ganga Singh, Jamadar	14.11.51	31.3.77	
33.	Shri Govind Ram-I, Jamadar	16.4.45	Expired on 22.12.77	
34.	Shri Ram Prasad, Jamadar	1.8.42	Expired on 1.8.78	

1	2	3	4	5
35.	Shri Jagat Ram, Jamadar	6.8.42	Expired on 21.8.78	
36.	Shri Daya Ram, Jamadar	11.6.43	31.12.78	
37.	Shri Sukan Singh, Jamadar	20.1.48	28.2.79	
38.	Shri Ramji Lal, Jamadar	19.2.65	Expired on 7.11.84	
39.	Shri Mahabir Singh, Jamadar	14.11.67	Expired on 3.7.88	
40.	Shri Kesho Nath, Jamadar	18.7.55	31.5.90	
41.	Shri Hardayal, Sanitary Jamadar	1.6.49	Expired on 29.8.76	
42.	Shri Babu Lal, Sanitary Jamadar	7.7.54	30.4.79	
43.	Shri Bankey Lal, Sanitary Jamadar	10.2.56	30.4.85	
44.	Shri Kalyan Singh Sanitary Jamadar	10.2.59	Expired on 5.1.81	
45.	Shri Tota Ram, Daftry	10.1.29	16.10.62	
46.	Shri Bhagat Singh Chauhan, Daftry	18.11.55	Expired on 24.6.74	
47.	Shri Dal Chand, Daftry	16.7.68	Expired on 24.10.86	
48.	Shri L.D. Pathak, Daftry	14.4.56	30.4.92	
49.	Shri Daulat Ram-II, Attdt. Gr. II.	28.5.53	31.1.91	
50.	Shri Surat Singh, Attdt. Gr. II.	31.10.66	1.9.91	
51.	Shri Bhim Singh-II Door-Keeper Gr. III	3.2.58	Expired on 12.2.77	
52.	Shri Dhani Ram, Door-Keeper	15.7.64	Expired on 28.10.77	

1	2	3	4	5
53.	Shri Man Singh Ram, Door-Keeper	4.11.57	Expired on 5.2.78	
54.	Shri Chandulal, Door-Keeper	3.2.58	31.7.78	
55.	Shri Madhu Sudan, Door-Keeper	2.3.70	Expired on 19.12.78	
56.	Shri Shankar Datt, Door Keeper	23.11.42	28.2.79	
57.	Shri Hoshiar Singh, Door-Keeper	25.11.57	31.10.80	
58.	Shri Govind Singh, Door-Keeper Gr. I	25.11.57	Expired on 6.2.79	
59.	Shri Munshi Lal, Door-Keeper	29.12.66	31.5.85	
60.	Shri Pritam Singh, Door-Keeper	26.3.73	Expired on 12.5.87	
61.	Shri Sohan Lal, Door-Keeper	10.7.56	31.8.92	
62.	Shri Kedar Nath, Door-Keeper Gr. I	7.11.56	Expired on 8.9.81	
63.	Shri O.P. Bhasin, Door-Keeper Gr. I	3.1.66	Expired on 23.11.83	
64.	Shri Bhim Singh Saini, Door-Keeper-I	6.12.57	29.2.84	
65.	Shri Raja Singh Rawat Door-Keeper Gr. I	3.2.58	31.7.87	
66.	Shri D.S. Madwal, Security Guard Gr. I	4.12.69	Expired on 20.11.87	
67.	Shri Suraj Prasad, Record Sorter	10.1.29	1.7.56	
68.	Shri Govind Ram, Chamber Attendant	17.11.47	Expired on 29.7.79	
69.	Shri Diwan Chand, Chamber Attendant	17.11.47	31.12.79	
70.	Shri Devki Ram, Chamber Attendant	17.4.48	30.6.82	

1	2	3	4	5
71.	Shri Nanak Chand, Chamber Attendant	26.5.44	30.6.82	
72.	Shri Chandu Lal, Chamber Attendant	17.11.47	30.11.82	
73.	Shri Masih Charan, Chamber Attendant	9.12.46	30.11.83	
74.	Shri Umrao Singh, Chamber Attendant	3.9.42	30.6.84	
75.	Shri B.D. Chopra, Chamber Attendant	14.2.55	12.6.86	
76.	Shri Madan Singh, Chamber Attendant	27.7.53	31.7.88	
77.	Shri Dev Ram, Chamber Attendant	11.6.52	31.8.88	
78.	Shri Amar Sen, Chamber Attendant	12.11.51	30.11.89	
79.	Shri Pan Singh, Chamber Attendant	1.11.48	31.8.90	
80.	Shri R.S. Pandey, Sr. Chamber Attendant	21.1.50	31.3.86	
81.	Shri Daryao Singh, Attdt. Gr.-I(Ch)	18.7.55	31.12.88	
82.	Shri Kahn Chand, Attdt. Gr.-I(Ch)	11.7.50	30.4.89	
83.	Shri Daya Ram, Attdt. Gr.-I (Ch)	16.2.59	31.12.89	
84.	Shri Chait Singh, Attdt. Gr.-I (Ch)	4.4.55	30.6.92	
85.	Shri Karam Deo Rai, Library Attendant	16.5.45	4.4.76	
86.	Shri D.D. Sharma, Sr. Library Attendant. Gr-I	24.10.64	30.6.88	
87.	Shri Charanjit Singh, Attdt. Gr.-I	1.1.48	31.12.90	
88.	Shri D.P. Pandey, Attdt. Gr.-I	9.11.53	31.5.91	

1	2	3	4	5
89.	Shri Chander Sheikhar, Sr. Adrema Operator	20.11.47	Expired on 2.10.87	
90.	Shri D.K. Banerjee X-erox Operator	11.11.49	31.12.87	
91.	Shri Raghunandan Sharma X-erox Operator	28.5.53	30.11.89	
92.	Shri S.B. Tewari, X-erox Operator	16.8.54	31.1.92	
93.	Sh. Ram Dayal Singh X-erox Operator	18.9.74	Expired on 2.5.90	
94.	Shri Bhola Ram Bhatt, Binder	1.1.48	31.5.80	
95.	Shri Phindu Ram, Binder (Skilled)	21.1.48	30.4.83	
96.	Shri Bhola Shah, Binder	22.10.56	6.1.86	
97.	Shri P.C. Kundil, Binder	18.7.55	31.10.88	
99.	Shri Anand Singh Chauhan, Binder Gr. I	15.5.58	Expired on 24.2.75	
99.	Shri Mohan Lal, Binder, Gr.-I	28.10.50	28.2.89	
100.	Shri Rup Lal, Binder Gr.-I	16.5.55	31.5.89	
101.	Shri N.P. Sinha, Binder Gr.-I	6.10.51	30.6.90	
102.	Shri N.N. Das, Binder Gr.-I	16.8.54	28.2.91	
103.	Shri Prema Nand Paul, Gestetner Operator	29.1.51	1.7.70	
104.	Shri Seth Yuhana, Gestetner Operator	1.10.36	28.2.74	
105.	Shri Bisheshwar Dutt, Gestetner Operator	9.7.41	30.4.77	
106.	Shri Gussain Singh, Gestetner Operator	20.1.48	30.11.78	

1	2	3	4	5
107.	Shri Satya Singh, Gestetner Operator	29.1.52	Expired on 10.1.80	
108.	Shri Amir Singh, Gestetner Operator	11.7.50	31.12.81	
109.	Shri Balam Singh, Gestetner Operator	1.6.53	30.4.82	
110.	Shri H.C. Sharma, Gestetner Operator	17.11.47	30.9.85	
111.	Shri Ram Dayal, Gestetner Operator	28.5.53	30.11.86	
112.	Shri N.S. Bhartwal Gestetner Operator	16.8.54	30.6.91	
113.	Shri Panju Ram, Warehouseman	6.5.52	31.1.75	
114.	Shri Girdhari Lal, Warehouseman	6.10.48	31.3.78	
115.	Shri Ganga Prasad, Warehouseman	16.8.54	28.2.79	
116.	Shri Sri Ram, Warehouseman	25.11.49	31.8.88	
117.	Shri S.K. Pandey, Warehouseman	16.8.54	30.11.89	
118.	Shri Duli Chand, Warehouseman	17.10.55	31.3.91	
119.	Shri H.D. Pandey, Attdt. Gr.II (Warehouseman)	14.2.55	31.5.91	
120.	Shri Mahender Singh, Warehouseman	16.5.68	Expired on 8.10.92	
121.	Shri Brij Pal, Chauffeur	18.2.48	30.9.80	
122.	Shri Sham Lal, Chauffeur	25.8.47	13.11.80	
123.	Shri Birendrapal Singh, Chauffeur	11.1.51	31.7.87	
124.	Shri Bishan Lal, Chauffeur	9.11.53	31.10.91	

1	2	3	4	5
125.	Shri Panna Lal, Van Driver	13.5.55	31.5.89	
126.	Shri R.K. Saxena, Jr. Litho Operator	18.7.55	31.12.91	
127.	Sh. Ram Mehar, Junior Clerk	1.2.69	Expired on 18.6.88	
128.	Shri Maharaj Singh Upper Division Clerk	8.11.43	5.1.71(FN)	
129.	Km. P. Surya Kumari, Upper Division Clerk	16.7.56	Expired on 17.12.71	
130.	Shri H.M. Paul, Upper Division Clerk	1.12.43	1.3.78	
131.	Shri Harender Singh, Upper Division Clerk	18.8.54	Expired on 6.3.82	
132.	Smt. Surjit Kaur Bindra, Upper Division Clerk	6.9.74	Expired on 14.1.84	
133.	Shri D.N. Mukherjee, Upper Division Clerk	21.9.51	Expired on 18.12.72	
134.	Shri Surender Prasad Mamgain, Copy Holder	15.10.55	Expired on 23.5.71	
135.	Smt. Kaushalya Devi, Jr. Ly. Assistant	21.3.57	Invalidated from Service from 1.3.71	
136.	Smt. Laxmi Kapoor, JLA	29.5.68	Expired on 14.8.78	
137.	Shri Vasudeo Bhardwaj, Jr. Ly. Assistant	28.10.48	31.10.81	
138.	Shri Babu Ram Gupta, Jr. W & W Assistant	1.10.54	7.7.61	
139.	Shri D.S. Yadav, Jr. W & W Assistant	28.1.66	Expired on 19.10.71	
140.	Shri T.R. Sharma, Jr. W & W Assistant	13.9.65	30.11.76	
141.	Shri S.P. Dutta, Jr. W & W Assistant	3.10.70	Expired on 20.3.77	
142.	Shri Anil Bhatia, Security Asstt. Gr.-II	8.11.89	Expired on 18.5.92	

1	2	3	4	5
143.	Smt. N.S.C. Malhotra, Jr. Steno	20.11.73	Expired on 9.3.77	
144.	Shri J.B. Mittal, Jr. Steno	25.11.69	25.9.78	
145.	Shri B.L. Jain, Supervisor (Bindery)	5.8.37	14.8.70	
146.	Shri Padam Dass, Sr. Ly. Assistant	15.10.55	29.2.92	
147.	Shri R.L. Shah, W & W Assistant	13.12.65	29.2.76	
148.	Smt. Priya Bhatia, W & W Assistant	19.8.76	31.1.86	
149.	Shri Uttam Singh, Assistant	28.7.55	26.3.66	
150.	Shri B.L. Sehgal, Assistant	22.1.48	19.1.70	
151.	Shri B.C. Mathur, Assistant	18.10.46	Expired on 2.4.60	
152.	Shri D. Ramdass, Assistant	19.1.51	Expired on 11.4.68	
153.	Shri Bhargava Tripathi, Assistant	8.1.70	Expired on 7.11.73	
154.	Shri Harbans Singh Vaid, Ptg. Assistant	22.1.48	30.6.77	
155.	Shri Kuldip Singh, Assistant	10.12.56	10.11.81	
156.	Shri Kundan Singh, Assistant	18.7.55	Expired on 13.2.83	
157.	Shri M.C. Kapoor, Assistant	5.10.48	20.9.85	
158.	Shri Chander Bhan, Assistant	24.7.50	30.11.85	
159.	Shri Jai Kishan Sharma, Assistant	29.1.51	Expired on 22.8.86	
160.	Smt. Veena Sarin, Assistant	23.6.69	Expired on 29.8.86	

1	2	3	4	5
161.	Shri Moti Ram Mittal, Assistant	18.7.55	5.6.87	
162.	Shri Mohan Lal, Assistant	15.2.65	16.8.87	
163.	Smt. Neelam Arora, Assistant	4.8.65	Expired on 26.10.87	
164.	Shri I.D. Sharma, Assistant	18.7.55	Expired on 6.8.88	
165.	Shri T.S. Negi, Assistant	9.2.56	30.11.89	
166.	Shri Inderjit Singh, Assistant	14.2.55	30.6.90	
167.	Shri S.S. Bhatnagar, Assistant	18.8.54	31.1.91	
168.	Shri L.C. Garg, Assistant	1.7.55	30.4.91	
169.	Shri Kalam Singh, Assistant	8.7.55	31.10.92	
170.	Smt. Surender Arora, Assistant	23.3.68	Expired on 8.6.84	
171.	Shri B. Srinivasa Rao, Stenographer	6.12.54	16.6.60	
172.	Shri Kamla Dutt, Stenographer	29.4.65	Expired on 2.9.71	
173.	Shri G.S. Ahluwalia Stenographer	19.8.58	31.1.90	
174.	Shri Lokesh Gairola, Ex-Stenographer	30.12.76	9.1.87	
175.	Smt. Bela Mathur, Jr. Stenographer	19.2.81	Expired on 30.9.89	
176.	Smt. Shashi Goel, Stenographer	22.5.71	4.9.91	
177.	Shri Balwant Rai, Proof Reader	16.9.49	5.10.68	
178.	Shri C.L. Chawla Proof Reader	8.9.49	28.3.72	

1	2	3	4	5
179.	Shri M.L. Chandhok, Proof Reader	7.1.53	31.7.78	
180.	Shri T.S. Rawat, Proof Reader	9.7.56	Expired on 7.6.81	
181.	Shri J.P. Gaur, Proof Reader	24.10.64	Expired on 26.4.87	
182.	Shri Anirudh Gupta, Printing Assistant	10.1.40	28.2.74	
183.	Shri K.S. Saxena, Printing Assistant	9.9.49	30.9.75	
184.	Shri M.M. Sharma, Printing Assistant	8.9.49	31.10.79	
185.	Shri R.K. Sharma, Printing Assistant	17.11.47	30.9.85	
186.	Shri Daulat Ram, Printing Assistant	12.11.51	30.9.86	
187.	Shri S.P. Kukreti, Printing Assistant	2.8.48	30.9.87	
188.	Shri Amrit Singh, Printing Assistant	16.8.54	31.8.88	
189.	Shri R.T. Tripathi, Printing Assistant	9.7.56	31.7.88	
190.	Shri Chhaju Ram, Printing Assistant	18.7.55	30.11.88	
191.	Shri Radhey Shyam, Printing Assistant	14.2.55	31.3.90	
192.	Shri D.C. Sharma, Sr. Printing Assistant	21.1.50	31.10.90	
193.	Shri Kishan Chand, Printing Assistant	14.2.55	31.5.92	
194.	Shri Sitendu Sett, Sr. Printing Assistant	18.2.56	Expired on 29.2.84	
195.	Shri Kasturi Lal, Sr. Printing Assistant	10.7.56	31.1.90	
196.	Shri B.N. Ganguli, Sr. Ptg. Assistant	8.10.56	30.6.90	

1	2	3	4	5
197.	Shri M.L. Malhotra, Sr. Ptg. Asstt.	5.11.52	31.12.90	
198.	Shri H.M. Bhatt, Sr. Ptg. Assistant	9.2.56	31.1.92	
199.	Shri R.N. Ghosal, Sr. Ptg. Assistant	20.12.56	31.1.92	
200.	Shri L. Krishnamoorthy, LCA	30.7.51	Expired on 27.5.75	
201.	Shri G.P. Gairola, Conference Asstt.	31.8.55	Expired on 18.12.76	
202.	Shri S.S. Misra, Question Asstt.	22.2.56	Expired on 26.4.78	
203.	Shri Ramesh Chandra, Question Asstt.	16.7.56	Expired on 3.1.79	
204.	Shri M. Vardachari Personnel & Executive Assistant	29.10.51	31.10.83	
205.	Shri R.A. Pillai, F.C.A.	13.8.73	Expired on 26.12.78	
206.	Shri M.R. Pahuja, L.C.A.	21.7.56	Expired on 13.8.84	
207.	Shri R.S. Iyer, P & E Assistant	5.4.55	5.10.84	
208.	Shri Punshil Kumar, Personnel & Executive Assistant	16.7.56	10.6.85	
209.	Shri P.L. Gaiind, Personnel & Executive Assistant	19.8.54	11.11.85	
210.	Shri K.K. Dhingra, Legislative Committee Assistant	30.7.51	6.2.86	
211.	Shri R.R. Sharma, Personnel & Executive Assistant	25.10.46	28.2.86	

1	2	3	4	5
212.	Smt. Krishna Chopra, Personnel & Executive Assistant	25.6.52	31.3.86	
213.	Shri R.A. Bhatnagar, Legislative Committee Assistant	10.12.55	6.7.86	
214.	Shri R.N. Dhingra, Legislative Committee Assistant	6.4.55	28.2.89	
215.	Shri V.P. Gupta, Senior Assistant	24.2.56	31.3.90	
216.	Shri Tula Ram, Senior Assistant	9.8.51	31.7.90	
217.	Shri Jwala Prashad, Senior Assistant	28.10.50	31.8.90	
218.	Shri Satish Chand, Senior Assistant	25.2.56	17.10.90	
219.	Shri R.P. Sharma, Senior Assistant	25.2.56	31.12.90	
220.	Shri K.D.N. Singh, Senior Assistant	26.7.56	28.2.91	
221.	Shri R.L. Verma, Senior Assistant	12.10.55	30.9.92	
222.	Shri P.N. Dixit, Senior Assistant	21.12.61	16.4.92 (AN)	
223.	Shri V.P. Verma Research Assistant	29.9.48	31.12.81	
224.	Km. Swaran Kanta Kumar, Research Assistant	1.3.48	25.2.84	
225.	Km. C.M. Aggarwal, Research Assistant	26.3.68	Expired on 3.1.89	
226.	Smt. Susila Dutta, Reference Assistant	3.5.71	7.2.92 (AN)	
227.	Shri S.S. Gossain, Translator	6.2.64	Expired on 9.6.80	

1	2	3	4	5
228.	Shri G.L. Rishi, Sr. W. & W Assistant	26.7.48	1.6.70	
229.	Shri G.G. Tuteja, Sr. W & W Assistant	23.11.49	Expired on 25.12.73	
230.	Shri M.M. Bhatia, Sr. W & W Assistant	25.12.53	Expired on 30.4.76	
231.	Sh. K.S.S. Nayar, W & W Asstt. Gr-I	5.11.57	31.12.76	
232.	Shri Bhagat Singh Yadav, Sr. W & W Assistant	27.8.65	30.11.77	
233.	Smt. Shiela Rani Sharma Sr. W & W Assistant	6.9.51	31.3.78	
234.	Shri Nand Kishore Sharma, Sr. W & W Assistant	3.9.54	31.8.80	
235.	Shri R.N. Nandy, Sr. W & W Assistant	7.11.50	31.10.80	
236.	Shri H.R. Namboori, Sr. W & W Assistant	16.8.65	30.6.81	
237.	Smt. Eva Brooks, Sr. W & W Assistant	2.2.44	31.12.82	
238.	Shri Vijay Kumar, Sr. W & W Assistant	29.6.56	31.12.84	
239.	Shri Sita Ram, Sr. W & W Asstt. Gr-I	21.1.48	30.6.85	
240.	Shri A.S. Mudgal, Sr. W & W Asstt. Gr-I	23.8.49	31.5.86	
241.	Shri Ram Charan Yadav, Sr. W & W Asstt. Gr-I	22.7.55	31.7.87	
242.	Shri Anup Singh Kohli, Security Assistant	16.8.54	30.4.90	
243.	Shri Jagdish Rai, Sr. W & W Assistant	18.7.55	31.10.90	
244.	Shri Madan Mohan, Security Officer	10.2.56	31.1.92	
245.	Shri B.K. Khatree, Sr. Security Asstt.	24.3.81	Expired on 18.3.92	

1	2	3	4	5
246.	Shri Uma Kishore, Section Officer	13.2.46	1.7.61	
247.	Shri Rup Singh, Section Officer	21.1.29	1.1.68	
248.	Shri S. Dayal, Section Officer	15.12.37	Expired on 17.4.69	
249.	Shri T.R. Grover, Section Officer	15.3.48	Expired on 14.8.71	
250.	Shri B.R. Pandit, Section Officer	23.10.42	13.9.72	
251.	Shri P.G. Sahasrabhojane, Section Officer	16.10.42	15.3.73	
252.	Shri Shadi Lal Gupta, Section Officer	27.1.41	10.4.73	
253.	Shri K. Kalyanam, Section Officer	5.9.41	22.4.73	
254.	Shri S.B. Mandal, Section Officer	21.8.45	1.11.72 (FN)	
255.	Shri H.N. Endlaw, Section Officer	10.2.42	18.10.73	
256.	Shri Sardari Lal Sehgal, Section Officer	8.1.42	31.12.73	
257.	Shri S.K. Mookerjee, Section Officer	17.3.41	31.12.73	
258.	Shri S.N. Dixit, Section Officer	15.7.44	Expired on 21.3.74	
259.	Shri T. Raman, Section Officer	13.10.41	31.8.76	
260.	Shri S.N. Mathur, Examiner of Questions	16.10.46	31.3.77	
261.	Shri R.S. Khanna, Legislative Officer	22.10.46	30.6.79	
262.	Shri P. Ramachandran, Executive Officer	10.10.53	Expired on 6.7.79	
263.	Shri Sardari Lal Sharma, Financial Committee Officer	12.2.42	31.8.79	

1	2	3	4	5
264.	Shri S. Krishnamoorthy, Financial Committee Officer	6.10.56	21.8.79	
265.	Shri B.K. Puri, Legislative Committee Officer	21.1.50	30.10.79	
266.	Shri G.P. Khanna, Legislative Committee Officer	22.7.46	31.12.79	
267.	Shri S.P. Haran, Personnel & Executive Officer	29.8.49	31.3.80	
268.	Shri Dina Nath Goglani, Executive Officer	7.3.42	30.4.80	
269.	Shri M.P. Raman, Personnel & Executive Officer	14.10.41	31.10.80	
270.	Shri S.I. Millicans, Personnel & Executive Officer	19.4.52	Expired on 10.11.80	
271.	Shri S.L. Sehgal, Executive Officer	8.1.42	31.12.73	
272.	Shri Ved Parkash Marwaha, Legislative Committee Officer	9.9.49	31.10.81	
273.	Shri Hari Dass, Executive Officer	12.5.44	31.5.81	
274.	Shri B.B. Lall, Personnel & Executive Officer	2.5.45	30.11.81	
275.	Shri S.S. Malik, Personnel & Executive Officer	17.11.47	31.1.82	
276.	Shri M.M. Prabhakar, Executive Officer	31.1.49	28.2.82	
277.	Shri B.K. Handa, Personnel & Executive Officer	25.4.49	28.2.83	
278.	Shri K.L. Bhutani, Financial Committee Officer	8.5.48	31.7.84	

1	2	3	4	5
279.	Shri B.S. Tewari, Personnel & Executive Officer	15.1.48	30.9.84	
280.	Shri Babulal Verma, Legislative Committee Officer	30.7.51	30.4.85	
281.	Shri R. Rajagopalan, Legislative Committee Officer	21.8.54	Expired on 22.6.85	
282.	Shri B.N. Kaul, Legislative Committee Officer	5.4.51	31.12.85	
283.	Shri R.L. Thanoch, Personnel & Executive Officer	19.4.51	31.3.86	
284.	Shri K.M.L. Verma, Legislative Committee Officer	5.6.53	31.1.87	
285.	Shri Vinod Saxena, Legislative Committee Officer	3.12.55	Voluntarily retired on 5.5.87	
286.	Shri Tara Singh, Legislative Committee Officer	14.8.45	30.6.87	
287.	Shri Asha Ram Verma, Legislative Committee Officer	20.9.57	30.9.87	
288.	Shri S.K. Bose, Legislative Committee Officer	17.8.53	30.11.87	
289.	Shri H.L. Arora, Legislative Committee Officer	13.11.54	3.5.88	
290.	Shri B.M. Mehra, Legislative Officer	1.9.54	31.8.88	
291.	Shri S.C. Saxena, Legislative Committee Officer	7.8.46	30.4.88	

1	2	3	4	5
292.	Shri Som Nath Sharma, Legislative Officer	18.12.53	Expired on 21.6.88	
293.	Shri R.C. Sharma, Executive Officer	1.8.54	31.10.88	
294.	Shri M.L. Burman, Executive Officer	19.6.52	31.1.89	
295.	Shri A.G. Subramanian, Executive Officer	5.7.52	31.3.89	
296.	Shri S.K. Sharma, Legislative Committee Officer	22.8.55	31.5.89	
297.	Shri S.S. Banerjee, Executive Officer	30.7.51	8.7.89	
298.	Shri Jawahar Lal, Executive Officer	14.2.56	31.8.89	
299.	Shri J.N. Kaul, Financial Committee Officer	24.8.53	31.8.89	
300.	Shri R.L. Rangra, Executive Officer	10.8.55	30.11.89	
301.	Shri P.R. Mehta, Legislative Committee Officer	30.11.62	Expired on 5.1.90	
302.	Shri M.L. Tikoo, Executive Officer	19.4.51	28.2.90	
303.	Shri R.L. Chopra, Executive Officer	25.7.55	30.4.90	
304.	Shri S.L. Kikkan, Executive Officer	30.4.57	31.5.90	
305.	Shri Ram Jiwan Gupta, Executive Officer	10.12.56	31.7.90	
306.	Shri K.R. Mishra, Executive Officer	25.8.54	30.9.90	
307.	Shri O.P. Oberai, Executive Officer	22.9.54	31.1.91	
308.	Shri V.S. Ramamoorthy, Welfare Officer	19.2.55	29.2.92	

1	2	3	4	5
309.	Shri S.C. Gupta, Executive Officer	24.2.56	31.12.91	
310.	Shri Sahib Singh, Legislative Officer	5.4.55	17.2.92 (AN)	
311.	Shri K.L. Verma, Executive Officer	16.11.55	31.7.92	
312.	Shri K.P. Kapoor, Executive Officer	24.2.56	31.10.92	
313.	Shri N. Somanathan, Assistant Director	16.7.56	18.11.92 (FN)	
314.	Shri S.S. Malhi; Assistant Director	22.8.70	Expired on 25.11.92	
315.	Shri Basant Kumar, Research Officer	3.2.49	15.2.70	
316.	Shri G. Venkataya, Research Officer	27.10.50	28.2.73	
317.	Shri S.N. Mandal, Research Officer	8.8.49	5.9.72	
318.	Shri N.P. Joshi, Research Officer	17.6.41	30.6.78	
319.	Shri D.K. Wahi, Research Officer	6.6.55	25.1.79	
320.	Shri K.K. Bhatnagar, Research Officer	4.10.50	31.5.80	
321.	Shri A.N. Nagpal, Research Officer	22.9.51	31.11.80	
322.	Shri J.P. Goel, Assistant Research Officer	6.10.56	17.7.73	
323.	Shri M.D. Mathur, Executive Officer	7.12.55	30.6.90	
324.	Shri A.N. Raina, Assistant Editor	26.2.57	31.3.81	
325.	Shri Nem Singh, Assistant Editor	28.6.57	30.11.85	
326.	Shri Yashpal Sarin, Assistant Editor	5.7.46	28.2.87	

1	2	3	4	5
327.	Shri P.C. Behl, Assistant Editor	10.6.52	30.4.89	
328.	Shri Chandra Dhar, Assistant Editor	25.7.53	31.1.90	
329.	Shri M.S. Thakur, Assistant Editor	29.3.51	31.10.90	
330.	Shri S.N. Mathur, Asstt. W & W Officer	8.3.46	31.1.84	
331.	Shri R. Nelson, Asstt. W & W Officer	25.1.50	28.2.79	
332.	Shri Ramashankar, Asstt. W & W Officer	25.12.53	Expired on 9.6.80	
333.	Shri S.K. Puri, Asstt. W & W Officer	17.11.47	31.1.83	
334.	Shri Darshan Lal, Asstt. W & W Officer	29.10.52	Expired on 27.5.84	
335.	Shri Narinder Kumar, Asstt. W & W Officer	4.2.53	Expired on 27.8.84	
336.	Shri R.N. Gola, Security Officer	11.11.53	28.2.90	
337.	Shri R.M. Sharma, Security Officer	2.11.54	31.5.90	
338.	Shri Ajit Singh Yadav, Security Officer	16.8.67	30.6.90	
339.	Shri K.S. Panwar, Security Officer	4.5.56	30.11.90	
340.	Shri P.N. Gupta, Security Officer	12.12.55	31.12.90	
341.	Shri Sardari Lal Jhingan, Security Officer	25.8.54	30.6.91	
342.	Shri Mange Ram Verma, Security Officer	2.7.66	30.6.91	
343.	Shri Prithvi Raj, Security Officer	17.2.56	30.4.92	
344.	Shri S.K. Sharma, Security Officer	13.3.62	31.10.92	

1	2	3	4	5
345.	Shri R.S. Rawat, Dy. W & W Officer	6.2.45	31.10.76	
346.	Shri R.K. Bhatia, Dy. W & W Officer	26.10.46	28.2.81	
347.	Shri T.N. Kaul, Dy. W & W Officer	3.9.49	30.4.81	
348.	Shri B.B. Vasisht, Dy. W & W Officer	20.1.48	31.1.85	
349.	Shri Prakash Chand, Dy. W & W Officer	4.8.51	30.11.85	
350.	Shri Sukh Dev, Marshall	30.1.51	31.1.86	
351.	Shri Madan Lal Sharma, Dy. W & W Officer	1.8.49	28.2.87	
352.	Shri H.R. Jaidka, Marshall	26.1.50	6.12.66	
353.	Shri S.C. Banerjee, Asstt. Manager of Printing	1.9.36	10.7.71	
354.	Shri D.D. Gupta, Manager of Printing	16.10.39	28.2.78	
355.	Shri Krishan Gopal, Manager of Printing	1.9.54	31.12.91	
356.	Shri B.S. Yadav, Manager of Printing	20.8.55	30.6.90	
357.	Shri S.P. Mangain, Manager of Printing	12.8.55	31.5.92	
358.	Shri L.K. Joshi, P.A. to Chairman	1.3.56	Expired on 22.7.72	
359.	Shri Pyare Lal Baharu, P.A.	12.8.52	30.4.77	
360.	Shri K. Vijayaraghavan, PS to Chairman	30.8.52	31.12.85	
361.	Shri P.V. Gopalan, P.S. to HDS	27.1.45	30.6.74	
362.	Shri N. Ramachandran, P.S. to HDS	13.5.42	31.8.77	

1	2	3	4	5
363.	Shri R.K. Sharma, Private Secretary	8.9.54	31.12.90	
364.	Shri R. Narayanan, APS	1.9.48	31.5.76	
365.	Shri S. Seshadri, Secretary to Speaker	5.2.49	Expired on 24.1.77	
366.	Shri H.C. Batra, PS to Secretary-General	26.1.48	30.11.84	
367.	Shri S.K. Sastry, Parliamentary Interpreter	17.8.54	Expired on 21.10.72	
368.	Shri K.S. Manthravadi, Parliamentary Interpreter	16.11.55	Expired on 24.4.74	
369.	Shri G. Jayaraman, Parly. Interpreter	3.12.55	Expired on 16.11.74	
370.	Shri K. Hariharan, Parly. Interpreter	13.12.43	Expired on 12.5.76	
371.	Shri S.D. Mohan, Sr. Parly. Interpreter	8.5.46	31.5.82	
372.	Shri C.V. Narayan Rao, Superintendent	4.2.29	6.11.49	
373.	Shri P.T.A. Menon, Superintendent	17.1.47	Expired on 24.7.59	
374.	Shri Jagdish Singh, P.A. to Chairman	12.12.51	Expired on 2.8.79	
375.	Shri S. Vishwanathan, P.S. to Chairman	16.3.48	30.4.84	
376.	Shri S.P. Jain, Senior P.A.	1.6.49	30.11.84	
377.	Shri S.S. Kochar, P.S. Grade-II	1.10.51	30.4.88	
378.	Shri G.S. Rawat, Asstt. Director	23.2.56	30.11.90	
379.	Shri Shurti Parkash Sharma, Asstt. Director	5.12.55	31.5.92	
380.	Shri M.L. Bhandari, Asstt. Controller of Printing	28.11.49	31.12.86	

1	2	3	4	5
381.	Shri P.N. Dhar, Controller of Printing & Publication	19.4.52	31.5.86	
382.	Shri O.D. Moorthy, Officer on Special Duty	1.9.42	31.3.80	
383.	Shri K.L. Malhotra, Officer on Special Duty	27.7.48	30.9.84	
384.	Shri Hari Krishan, Officer on Special Duty	2.12.55	30.6.88	
385.	Shri M.L. Khandpur, Officer on Special Duty	7.11.50	30.9.88	
386.	Shri T.A. Parameswaran, Officer on Special Duty	14.1.55	Expired on 29.8.88	
387.	Shri T.N. Makan, Officer on Special Duty	11.3.53	31.3.90	
388.	Shri B.K. Mishra, Assistant Director	16.12.55	31.8.89	
389.	Shri R.K. Gupta, Assistant Director	22.9.54	31.3.90	
390.	Shri M.C. Rana, Assistant Director	26.9.56	30.6.90	
391.	Shri P.L. Kaul, Assistant Director	23.4.53	30.11.90	
392.	Shri S.N. Kaushil, Assistant Director	25.7.55	31.7.91	
393.	Shri N.N. Sharma, Assistant Director	17.12.56	31.1.91	
394.	Shri A. Tat, Assistant Director	18.8.51	31.8.91	
395.	Shri I.P. Singh, Editor of Debates	14.2.49	7.3.67	
396.	Shri Harbans Singh, Editor	3.12.55	30.11.79	
397.	Shri R.K. Saxena, Editor	5.8.52	7.7.80	

1	2	3	4	5
398.	Shri Prem Singh Chauhan, Editor	14.9.46	30.4.82	
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401.	Shri H.C. Dhawan, Editor	21.4.53	30.11.90	
402.	Shri R.N. Khanna, Editor	8.12.55	31.12.90	
403.	Shri P.D. Sharma, Editor	30.1.56	31.5.91	
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408.	Smt. M. Thulasi Kumari, Committee Reporter	29.9.60	1.6.81 (FN)	
409.	Shri N.S. Rajagopalan, Parliamentary Reporter	7.8.43	31.12.74	
410.	Shri G.L. Khandol, Parliamentary Reporter	21.2.49	12.11.75	
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1	2	3	4	5
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417.	Shri R.P. Kathuria, Deputy Director (Security)	16.7.56	31.8.91	
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419.	Shri S. Subramanian Parliamentary Reporter	26.1.50	17.7.65	
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421.	Shri M.N. Khosla, Senior Research Officer	1.3.43	Expired on 8.11.75	
422.	Shri R. Ramaseshan, Senior Reference Officer	10.11.41	31.7.78	
423.	Shri I.P. Bhatt, Senior Research Officer	13.7.43	Expired on 15.10.79	
424.	Shri Lakh Raj, Senior Research Officer	3.3.42	31.7.81	
425.	Shri M.L. Pareek, Deputy Director	16.10.42	30.11.81	
426.	Shri Umapati Sharma, Senior Research Officer	2.2.51	30.6.86	

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427.	Shri A.R. Khan, Senior Reference Officer	31.12.55	31.12.86	
428.	Shri Nardeo Sharma, Senior Research Officer	22.6.54	31.7.87	
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437.	Shri Kulvir, Senior Parliamentary Reporter	14.6.48	31.3.85	
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439.	Shri T. Sadagopan, Senior Parliamentary Reporter	21.6.50	31.8.86	
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441.	Shri C.B. Lal, Senior Parliamentary Reporter	6.4.49	31.7.87	
442.	Shri D. Raghavan, Senior Parliamentary Reporter	11.8.54	31.8.88	
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452.	Shri O.P. Khosla, Senior Parliamentary Interpreter	10.9.51	31.3.83	

1	2	3	4	5
453.	Shri D.P. Pandey, Senior Parliamentary Interpreter	15.9.51	31.8.83	
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464.	Shri Joginder Nath, Private Secretary Grade I	11.3.54	30.6.91	
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1	2	3	4	5
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478.	Shri O.P. Puri, Senior Editor	16.11.55	30.6.90	
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482.	Shri P.N. Dadlani, Under Secretary	25.1.29	23.7.59	
483.	Shri Babu Mal, Under Secretary	11.7.40	29.12.60	
484.	Shri M.C. Joshi, Under Secretary	9.8.48	Expired on 27.8.66	
485.	Shri K.K. Damodaran, Under Secretary	25.4.40	17.2.72	

1	2	3	4	5
486.	Shri T.N. Dhar, Under Secretary	3.8.48	1.5.72	
487.	Shri S.N. Chaturvedi, Under Secretary	26.10.39	4.10.73	
488.	Shri M.N. Kaul, Under Secretary	15.1.48	Expired on 5.5.74	
489.	Shri K.V. Ramachandran, Senior Financial Committee Officer	5.12.41	20.6.76	
490.	Shri Jainti Prasad, Senior Financial Committee Officer	1.7.40	31.8.77	
491.	Shri S.N. Kaul, Senior Personnel & Executive Officer	26.5.49	31.5.79	
492.	Shri T.N. Khanna, Senior Financial Committee Officer	30.8.43	30.9.79	
493.	Shri S.L. Puri, Senior Financial Committee Officer	30.10.43	30.9.79	
494.	Shri K.V. Ramachandrao, Under Secretary	10.8.53	2.5.80	
495.	Shri P.P. Singh, Pay & Accounts Officer	29.10.42	31.3.81	
496.	Shri B.L. Saigal, Senior Personnel & Executive Officer	16.12.47	31.5.81	
497.	Shri T.R. Ghai, Senior Financial Committee Officer	16.11.42	6.5.82	
498.	Shri Kailash Chand, Senior Personnel & Executive Officer	17.11.47	28.2.83	
499.	Shri Sardar Singh, Senior Personnel & Executive Officer	10.10.56	25.7.83 (FN)	

1	2	3	4	5
500.	Shri T.E. Jagannathan, Senior Legislative Committee Officer	1.4.46	31.1.84	
501.	Shri S.N. Raina, Senior Legislative Committee Officer	26.11.49	29.2.84	
502.	Shri S. Thyagarajan, Senior Personnel & Executive Officer	3.6.50	31.5.84	
503.	Shri K.R. Suri, Senior Legislative Committee Officer	24.9.47	31.1.85	
504.	Shri Dayal Prashad, Pay & Accounts Officer	25.10.46	31.10.85	
505.	Shri R.C. Anand, Senior Financial Committee Officer	16.11.49	31.1.86	
506.	Shri O.P. Babal, Senior Financial Committee Officer	18.10.48	31.7.86	
507.	Shri Brahmanand, Senior Financial Committee Officer	30.7.52	28.2.87	
508.	Shri S.C. Gupta, Senior Examiner of Questions	1.12.55	30.4.87	
509.	Shri C.L. Bhatia, Senior Financial Committee Officer	28.6.49	30.4.87	
510.	Shri V. Jayaraman, Under Secretary	25.4.52	30.6.87	
511.	Shri R.S. Mani, Senior Legislative Committee Officer	19.4.52	30.6.87	
512.	Shri C.D. Sachdeva, Senior Legislative Committee Officer	18.11.47	31.7.87	

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513.	Shri N.P. Jain, Senior Legislative Committee Officer	8.6.45	31.10.87	
514.	Shri S.P. Gaiind, Senior Legislative Committee Officer	6.5.48	30.9.87	
515.	Shri Krishnapal Singh Mathur, Senior Financial Committee Officer	4.2.53	30.9.87	
516.	Shri Raghbir Singh, Under Secretary	13.6.50	31.3.89	
517.	Shri Ravinder Kumar, Pay and Accounts Officer	24.4.53	28.2.89	
518.	Shri G.S. Bawa, Under Secretary	7.11.50	30.4.89	
519.	Shri P.K. Malik, Under Secretary	30.1.51	30.4.89	
520.	Shri J.D. Bhalla, Under Secretary	3.2.51	31.5.89	
521.	Shri Vishnu Dayal, Under Secretary	29.1.52	30.6.89	
522.	Shri K.C. Gupta, Under Secretary	7.11.50	31.8.89	
523.	Shri Swaran Singh, Under Secretary	7.11.50	30.9.90	
524.	Shri J.P. Jain, Under Secretary	27.11.51	30.9.90	
525.	Shri K.M. Kamboj, Under Secretary	6.10.55	1.5.91	
526.	Shri M.L. Bhatt, Under Secretary	30.7.51	30.4.92	
527.	Shri B.P. Bahuguna, Under Secretary	11.11.54	30.6.92	
528.	Shri S.S. Bhatnagar, Under Secretary	17.8.54	30.6.92	

1	2	3	4	5
529.	Shri K.L. Bhambri, Under Secretary	11.11.53	31.7.92	
530.	Shri J.S. Manocha, Under Secretary	24.2.56	31.8.92	
531.	Shri Amar Nath, Under Secretary	19.8.54	Expired on 11.3.92	
532.	Shri N.C. Jagadachary, Deputy Director	13.7.48	31.5.77	
533.	Shri R. Subramanyam, Deputy Director	26.10.53	31.3.79	
534.	Shri H.P. Sarin, Deputy Director	14.1.44	28.2.82	
535.	Shri S. Rangaswamy, Deputy Director	9.6.44	28.2.82	
536.	Shri Bakshi Dhan Raj, Deputy Director	19.3.45	31.10.82	
537.	Shri K.C. Tewari, Deputy Director	1.6.55	25.11.82 (FN)	
538.	Shri A.J. Atkinson, Deputy Secretary	10.1.29	4.9.52	
539.	Shri V. Narsimhan, Deputy Secretary	17.1.30	15.9.59	
540.	Shri R.P. Kaushik, Deputy Secretary	14.1.56	1.12.68	
541.	Shri G.V. Mirchandani, Deputy Secretary	26.1.50	20.5.69	
542.	Shri A.L. Rai, Deputy Secretary	23.6.49	1.2.71	
543.	Shri J.R. Bhagwat, Deputy Secretary	8.11.39	31.8.71	
544.	Shri B.B. Tewari, Deputy Secretary	5.10.40	9.2.73	
545.	Shri M.C. Chawla, Deputy Secretary	22.7.35	28.2.74	
546.	Shri M.S. Sundaressan, Deputy Secretary	4.11.40	31.7.74	

1	2	3	4	5
547.	Shri G.D. Sharma, Chief Financial Committee Officer	8.1.44	31.1.78	
548.	Shri J.R. Kapur, Chief Legislative Committee Officer	17.11.47	30.9.78	
549.	Shri Inderjit Prasad, Chief Legislative Committee Officer	5.11.41	30.4.79	
550.	Shri Y. Sahai, Chief Legislative Committee Officer	5.9.41	30.6.80	
551.	Shri K.D. Chatterjee, Chief Examiner of Questions	1.3.43	31.1.80	
552.	Shri P.N. Bhatt, Deputy Director	19.12.56	31.1.80	
553.	Shri G.H.G. Raman, Chief Personnel & Executive Officer	12.12.43	14.2.80	
554.	Shri D.D. Baghwala, Chief Personnel & Executive Officer	19.8.46	30.9.80	
555.	Shri S.N. Khanna, Chief Legislative Committee Officer	5.1.45	30.9.80	
556.	Shri H.L. Malhotra, Chief Personnel & Executive Officer	17.11.47	30.4.82	
557.	Shri K.S. Bhalla, Chief Financial Committee Officer	23.1.48	4.5.82(FN)	
558.	Shri H.C. Bahl, Chief Financial Committee Officer	30.8.43	30.6.82	
559.	Dr. D.N. Gadhok, Chief Financial Committee Officer	25.8.42	31.7.83	

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560.	Shri S.D. Kaura, Chief Legislative Committee Officer	4.12.43	30.9.84	
561.	Shri H.S. Kohli, Chief Legislative Committee Officer	17.11.47	30.4.85	
562.	Shri M.P. Gupta, Chief Examiner of Bills & Resolutions	4.6.55	31.8.85	
563.	Shri S.P. Chanana, Chief Personnel & Executive Officer	22.12.44	31.12.85	
564.	Shri Bipin Behari, Chief Financial Committee Officer	6.4.43	28.2.86	
565.	Shri Ram Kishore, Chief Financial Committee Officer	25.6.55	30.4.86	
566.	Shri P.C. Chaudhary, Chief Financial Committee Officer	8.9.51	30.6.86	
567.	Shri S. Balasubramanian, Chief Legislative Committee Officer	16.8.49	31.10.86	
568.	Shri S.S. Chawla, Chief Financial Committee Officer	9.1.56	31.3.87	
569.	Shri K.N. Sawhney, Chief Legislative Committee Officer	29.1.52	31.3.87	
570.	Shri M.G. Aggarwal, Chief Legislative Committee Officer	8.10.56	6.7.87 (FN)	
571.	Shri S.N. Banerjee, Deputy Secretary	3.1.49	31.7.90	
572.	Shri G.L. Bhatt, Deputy Secretary	3.2.51	31.7.88	

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573.	Shri Rup Chand, Deputy Secretary	5.7.49	30.4.89	
574.	Shri D.M. Chana,1, Deputy Secretary	10.10.56	31.8.89	
575.	Shri J.C. Malhotra, Deputy Secretary	9.10.56	30.9.90	
576.	Shri O.P. Chopra, Deputy Secretary	9.5.52	31.10.90	
577.	Shri D.S. Birwal, Deputy Secretary	10.8.55	31.12.91	
578.	Shri B.N. Sahai, Editor-in-Chief	9.9.50	31.8.83	
579.	Shri M.L. Saxena, Editor-in-Chief	2.5.53	31.12.85	
580.	Shri Shyam Lal Kohli, Editor-in-Chief	14.2.51	31.12.87	
581.	Shri M.C. Bhardwaj, Chief Editor	4.8.53	31.7.88	
582.	Shri G.C. Hallan, Director	12.7.55	30.4.91	
583.	Shri I.S. Jain, Chief Editor	29.10.52	31.5.91	
584.	Shri J.N. Bhan, Chief Parliamentary Interpreter	12.9.51	31.3.82	
585.	Shri R.C. Munshi, Chief Parliamentary Interpreter	5.9.50	29.2.84	
586.	Shri M.C. Jain, Chief Parliamentary Interpreter	11.5.53	31.10.84	
587.	Shri P.S. Tripathi, Chief Parliamentary Interpreter	1.6.54	30.4.87	
588.	Shri K.S.N. Kini, Chief Reporter	1.1.47	7.3.59	

1	2	3	4	5
589.	Shri R. Subramaniam, Chief Reporter	31.7.37	14.2.73	
590.	Shri K.S. Subbu, Chief Reporter	29.1.40	31.8.74	
591.	Shri H.K. Khanna, Chief Reporter	6.12.46	31.12.80	
592.	Shri S.K. Verma, Chief Reporter	17.12.46	31.1.81	
593.	Shri A.L. Seth, Chief Librarian	17.11.47	12.9.71	
594.	Shri P.N. Shakdher, Deputy Secretary (Library)	22.12.47	30.4.85	
595.	Shri L.D. Tuteja, Joint Director	30.1.51	Expired on 24.8.88	
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597.	Shri U.V. Raman, Joint Director	19.9.52	30.11.91	
598.	Shri J.G. Ramchandani, Joint Director	10.6.54	31.12.91	
599.	Shri D.N. Kharbanda, Joint Director	28.5.55	31.3.92	
600.	Shri S.L. Seth Director	5.9.50	28.2.83	
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603.	Shri R.C. Sharma, Director	8.2.54	31.3.92	
604.	Shri A.N. Kaul, Director	29.1.52	30.4.92	
605.	Shri N.N. Mallya, Joint Secretary	13.9.54	23.2.69	
606.	Shri B.K. Mukherjee, Joint Secretary	6.6.50	31.12.77	

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607.	Shri K.K. Saxena, Joint Secretary	2.6.43	31.8.83	
608.	Shri S.P. Gupta, Joint Secretary	19.6.45	31.1.85	
609.	Shri M.K. Mathur, Joint Secretary	17.6.44	30.11.86	
610.	Shri D.C. Pande, Joint Secretary	22.3.54	30.4.87	
611.	Shri H.G. Paranjpe, Joint Secretary	23.11.53	17.6.87	
612.	Shri K.H. Chhayya, Joint Secretary	18.12.50 (Govt. Service)	31.7.88	
613.	Shri R.D. Sharma, Joint Secretary	12.1.56	31.7.90	
614.	Shri R.L.L. Dubey, Joint Secretary	16.7.56	30.6.91	
615.	Shri S.S. Gurumurthi, Joint Secretary	11.11.54	31.1.92	
616.	Shri P.K. Patnaik, Additional Secretary	23.2.48 (Govt. Service)	28.2.78	
617.	Shri N.N. Mehra, Additional Secretary	7.11.50	31.7.88	
618.	Shri M.N. Kaul, Secretary	20.9.37	1.9.64	
619.	Shri. S.L. Shakhder Secretary-General	30.1.50	18.6.77	Relinquished charge of S.G. w.e.f. 18.6.77 (FN) to take up appointment as Chief Election Commissioner.
620.	Shri Avtar Singh Rikhy, Secretary-General	26.12.46	31.12.83	
621.	Dr. S.C. Kashyap, Secretary-General	11.7.53	20.8.90	
622.	Shri K.C. Rastogi, Secretary-General	4.6.55	31.12.91	

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1. **Conversations on Parliamentary Practice and Procedure. (Two Vols.),** New Delhi, Lok Sabha Secretariat, 1949.
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II. BOOKLETS

1. **Impressions of China,** New Delhi, Lok Sabha Secretariat, 1956.
2. **Impressions of my visit to the United Arab Republic, East European Countries and Russia,** New Delhi, Lok Sabha Secretariat, 1959.
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5. **Reform of Parliamentary Procedure in India.**

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1. **Report on the Conference of Presiding Officers and Secretaries of Legislative Bodies in India. *The Table*, Vol. XXII, 1953, pp. 93-97.**
2. **Report on the Tokyo Inter-Parliamentary Conference, 1960 and impressions of Visit to Japan,** New Delhi, Lok Sabha Secretariat, 1960.

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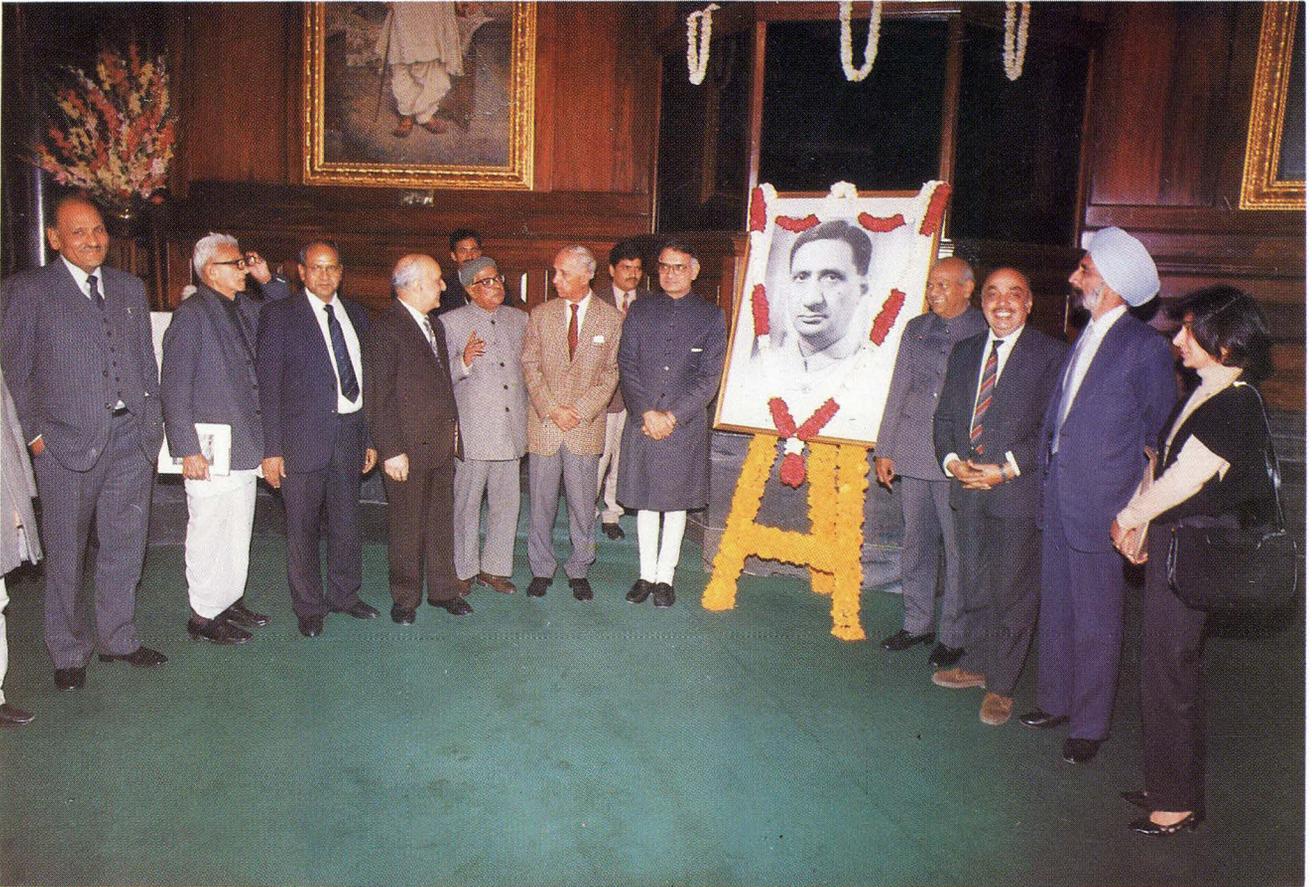
1. **Evolution of Administrative and Financial Autonomy of the Lok Sabha Secretariat. *Journal of Parliamentary Information*, Vol. IV, No.2, October, 1958, pp.99-101.**

2. Parliamentary Procedure and Practice, *Journal of Parliamentary Information*, Vol. II, No.1, April, 1956, pp. 37-40.
3. Services and facilities for Members, *Journal of Parliamentary Information*. Vol. II, No. 2, October, 1956, pp. 182-186.
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PART SEVEN

Postscript

AN OVERVIEW



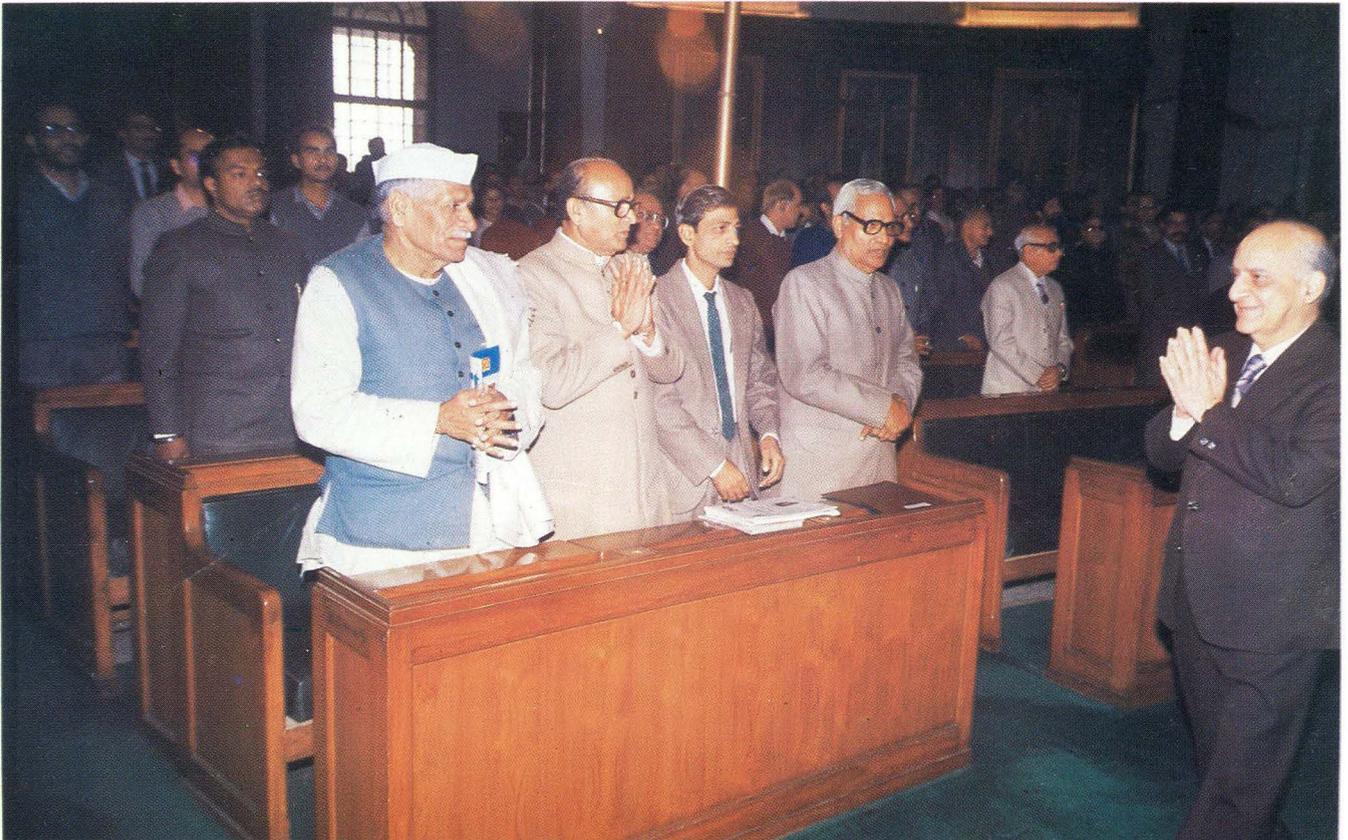
Homage to Shri M.N. Kaul, First Secretary, Lok Sabha, on the occasion of his 91st Birth Anniversary.



Hon'ble Speaker, Shri Shivraj V. Patil, greeting the audience in the Central Hall, Parliament House.



Another view of Hon'ble Speaker greeting the audience.



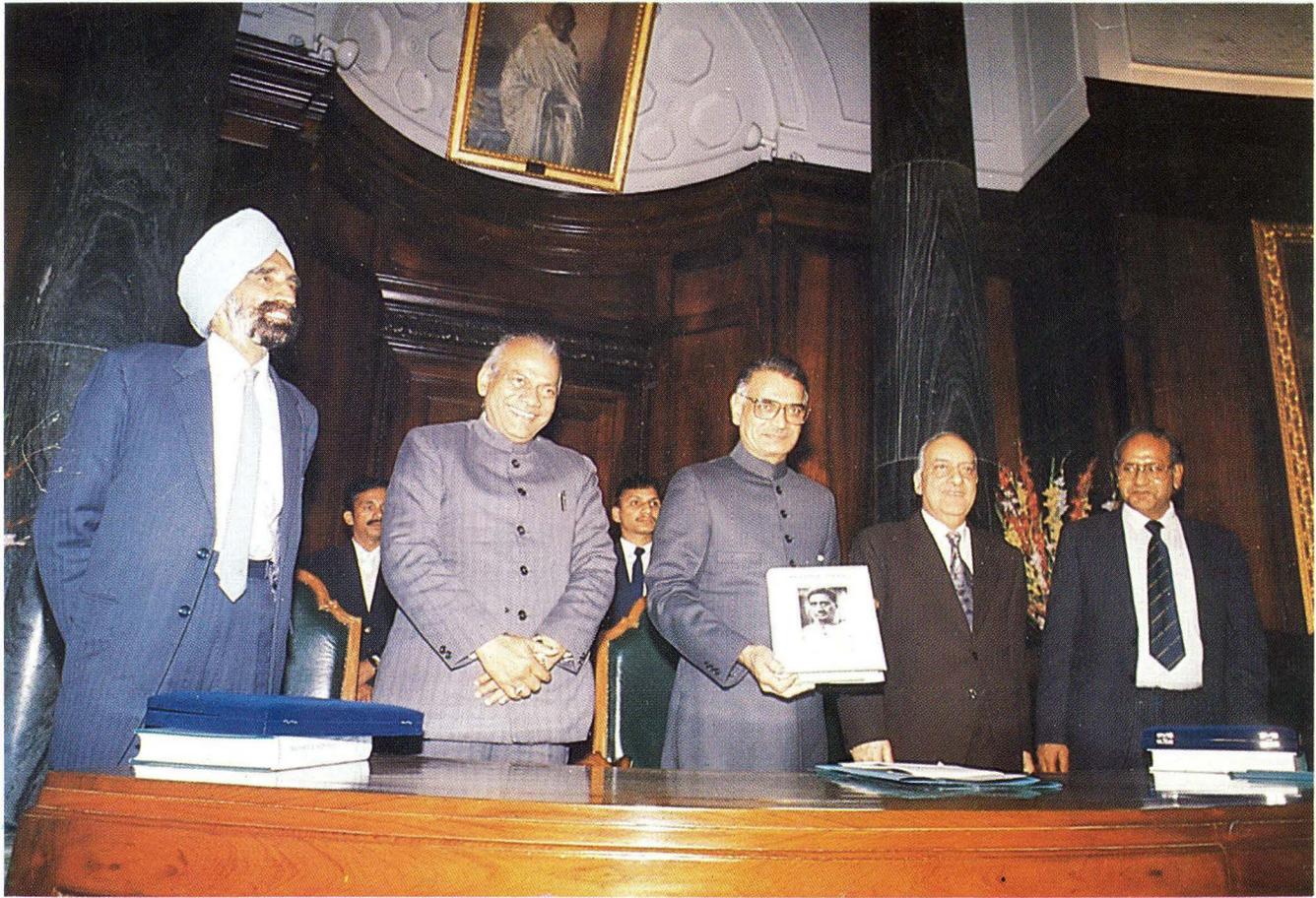
Shri S.L. Shakhder, former Secretary-General, Lok Sabha, greeting the audience.



Shri C.K. Jain, Secretary-General, Lok Sabha, addressing the gathering in Central Hall, Parliament House.



Hon ble Speaker, Shri Shivraj V. Patil, releasing the 'M.N. Kaul Commemorative Volume' in the Central Hall, Parliament House.



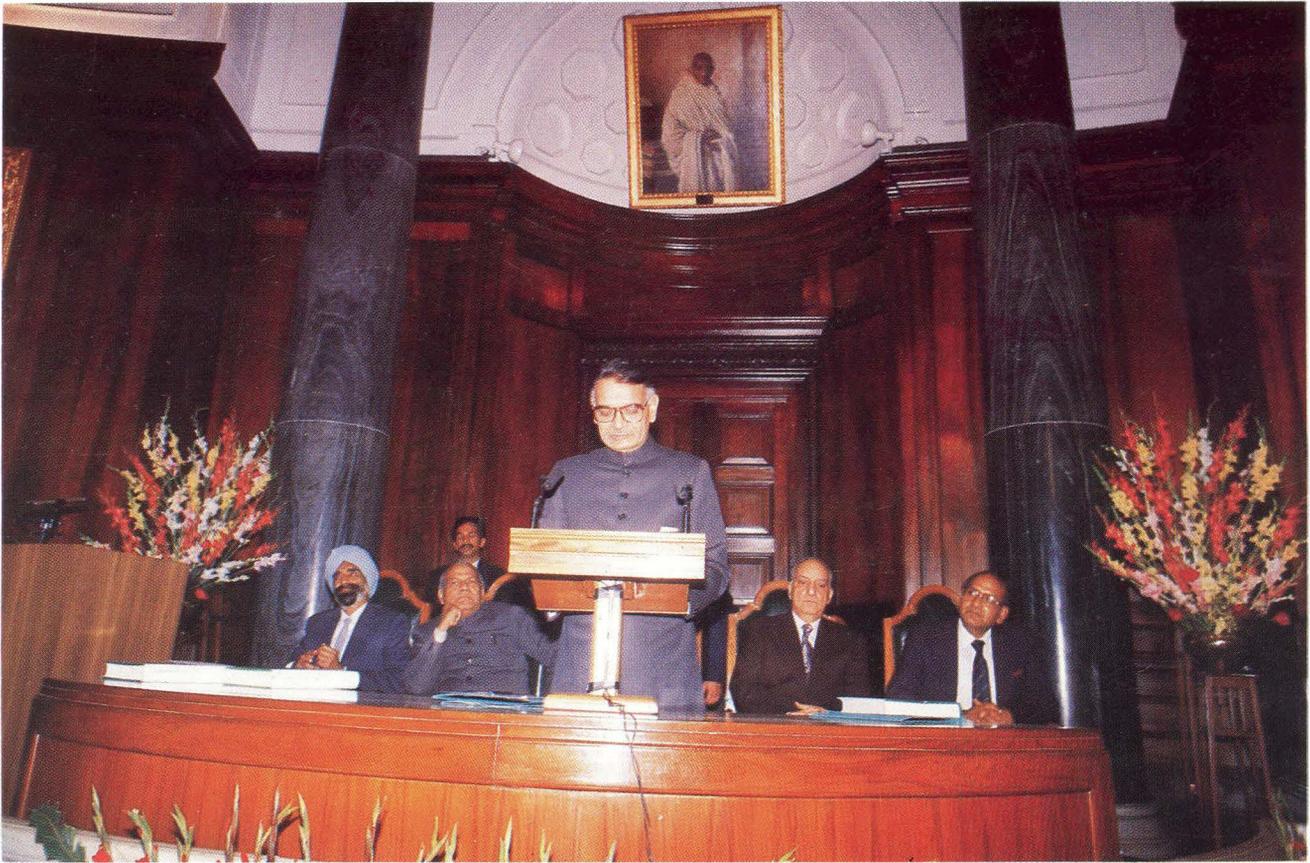
Hon'ble Speaker displaying the 'M.N. Kaul Commemorative Volume' to the audience.



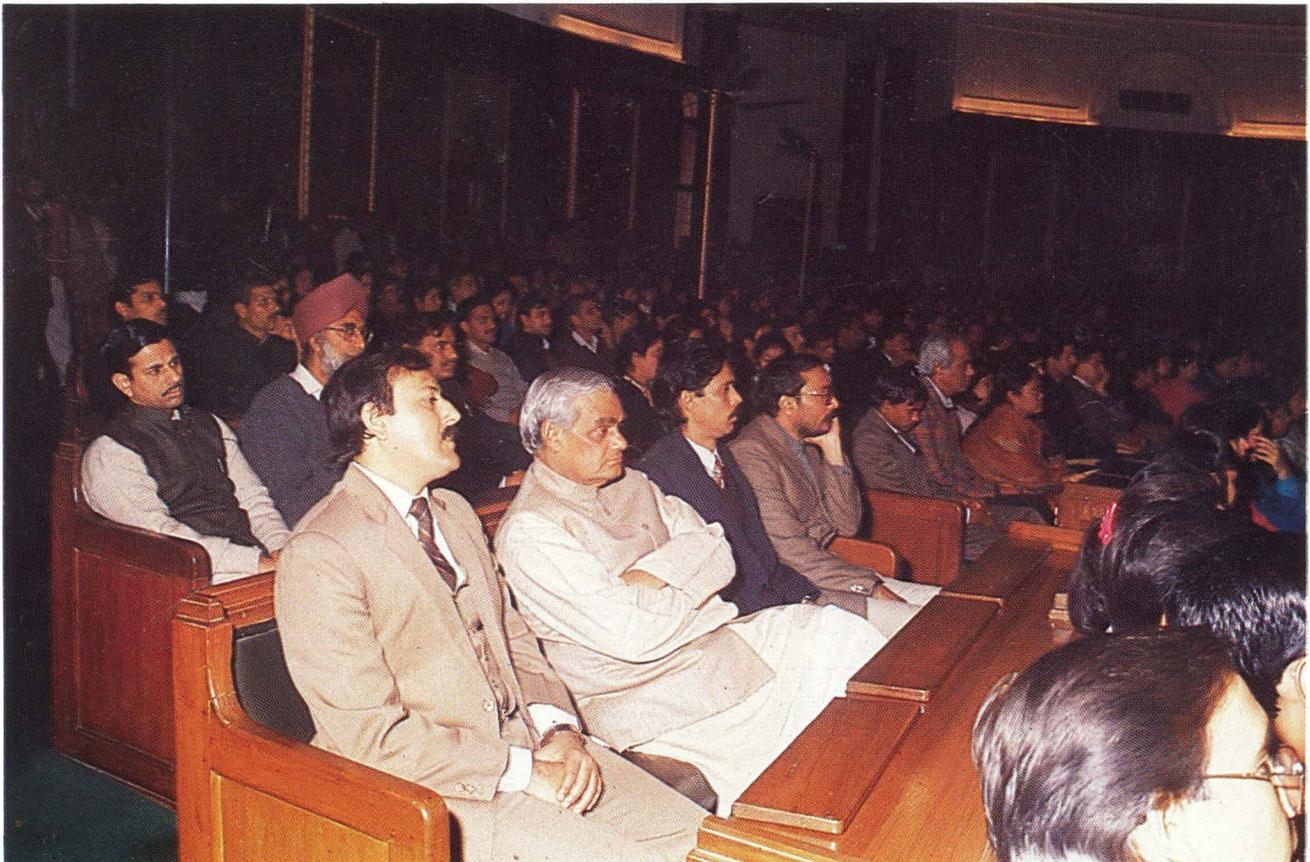
Hon'ble Speaker presenting the 'M.N. Kaul Commemorative Volume' to Shri S.L. Shakhder, former Secretary-General, Lok Sabha.



Hon'ble Speaker addressing the audience in the Central Hall, Parliament House.



Another view of Hon'ble Speaker addressing the audience.



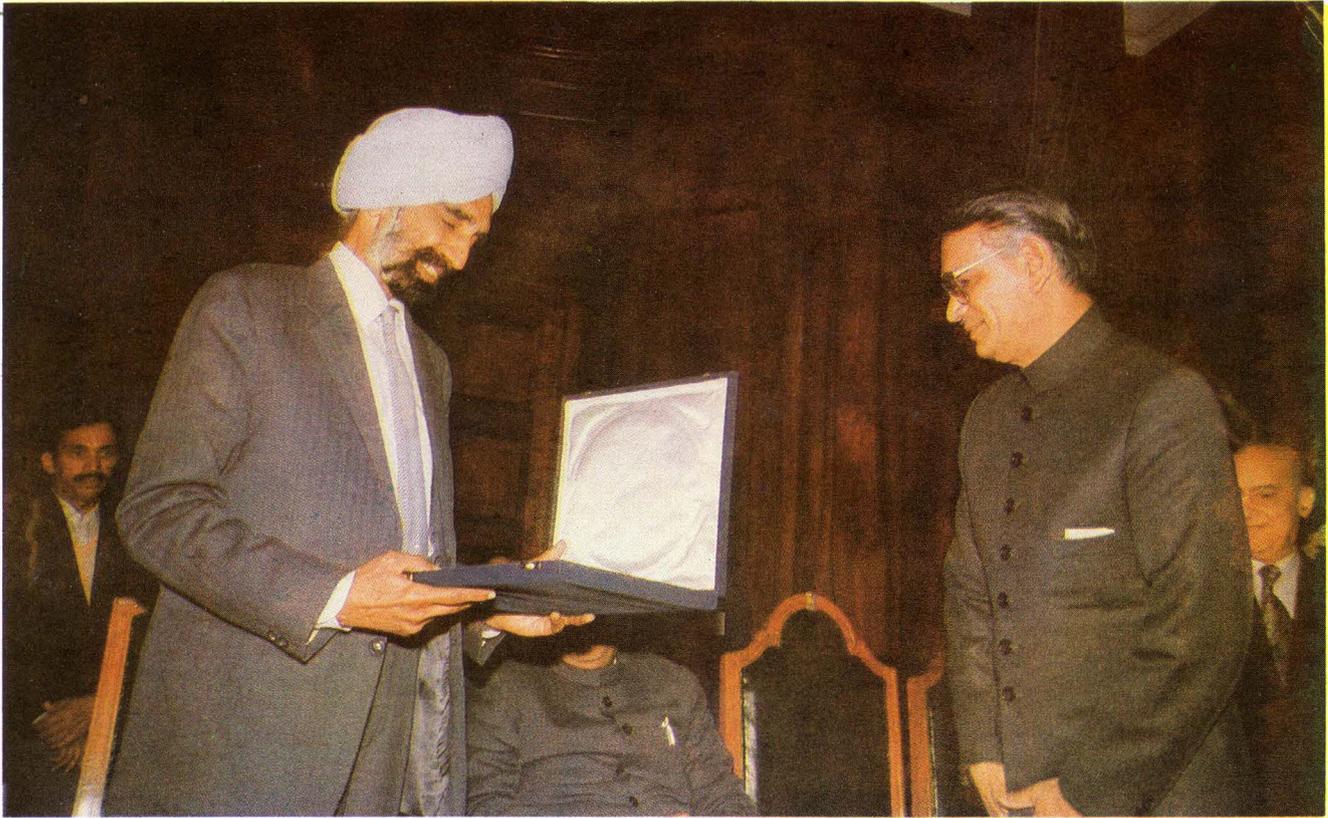
A view of the distinguished gathering including Shri Atal Bihari Vajpayee, M.P.



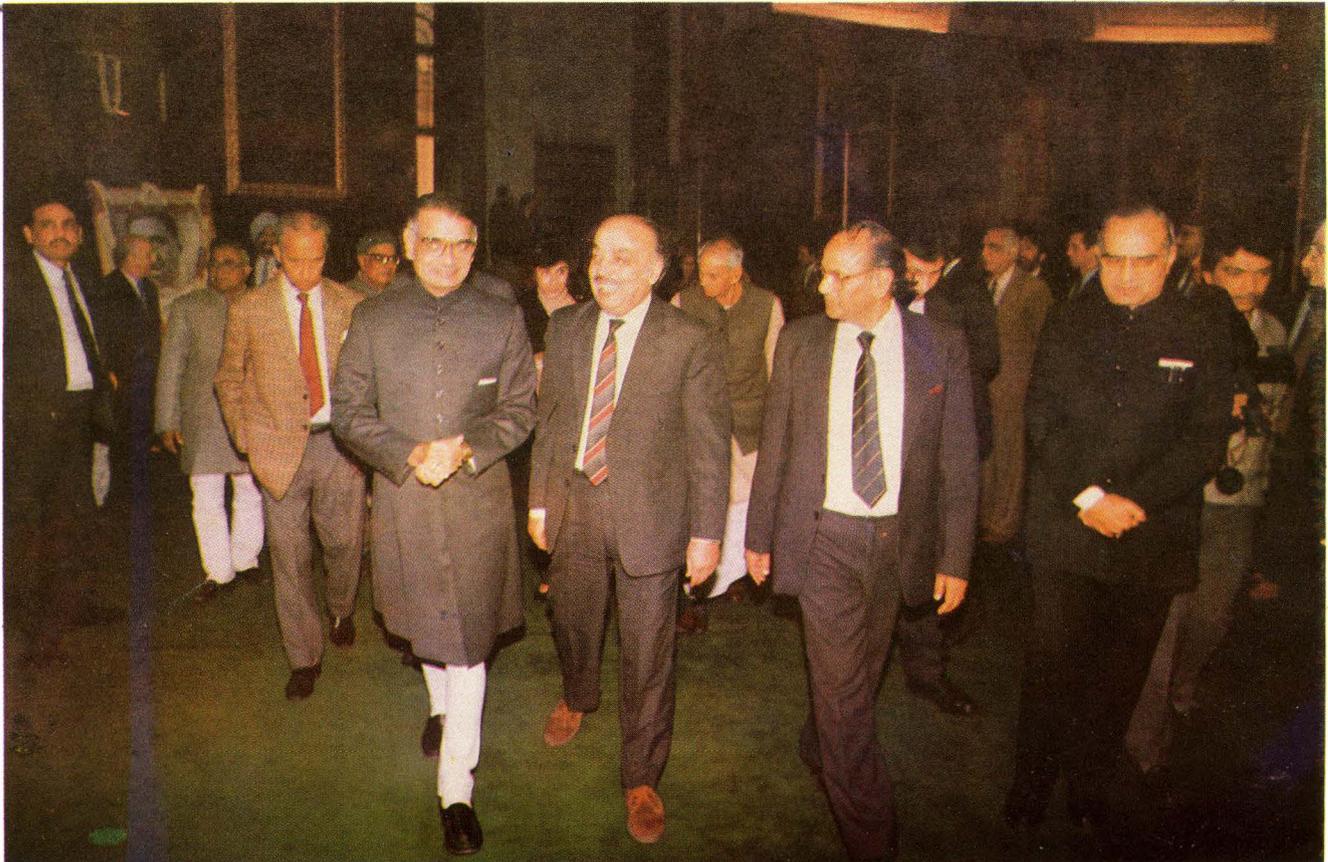
A panoramic view of the audience in the Central Hall, Parliament House.



Hon'ble Speaker presenting a plaque to Shri S.L. Shakhder, former Secretary-General, Lok Sabha and Honorary Officer of the House.



Hon'ble Speaker presenting a plaque to Shri Avtar Singh Rikhy, former Secretary-General, Lok Sabha and Honorary Officer of the House.



Hon'ble Speaker leaving the Central Hall.



Hon'ble Speaker with the dignitaries at the lunch.



Shri C.K. Jain, Secretary-General, Lok Sabha with Shri Avtar Singh Rikhy, former Secretary-General, Lok Sabha.



Shri C.K. Jain, Secretary-General, Lok Sabha sharing some happy moments with Shri J.R. Kapur, former Deputy Secretary.



Hon'ble Speaker taking leave after the function.

An Overview

To mark the 91st Birth Anniversary of the late Shri M.N. Kaul, a function, presided over by the Hon'ble Speaker, Shri Shivraj V. Patil, was held in the Central Hall of Parliament on 30 December, 1992. On this occasion, the Hon'ble Speaker addressed the gathering and released the 'M.N. Kaul Commemorative Volume' brought out by the Lok Sabha Secretariat. Others, who spoke on the occasion, were Shri C.K. Jain, Secretary-General, Lok Sabha and Sarvashri S.L. Shakhder and Avtar Singh Rikhy, former Secretaries-General of Lok Sabha. The function was attended by Shri Rabi Ray, former Speaker Lok Sabha, Parliamentarians, eminent Journalists and former and present staff and officers of the Lok Sabha Secretariat. All the speeches delivered on the occasion are reproduced below:

Address by Shri C.K. Jain, Secretary-General, Lok Sabha.

Respected Mr. Speaker Shivraj V. Patil, Respected Shri Rabi Ray, Respected Shri Shakhder, Respected Shri Avtar Singh Rikhy, esteemed colleagues, Secretaries from State Legislatures, esteemed former staff officers and dear colleagues:

We have gathered today in this historic Hall to pay our respects to Shri Maheshwar Nath Kaul, Secretary of the First Lok Sabha, who after retirement from the service of the Lok Sabha, also became a Member of Rajya Sabha.

Mr. Speaker, we are deeply beholden to you for gracing this occasion. We are grateful to Shri Shakhder, Shri Rikhy and former staff officers for having made it convenient to be with us today.

All of us know man is mortal. Events occur and after some time become things of the past. Men and women related to those events also become part of the past. But some events, some men and women are remembered by posterity. They are remembered not for their flesh and blood or skin or good looks but for their good deeds which benefit the society, which set standards for others, their philosophy of life and ideals, which are to be the guide for those who wish to be guided. Recently, at the inauguration of a BPST course for Defence Officers, Mr. Speaker

in your reply to a question about loyalty to persons, you very aptly observed, and I quote:

“Some people say that you give your loyalty to a person. Yes, they give because that person symbolises ideology. The people gave loyalty to Pandit Jawaharlal Nehru because he symbolised non-alignment, parliamentary system, planning, modernisation, technology, etc. They had to give loyalty to him. That is not wrong. It is loyalty to the outlook of life. It is loyalty to the ideology. I do not think there is anything wrong. If you are blindly assessing things, then it is wrong.”

Shri Kaul was one such person whom we like to remember with respect, with love and with admiration and for the standards set by him which we would like to follow.

Sir, I think the most proper and appropriate person at today's meeting to talk about Shri Kaul is Shri Shakdher who worked with him closely for a long period. Shri Shakdher can speak about him and his pursuits and interpret his ideas. In fact, if I may take the liberty of recalling those days, it was difficult to say who among the two was the originator of a particular policy or idea and who decided the action plan for its implementation. Their long walks together from Vijay Chowk to India Gate and the marathon discussions that followed produced ideas which resulted in the evolution of parliamentary procedures and the raising of this Secretariat. Some of the glimpses of those discussions, I am sure, Shri Shakdher would like to recall at this meeting for our benefit.

On my part, I do not claim having had the honour of any direct communication with Shri Kaul. But as is said, to enjoy the fragrance of a flower it is not always necessary to have it in your hand or to be close to the plant. I would, therefore, mention a few things which I consider important and relevant even today and perhaps would remain relevant in future too. I venture to do so from my perceptions which I felt and impressions which were left indelible on my mind from his speeches and talks in those days and staff meetings and through his notings on files and his views available in published works.

Friends, to be in a position to watch the big events even from distance is in itself a matter of privilege. Also, it is an added privilege to be involved in it and be able to contribute and shape the event. Shri Kaul used that opportunity in full measure. With his legal background, extensive study of constitutions and laws of different countries and sharp intellect, he made a significant contribution in behind the scene discussions which took place in regard to the framing of the Constitution for free India. In particular, his contribution in respect of the

Chapter on Parliament was notable. Although autonomy for the Legislature Secretariat was acknowledged as back as 1929 during the pre-independence period, a specific provision for it was made in the Constitution of free India, thanks to the endeavours of Shri Mavalankar, the first Speaker after independence and of Shri Kaul.

Although the Constitution made elaborate provisions for the working of Parliament, it was necessary to have Rules of Procedure to take care of the detailed working of the constitutional provisions. Shri Kaul made an extensive study of the systems and procedures obtaining in other countries, particularly in the United Kingdom and other Commonwealth countries. On a study tour abroad, he held long discussions with his counterparts and other experts and on return with the then Speaker Shri Mavalankar. This exercise produced valuable results and helped the Rules Committee to crystallize the procedures which were adopted for the working of the Lok Sabha. He suggested several innovative changes in the Rules of Procedure to provide opportunities to the Members to raise discussions on important national issues and other matters of urgent public importance so that the House could become a useful forum to reflect the people's urges and aspirations. For the Parliamentary Committees, detailed Internal Working Rules were framed and he provided guidance to the Committees to pursue their examinations on correct and proper parliamentary pattern.

His endeavours in the direction of evolution and development of Parliamentary Practices and Procedures in India culminated and crystallized in his monumental treatise "Practice and Procedure of Parliament" co-authored with Shri Shakhder. The treatise is a monumental work and is referred to by all of us in India and also in other Parliaments of the World.

Equally important was his role in raising the Lok Sabha Secretariat as an effective instrument to be in the service of Parliament. He firmly believed that for the healthy growth and development of a parliamentary system in the country, it was necessary that a functional, modern and dynamic Secretariat should be available to assist the work of Parliament.

In building the Lok Sabha Secretariat, he paid special attention to the staffing pattern, personnel selection and its management. He was in favour of recruiting young people with bright academic careers to man the middle level positions and then allow them to grow to occupy higher positions only after undergoing rigorous tests at various stages. In order to meet the immediate requirement

and to provide experienced guidance to young recruits, senior officers from the office of the C&AG, Ministries and State Legislatures were taken on deputation. Himself being a strict disciplinarian, he always endeavoured to inculcate in his officers and staff a high sense of discipline and dedication to the institution. In fact, he laid down a distinct work culture for them suiting to the needs and requirements of the Parliament. After the initial stiff tests, both written and oral, day-to-day test of efficiency was introduced in the system as an in-built requisite. Elaborate office procedures to take care of the minutest details were laid down in the form of Instructional Orders, Office Orders and Routine Orders but giving freedom from the usual red-tape involving delays and inefficiency. While common modes of office working like Diary of Receipts and Movements, standard levels of submissions, were dispensed with, new systems of level jumping and submissions based on trust were introduced which promoted self-confidence at every level and consequently added to efficiency.

The requirements of Parliament and the Parliamentarians may be broadly identified under three heads: Information, Assistance and Guidance. Officers working in the Parliament can provide these services only if they are well-equipped. Only an extensive and intensive study of different subjects and observation of events happening within the country and outside can make a person well equipped. Shri Kaul always stressed the importance of study and observation. He saw to it that persons working in different positions and dealing with different subjects undertook necessary study. Besides systematic development of the Parliament Library, a Research and Reference Service was started.

One can say in retrospect that Shri Kaul was gifted with a sixth sense. He was a very good judge of men and matters. He always appreciated merit and talent and at the same time did not hesitate to discount the inefficiency. This is indeed a healthy principle which acts as a stimulant to the vitality of an institution. Whenever and wherever this principle is not followed, the institution starts decaying.

Another idea of Shri Kaul worth recalling is about the creation of Indian Parliamentary Service. Such a service would lend a great support to the development of Legislature Secretariats. The Indian Parliamentary Service can be formed on the pattern of the Indian Administrative Service. Recruitment to this service may be from the open market as well as by nominating a certain percentage from the senior officers belonging to the Lok Sabha Secretariat, Rajya Sabha Secretariat and the Legislature Secretariats in the States. The

Service will go a long way in building up personnel with parliamentary culture of independence, impartiality, integrity and efficiency of a high order. Involving, as it does the interchange of the personnel from the Parliament Secretariat to the State Legislature Secretariats and *vice-versa*, this will help in ensuring close interaction between the Houses of Parliament and the State Legislatures and also serve the cause of national integration.

These are the few most important contributions of Shri Kaul which I thought appropriate to recall at this solemn occasion. I would like to add only this much that whatever position the Lok Sabha Secretariat enjoys today and encomia we get from different quarters for high standards of efficiency is all due to the strong foundations laid by Shri Kaul and Shri Shakti. We owe him a debt which is hard to redeem. I do not know whether we have been able to add anything to this institution; may be we have added precious little. The best tribute which we can pay to his memory today is to rededicate ourselves and pledge that we will serve the institution in the same manner and conforming to the same standard which he set for us. We should treat it as a superior duty subordinating our personal interests. Career prospects can also flourish if the institution goes up.

Mr. Speaker, you have been a source of great inspiration to all of us. You have guided us since you have taken up of this high office; you have introduced modernisation and helped in the process of latest techniques; in the information and also providing guidance to this Secretariat. We are very much thankful to you once again to be with us.

With these words, I, on behalf of all our colleagues present here and on my own behalf, bow to the sacred memory of Shri Kaul and pay our humble homage.

Thank you.

Address by Shri S.L. Shakti; Former Secretary-General, Lok Sabha

Respected Mr. Speaker, Shivraj V. Patil, respected Shri Rabi Ray, Shri Avtar Singh Rikhy and Shri. C.K. Jain, friends, colleagues, Ladies and Gentlemen:

Today we are meeting to honour the memory of a great person Shri Maheshwar Nath Kaul, who was the first Secretary of Lok Sabha.

We are also grateful to you Mr. Speaker, Sir, for having directed to bring out a commemorative volume on this occasion describing the various facets of Shri Kaul's work and personality. We are indeed grateful to him that he has found time to preside over this meeting and to be with us this morning.

If I may say so, Mr. Speaker, you have been in the line of great Speakers; in your own way, you are strengthening both the parliamentary institutions as well as the procedures of Parliament. During the very short time that you have been adorning the chair of the Speaker, you have brought out several important changes in the working of Parliament. You are starting parliamentary committees for each Ministry which will strengthen the parliamentary system to a great deal. You have allowed broadcasting and televising of the Parliamentary Sessions. I remember, I saw the Budget Session of Parliament on the television. It was a great event and for the first time, the Parliament was brought nearer the people, on the important occasion like that. You have been responsible for bringing out great many publications on President of India Shri R. Venkataraman, Shri Rajiv Gandhi, eminent Members of Parliament and now the first Secretary of Lok Sabha. These publications are a mine of information for the future people who are interested in knowing what our leaders did and will constitute a storehouse of knowledge for the future.

You have started commencement of the proceedings of the Session with 'National Anthem' and the conclusion with 'Vande Mataram'. So, in a very significant way the procedures and the institutions have been strengthened.

Shri Kaul was a perfect man. As most of you know, my relations with him were of a unique character. As a matter of fact, our relation was that of a *Guru* and *Shishya*. Shri Mavalankar used to say that we are *Nar* and *Narayan*. Shri Nath Pai a very eminent Member of the Second, Third and Fourth Lok Sabhas once said that Parliament has succeeded and Parliament Secretariat has become very efficient because the top two men are one, not two. He said most institutions and most organisations and Government failed because there is always jealousy between number one and number two. He said, here it was not so. On the contrary, there is a perfect harmony.

Therefore, you can say how I am an incomplete man. I am not so big as Shri Kaul was. It is very difficult to describe him comprehensively. He was a comprehensive man. He knew about the Constitution, procedures and various disciplines—economics, politics, personalities—and he had a great wealth of

detail with which he would discuss and talk about these matters. Whatever I have learnt at his feet is that I am today. So, it is impossible in a short speech to say all that he has done. Most of the people who worked with him, know him personally and know his work also, but I will bring out a few things that may not be known.

He had a passion for work, particularly parliamentary work and the constitutional matters. If you ask me, he was always thinking of how to improve the procedure, how to improve Parliament, how to make it strong, and he was, if I may say so, an inventor of many things of procedures that are today in our book or are in practice. Pupul Singh described him as an inventor of procedures and also a chronicler. In the history of the world, there are only two such persons. One was Julius Caesar. He laid down the law and he conquered the countries and then wrote out the history, and in the modern times Mr. Churchill was there. He was a great Prime Minister. He functioned, he laid down policies and then wrote them out. It is very seldom that a person who is responsible for laying down fundamentals, also writes them out. But Shri Kaul did both, and that is why we have a very strong Parliament and parliamentary secretariat.

In the first few years, our Parliament stock was very high. When I attended the meetings of the Parliamentary Union and Commonwealth, they always held us very high. Shri Kaul was known for subtleties—subtleties of procedure. It is not that what was written in books only was important. You will see that the procedures are so well laid down by him. These were first made in 1952 when the Lok Sabha first came into being. Still no changes have taken place. Constitution has been amended more than seventy times but never have the original rules of procedure of Parliament been changed once because they were so well laid down and thought out and carefully written that there was no need to change them. I will give you a few examples of his subtleties. There used to be a lot of tussle between a Member and the Speaker on a point of order. A Member who really rose on a point of order had really no point of order. He had some other point to discuss which the Speaker could not answer. The Member would not sit down because he would say he had a point of order, and the Speaker would say that there was no point of order. So, there would be a discussion. Then he thought about the matter. He said: Both are right. The Speaker has to rule out the point of order but, at the same time, the Member wants to have a say. So, after long discussion with leaders of parties, we evolved a definition of a point of order. This is the only Parliament that has laid down the definition of a point

of order. A point of order is a point which involves interpretation of the Constitution or of the Rules of Procedure on a procedural matter to which the Speaker alone can give a ruling. About other points which a Member wanted to state, such as, bringing out the difficulties of his constituency, there was no such procedure earlier. So, he drafted rule 377 to enable the Members to raise such points, but only with the previous permission of the Speaker. Now, this rule is made most use of. Therefore, you will see that his subtlety was there.

There are numerous other things that I can state where subtleties of procedure which are not apparent, which were not in rules, were discussed by him. His passion was so great that on the 15 August, 1947, when the whole country was celebrating the independence of India in this very hall, he accosted Pandit Jawaharlal Nehru who was to take the oath as Prime Minister. He told him that his idea of holding the session of Lok Sabha in this hall would not be right. Nehru asked: Why? He said that this hall is for public meetings and the Parliament is a debating assembly. Therefore, no meaningful debate can be held in this hall. He quoted the example of Mr. Churchill. You know that the House of Commons, London, was devastated during the war time and it had to be rebuilt. Then a Committee was appointed in the House of Commons to decide as to what will be the size of the new chamber. As you know, there are more than six hundred members of the House of Commons but the seats are only for half the members. There is not one seat for each member. Mr. Churchill was a member of this committee. He argued for the original shape of the House of Commons, even when it was rebuilt. Therefore, the House of Commons was rebuilt on the old pattern, that is, less number of seats than the number of members. Then Pandit Nehru said: How can five hundred members sit in a Chamber for which only 142 seats were available in the British time? Shri Kaul said: You leave it to us. You first decide that the Lok Sabha will not be changed, and then we will arrange. Then Pandit Nehru said: All right go ahead. I am telling you this because people will be thinking that at that time great momentous things were being discussed. But, this was a matter which was uppermost in his mind and he wanted an immediate decision from the Prime Minister on this. Then he called the engineers and the architects and said that this room had to be fitted in furniture for five hundred and odd seats. They sat together, discussed it, and then expanded the number of seats in a chamber of the same size. Now, we have more than five hundred seats there and it is still one of the best debating chambers with all the Members having one seat each. So, it was a kind of a passion for him. It was a kind of some work to which he was dedicated.

He was not thinking of time, he was not thinking of doing file work, or he was not having ten to five jobs.

Another time, we went with a parliamentary delegation to Canada. Prof. N.G. Ranga was a member of that delegation. When he came back, he gave a speech. He said: Well, all the members of the delegation were busy in having lunches, dinners and sight-seeing but Shri Kaul was busy in contacting people there—high dignitaries, big people. He wanted to know what could be learnt from them to improve our own Constitution, procedures and parliamentary system. So, whether he was in India, whether he was abroad, whether it was day or whether it was night, he was always thinking of these things. It was fortunate that at the beginning of our independence, we had such a man. There are pioneers always but there is a pioneer who laid down truly and well, the foundation of an institution or an organisation. But, he was one of us. We are happy that on this day, on his 91st Birth Anniversary, we are remembering him.

Even before he resumed the office of the Secretary of Parliament, he had a passion for reading. He was practising at the Bar in London. He was educated in Cambridge. When he left London and came to India, he gave instructions to a prominent book seller there to send him all new books on procedures, Constitution and law. So, he had a continuous stream of books coming to him. While he was practising at the bar, he came across a journal with which you are all familiar, which is called "The Table" now but formerly it was brought out by a clerk of the South African Parliament, O.N. Clus was his name and he did it privately. He was also a very dedicated person to bring out the procedure of House of Commons and he used to write in that journal new procedures. Those were not known to the Commonwealth at that time. It was his personal effort and Shri Kaul contributed to that publication. In 1940, there was a case in the House of Commons, *Boothby* case, which has been dealt with. It was not treated as a privilege matter. It was treated as the conduct of a Member. Mr. Churchill had made contribution to that. So, in 1951 or 1952, when a similar case arose in India which we called, *Mudgal case*, Shri Kaul had read about that, what they had done in the House of Commons in 1940. Therefore, he discussed with the Speaker, the Prime Minister and then we laid down exact procedure and that *Mudgal case* was dealt with. I am telling you how he has prepared himself, as a sort of very objective way, for the job that he was going to hold. He was a voracious reader. He read everything. He accumulated it, analysed it and made it a part of himself. For example, whenever he met somebody who told him that

he had attended a lecture by some eminent man, he would ask him "Tell me two points from the lecture". Nine to ten people were not able to say. They would only say that it was a good lecture, good words, this and that but nobody made the point. Whenever he attended any lecture, he always noted the points. In the House where he was sitting, if any Member of Parliament spoke on any subject, he would note down important points whether they added to his knowledge or not. I am just saying he was the man about whose work everybody knew what he did and what he did not do and, that is why, we have built a strong Parliament. Our procedures are very modern and we have fixed procedures which can be adapted to circumstances. It is not that they inhibit the working of Parliament. There is so much elasticity in the procedure itself that it can adjust itself to any situation. As you know, he built a strong Secretariat. He started with very few persons. His maxim was over-staffing was worse than under-staffing. He said that decay comes when there is over-staffing and over-doing anything was a symptom of decay. As my friends know here, he started the Estimates Committee and the Public Accounts Committee with two persons. I find both the two persons are sitting here, Sarvashri B.K. Mukherjee and M.C. Chawla. With two persons, he started two Committees and one with himself attending those Committees in addition to the parliamentary work and produced beautiful reports, which were even commended in the United Nations. There was a book written in the United Nations commending the work of these two Committees. In our press, there was daily publicity of those reports because they contained much good material. He personally laid down procedures for those Committees which are today the envy of the people.

I am at present heading a Committee in the Comptroller General's Office about the response of the Audit Report of the Government. I find that what Shri Kaul started in the parliamentary committees has not yet found a trace in the State Committees at all even today, State Legislatures are clamouring and they are saying this is the procedure that they would like to have. Our procedures were started 50 years ago and even U.K. Auditor General, when he was here, said that this is the best procedure and he intended to introduce it in U.K. Therefore, Shri Kaul was looking ahead. He was not the type of person who works for his daily bread alone, but he was a person who looks 50 years hence. It is the same people today who are manning the Secretariat whom he recruited 40 years ago. He was not looking only to his own times or to the times next to him, but he was looking to 30 to 40 years hence. It was such a reservoir of man-power because he did not believe only in systems but he believed in man-power also, men who

will keep the traditions, who will enhance the traditions and will carry them forward.

Therefore, it is a great day for us that we have come here. We are honouring his memory but, at the same time, we are paying our gratitude to him and also trying to reassess ourselves and do what is good for the country and for the Secretariat.

Now I would say these few lines that Shakespeare wrote about Julius Caesar which apply to him:

“His life was gentle and elements so mixed in him.
That nature might stand up and say it to all the world.
That this was the Man.”

I am also reminded of a Persian couplet by a famous poet Saikh Sadi of Persia:

कारे कुनए फलए इन्सान
कि बाज-बाग बरआयद कि फलां नगुन्द ।

“O Man, do some work so that long after you have gone from this world, people would say that he is not here.”

I think these words would apply to him fittingly.

We are very happy that you have released this booklet in this meeting and we had the occasion to pay our humble tribute to him.

Thank you very much.

Address by Shri Avtar Singh Rikhy, Former Secretary-General, Lok Sabha

Hon'ble Speaker, Shri Shivraj V. Patil; Hon'ble former Speaker, Shri Rabi Rayji; Respected Shakhdher Saheb; Esteemed Shri Jain, Secretary-General; distinguished colleagues, my erstwhile colleagues and those who have the privilege of serving this great institution now:

I feel, Sir, it is a great honour to have been allowed to participate in this historical function. As Shri Jain said, I had no first-hand contact of working with Shri Kaul but we saw glimpses of his great personality as reflected in his notings or short conversations or when he would informally discuss matters in the Staff Officers meetings. He was an outstanding parliamentary official, a man of

destiny and a genius suited to his time and chosen vocation. He was a visionary who understood intuitively the importance of men and moments. He had keen sense of history. He was fascinated by the unique opportunity that his position as Secretary gave him to see the history of independent and democratic India in the making. Indeed, he laid sound foundations for developing an independent-minded and efficient and praiseworthy Secretariat to serve the Lok Sabha.

The two eminent speakers who had preceded me have covered the ground very sensibly and comprehensively. I would like to add one or two instances which come to my mind to bring to your notice his great genius, for example, privileges. He was the person who saw ahead that since we have adopted the Fundamental Rights—Article 19—there could be a conflict between that and the powers, privileges and amenities of Members of Parliament. So, he had a provision made in Article 105(3) to the effect that 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 the Constitution.

Now you may recall the famous *Searchlight case*. The Supreme Court was pleased to say that it has got to have a harmonious relationship. So, it was his vision, his genius which promoted a harmonious relationship. He also emphasised that and asked Shri J.R. Kapur a very distinguished scholar to do something. Of course, he is present here. In those days, I happened to be the Deputy-Secretary. We were both working together on the cases of the House of Commons of U.K. We went through each and every case going back several centuries, traced the House of Commons' reports and the Debates. It was a visionary exercise because it informed us, it impressed on our minds that privilege was such a sensitive matter that it was best to be respected by overlooking small and little things. That is why, throughout the period of Shri Kaul and his very eminent and able successor Shri Shakdher there was never any occasion for any confrontation. He had an intuitive understanding. I remember that in 1957 we had gone to see the Nagarjuna Sagar Project which was, at that time, under excavation. He had always made it a point to get the best thing from the person who accompanied him. He had with him Dr. Subramaniam of the Archaeological Department. While Dr. Subramaniam was describing to him about the excavated sites where they had found the relics of Buddha and of his disciples, he suddenly shot back to him and asked: "Do you think, Dr. Subramaniam, in your earlier life you were a *bikkhu*".

Dr. Subramaniam, to our great surprise, said: "Yes I had a dream and it came to me that this was the particular site and we got it excavated and found it". He was also a very pragmatic observer of the international scene. When the Soviet Spaceship went up in 1956-57, he wanted to know what had made the Soviets take that pioneering position and what was behind it. He kept on questioning and came to the conclusion that firstly it was a cooperative and concerted effort and secondly, mathematics and science had been widely encouraged in the Soviet educational system. About 30-40 years earlier, he emphasised that science and mathematics should be the core of subjects.

Similarly, when he went to China, he came back and gave us a talk. What he hinted was that while they were discussing with the Chairman Mao Tse-Tung about the other things, he was very keen to know about the economic progress of India. He gave an indication that behind this facade of *Hindi-Chini-bhai-bhai* there was a hard reality of a competitor of people in power who were envious of our country; and we should take heed of that.

He had a great respect for each and every Member of the House. As Shri Shakti was saying, he would take down notes personally. He treated all the Members alike. He was available to the Members. But he never went to them. On the other hand, if they came to him, he thought that it was his bounden duty to facilitate their working by resolving their procedural intricacies. But, he never gave any advice. He had the unique quality of delegating the authority. But, he also had the great quality of calling people to account. He insisted that there should be no *ad hoc* decisions and they should be in accordance with the rules, directions, etc. That is why we had the manuals and subsequently that great book "Practice and Procedure of Parliament" of which he was, I think, the visionary author. He and Shri Shakti worked extremely hard to bring that about.

Shri Shakti talked about Shri Kaul as a *Guru* and himself as a *Shishya*. I think it was a unique case of integrated leadership. May I say that in all these challenging and sensitive tasks, he was notably assisted as in all other spheres by Shri Shakti. He was one of the finest administrators who encouraged officers by setting a personal example and by entrusting them with responsibility in diverse fields. There was never any pettiness. There was role and opportunity for everyone to grow and shine forth. They extended to their colleagues affectionate regards and wholehearted assistance in times of need and distress. It made us all feel proud of belonging to the Lok Sabha Secretariat

and hold our heads high with the feeling that we were doing some service to the nation.

He had a phenomenal memory and he was deeply interested in the welfare not only of the individual who worked under him but also of his family.

May I conclude, Sir, by once again thanking you for giving this opportunity and thanking all the distinguished audience here who have extended a very patient hearing. Finally, I would say that Shri Kaul taught day and night practical ways and means by which India's nascent democracy could be strengthened. The Executive was made accountable to Parliament in the matters of crucial and national importance. He was an architect, a builder and an executive *par excellence* all rolled into one to discharge fearlessly and with supreme confidence the task of building a dependable and trustworthy institution to serve the cause of Parliamentary Democracy in the larger interest of our people.

Thank you.

[Before starting his address, the Hon'ble Speaker released the 'Maheshwar Nath Kaul Commemorative Volume' brought out by the Lok Sabha Secretariat. The Hon'ble Speaker presented one copy each of the Souvenir to Shri Rabi Ray, former Speaker, Lok Sabha, Sarvashri S.L. Shakdher and Avtar Singh Rikhy, former Secretaries-General, Lok Sabha.]

Address by the Hon'ble Speaker, Shri Shivraj V. Patil

Respected Rabi Rayji, Hon'ble MPs, Respected Shakdherji, Respected Rikhyji, Shri Jain, Ladies and Gentlemen:

I am happy to be here, with you all today on the occasion of the celebrations of the 91st Birth Anniversary of Shri Maheshwar Nath Kaul—the first Secretary of Lok Sabha.

I would like to take this opportunity to thank the former Speaker, Hon'ble MPs and the officers of the Secretariat for joining us today in such large numbers. Especially, I would like to thank Shri Shakdher and Shri Rikhy for coming here and speaking to us on the qualities and life of Shri Kaul.

It was after considerable thought process and deliberations in and outside the Constituent Assembly that our great visionary leaders opted for the parliamentary system of government. The Parliament of India, the citadel of this system, has survived many vicissitudes and stood the test of time. Representing all

shades of public opinion at the national level, it occupies a pre-eminent and pivotal place in our constitutional system. It is a symbol of the nation's power, majesty and sovereignty. Apart from undertaking vast amount of socio-economic legislation, it gives expression to the urges and aspirations of the people. The uniqueness of this system is evident from the fact that even the conflicting interests of the people are represented, articulated and rationalised in the Parliament through debates and discussions. The parliamentary system of governance provided in the Constitution of India enjoins that the Government of the day is responsible to the Parliament for all its actions and inactions.

Apart from the power of the purse which is in the hands of the Parliament, the Government must have at all times the confidence of Parliament. The responsibility for serving the Parliament and for the smooth conduct of the business of the House is cast on the Secretariat of the House.

As you know, the rudiments of parliamentary system started functioning in the country from the 1920s. Shri Vithalbhai Patel who assumed the office of President of the Central Legislative Assembly in 1925 felt that for the smooth conduct of the affairs of the House, he should have a secretariat which should be independent of Executive. His insistence on this point led to the setting up of an independent Legislative Assembly Department in 1929. With the adoption of the new Constitution on the 26 November, 1949, the Central Legislature assumed great responsibility in the affairs of the nation and a Secretariat separate from the Executive was provided for every legislature in the country.

While the Constitution gave a sufficiently workable structure for governance, the details of the working of the constitutional legislative provisions were provided in the Rules of Procedure. While the House of Commons had evolved over centuries a set of rules and procedures to ensure its smooth functioning, there were no comparable rules and regulations for the legislatures in India, when the British departed from the country. The duty to contrive all necessary procedural devices as would ensure the smooth functioning of the House, was thus cast on Shri Mavalankar who was ably assisted in this task by his Secretary, Shri M.N. Kaul.

Acknowledged as a dedicated Secretary, Shri Kaul's administrative acumen was greatly put to test in this crucial period of framing the Constitution and its initial operation. This he executed with remarkable foresight and wisdom. He was instrumental in the translation of innovative ideas into practice, like the

creation of Business Advisory Committee, Committee on Government Assurances and in evolving an independent, impartial and efficient Secretariat, which is so essential for the effective functioning of Parliament.

On this day, when we celebrate the 91st Birth Anniversary of Shri Kaul, it is only appropriate that we recall how Shri Maheshwar Nath Kaul helped in evolving and strengthening the rules and procedures of our Parliament.

The treatise on *Parliamentary Practice and Procedure* which Shri Kaul co-authored with Shri S.L. Shakdher, who is here with us today, has indeed become the only authoritative study of our parliamentary practice and procedure the Presiding Officers and Members not only at the Union and States in India, but also in other countries, do turn to it for consultation. Shri Mavalankar was then very right when he said:

“Mr. Kaul is the Erskine May of India and soon a time will come when future writers of Parliamentary Procedure and Practices in the U.K. will be proud to be called Mr. Kaul of the U.K.”

As you all are aware, Shri Kaul distinguished himself not only as the First Secretary of the Lok Sabha, but also as an eminent legal luminary, an able administrator, an erudite scholar and a renowned author, a distinguished parliamentarian and a great authority in the field of parliamentary practice and procedure.

During his term in Rajya Sabha, he made many an outstanding contribution in Debates not only on constitutional and parliamentary affairs but also on scientific, social and economic matters and had proved to be one of the indefatigable members with a vast treasure of knowledge and experience. His colleagues in Parliament could use his mastery over the procedures to the best advantage of the House.

I am glad that the Lok Sabha Secretariat has prepared a commemorative Volume on the occasion of his 91st Birth Anniversary. I am sure, the example of Shri Kaul will be an inspiration for all in the Secretariat to contribute their best for the successful working of the Parliament.

I am, indeed, very happy to meet almost all officers of the Secretariat today on this happy occasion. I would like to express my gratitude to all the officers in



the Secretariat for this splendid contribution that they have been making in transacting the business in the Parliament. What has really contributed to this is the kind of harmony and understanding that exists between them. In future also, it is this harmony and understanding and dedication which is going to help Parliament to transact the business which is entrusted to it and to contribute towards strengthening the parliamentary system and in a way democracy in our country.

It would not be out of place to say a few words on what we propose to do, to strengthen the working in Parliament, the parliamentary system and democracy in our country. One of the most important things, in my opinion, today, is that we shall have to march with the time. We cannot afford to lag behind. That means, we shall have to keep pace with modernisation. It is not enough to modernise at one time and then rest on the oars. It is necessary to keep marching with the time, keep modernising. It is only then we would be able to cope up with the challenges which will be thrown up by the time to come.

What is it which can be modernised? One of the most important things is the administration itself. Everything in the Parliament has to be as modern as the administration, not only in the country but, if possible, anywhere in the world. If Parliament is the Institution which is at the apex in the country, it cannot afford to be not as modern and not keeping with the time, as any other institution in the country is doing. We shall have to modernise the activities which are carried on by the Members in the Parliament, by adopting new procedures, if necessary at places, by providing them new equipment which they may need to function in the House. Old procedures are really good and they have to be retained. But, some of the procedures can be modified and some new things can also be added to the procedures which we have been following and that would certainly help the Secretariat as well as Members in the Parliament.

The third most important thing is the availability of information. The most important thing in the world today is knowledge itself, the information itself. If it is not easily available to the officers, if it is not easily available to the Members of the Executive, if it is not easily available to the Members of Parliament, probably, they will not be able to discharge their duties in the manner in which they are expected to do. So collecting and disseminating the information, collecting and making the information available to all in the Parliament, to all in the Executive and if possible to the Press and the Media and to the people outside also is one of the most important things. And what can be done in this



respect, can certainly be looked into by all of us together and we can certainly have a plan for modernisation of collecting the information and then collating it, analysing it and disseminating it and making it readily and easily available to the Parliament itself.

The fourth most important thing is the training itself. If new things are happening, if the people are expecting many things from the Parliament and the system, and the democracy and the Government, it has become necessary for us to keep pace with their aspirations also. And keeping pace with their aspirations means, understanding their aspirations; not only understanding their aspirations but after planning to meet their aspirations fulfil their aspirations; not only that, but equipping ourselves mentally and physically with equipments so as to keep pace with their demands. So, the training aspect has become really very important. We can train in conferences; we can train through literature, we can train through the audios and videos and we can train through many other methods. It has become really necessary.

While speaking on the parliamentary cadre for the nation as such, Shri Jain spoke about the transferability of the officers from Parliament to the State Legislatures. It is a very important thing. And I think something of that nature can be looked into as to how it can be done, but mainly it requires a lot of thinking, a lot of planning, and a lot of agreement on the part of the State Legislatures also. It can certainly be looked into. But, at the same time, I am of the view that cross-fertilisation of ideas is very important. If there is no movement, from one department to the other, from one wing of the Government to the other, from the people to the Government or to the Parliament, from one department to the other department, sometimes, stagnation takes place. On the one hand, training is very important; on the other hand, the experience achieved by the officers in the Secretariat is very important. A new man will not be able to cope up with the demands of the system itself. At the same time, it has also to be accepted that staying at one place does not sometimes help, because the new events do not reach us, new ideas do not come to us and we are not in a position to cope up with the situation which develops and here a balance has to be struck. On the one hand, there has to be experience, there has to be training and on the other hand, there has to be cross-fertilisation of ideas. And, when there is cross-fertilisation of ideas, movement from one place to the other, from one department to the other, from people to the Parliament, to the Executive, to the State Legislatures and other departments also and only then we would be in a position to cope up with these ideas.

There is a plan to connect the State Legislatures with Parliament through satellites. The information from the Parliament should reach all the State Legislatures. And the information from the State Legislatures should be readily available to the officers and the Members in the Parliament through satellites. If the satellite is there, if NIC is there, why not make use of these facilities which are available in the country? And I would like to go one step ahead and say that it is not enough to have communication with the Legislatures in our country only. It would be necessary to have communication with the Legislatures throughout the world itself, the international organizations also, with the Parliaments of the Commonwealth countries and the Legislatures in other countries also and organizations like United Nations through the satellite.

It has become possible to have that kind of communication and that is why the flow of information and knowledge from one organisation to the other. If we have to have these things what is really necessary is the mental readiness to accept these ideas. And then a plan to put these ideas in practice, and then the training to cope up with these things, then the equipment and then everything follows. We shall have to decide ourselves in mind that as the new times are arising, as new things are happening in the world, we will be required to cope up with them. And I have no doubt in my mind that the officers, friends and the colleagues who have been working in this have been able to do anything which is given to them, anything which is expected of them has been done by them to the great satisfaction of all concerned. And I have no doubt in my mind that in future also, they would be able to cope up with that. On the one hand, we shall have to remember our past. On the one hand, we shall have to remember all that is good which has come to us. On the other hand, we shall have to look into the future also and plan to cope up with it. By having a balance between the two and by having a synthesis between the two, we would be able to march ahead into the future and we would be able to discharge our duties.

This is an occasion on which something of this nature can be pondered over by us, and certainly on an occasion when we are remembering Shri Kaul. It is really a very good occasion for this.

I would like to congratulate Shri Jain and his colleagues and all the officers of the Secretariat who have been producing very good literature on the great personalities who have something or the other to do with the parliamentary activities; great Parliamentarians, great officers, great legislators. Now, this

publication is also a good publication and we would like to congratulate them for this.

I have already physically released this souvenir; formally I declare that this souvenir is released.

Thank you very much.

Thanking the Hon'ble Speaker for his illuminating and inspiring address, the Secretary-General said:

“All the staff and officers are indeed greatly indebted to you for your words of inspiration, encouragement, appreciation and guidance. I would like to assure you on this occasion that all of us will comply with your instructions and ideas because they are in the interest of the institution and these are bound to give new vigour and strength to the institution as a whole. With this assurance, we seek your permission to take this opportunity and request you to honour and felicitate Shri Shakhder and Shri Rikhy, former Secretaries-General and Honorary Officers of the House.”

[The Hon'ble Speaker presented the plaques to Sarvashri S.L. Shakhder and Avtar Singh Rikhy.]

Addressing the audience, the Secretary-General said:

“We now thank all the distinguished guests, all the Hon'ble Members of Parliament, Journalists, former staff officers and all other colleagues here for coming over here and giving a patient hearing. Once again we express our deep gratitude to you to have come and graced this occasion and given us ideas of guidance and future plans for the strength of the Secretariat. With your permission we close the meeting.

Thank you.”

CORRIGENDA

M.N. KAUL : COMMEMORATIVE VOLUME

Page No.	Line	For	Read
5	Footnote	Constituent	Constituent
28	6 (from bottom)	works	words
41	3 (from bottom)	effecting	affecting
42	7 (from bottom)	emendments	amendments
42	2 (from bottom)	an regulation	in relation
67	20	in the case our	in the case of our
114	5 (from bottom)	old	odd
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253	4 (from bottom)	imbedded	embedded
268	8	he was rung up. He being an expert on the subject at the dead of night	he, being an expert on the subject, was rung up at the dead of night
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285	11	and	an
362	5	nor	no
375	8	uneath	unearth
390	18	gaudiness	godliness
406	12	truely	truly
410	14	commondeered	commandeered
520	7 (from bottom)	zealousy	jealousy
530	9	procedure the	procedure. The

