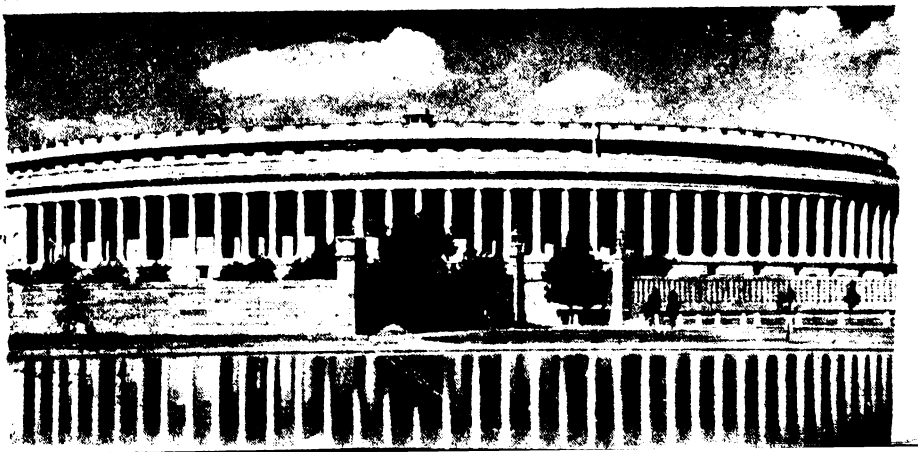


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## **THE JOURNAL OF PARLIAMENTARY INFORMATION**

*Editor: S. L. SHAKDHER*

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President V. V. Giri, inaugurating the Second Conference of Commonwealth Speakers and Presiding Officers in Central Hall of the Parliament House, New Delhi on December 28, 1970



Second Conference of Commonwealth Speakers and Presiding Officers in session.

## Addresses and Speeches

### SECOND CONFERENCE OF COMMONWEALTH SPEAKERS AND PRESIDING OFFICERS

#### THE INAUGURAL FUNCTION

*[The Second Conference of Commonwealth Speakers and Presiding Officers was held in New Delhi from December 28, 1970 to January 1, 1971. The Conference was inaugurated by the President of India, Shri V. V. Giri, in the Central Hall of Parliament on December 28. The delegates to the Conference were welcomed by the Vice-President of India, Shri G. S. Pathak and the Vote of Thanks was proposed by the Speaker of Lok Sabha, Dr. G. S. Dhillon. Reproduced below are the texts of the speeches delivered at the inaugural ceremony—Editor].*

#### WELCOME ADDRESS BY SHRI G. S. PATHAK

Respected Rashtrapatiji, Madam Prime Minister, Mr. Speaker, Distinguished Delegates, Ladies and Gentlemen,

I deem it a great privilege and pleasure as Chairman of the Rajya Sabha to extend a warm and hearty welcome to the distinguished delegates from the countries of the Commonwealth to the Second Conference of Speakers and Presiding Officers which is being inaugurated here today by our Rashtrapatiji.

It is a matter of significance that this inaugural function is being held in this Hall. It was here that our Constituent Assembly sat to frame our Constitution. This fact has invested this Hall with a peculiar importance for us. Since the Constituent Assembly was convened here, this Hall has witnessed a number of solemn ceremonies.

About a year ago we had the honour of playing host to the delegates of the 57th Inter-Parliamentary Conference. We are happy to have an opportunity once again of receiving eminent Parliamentarians gathering for another important Conference. In agreeing to hold their Second Conference in New Delhi, the Honourable Speakers and Presiding Officers of Commonwealth countries have conferred a great honour

on our country for which we are indeed most grateful. Your consultation, deliberations and exchange of views will doubtless be of immense value in the development of correct norms of Parliamentary practice and procedure.

When our Constitution was framed, we chose the British Parliamentary form of Government. We selected this system, as we felt that it created greater responsibility in governance than any other system. Indeed for many years we had become accustomed to think that this system, which had been in operation in the United Kingdom for about 700 years, was the best suited in the conditions prevailing here and we had in fact adopted its rudiments in actual practice before the Constitution was framed. I am sure you are all aware of the provisions of the Constitution of India relating to the powers, privileges and immunities of Parliament and its members. In addition to certain special provisions on the subject made therein, the Constitution lays down: "in other respects, the powers, privileges and immunities of each House of Parliament and of the members, and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees at the commencement of this Constitution." During these twenty years since our Constitution came into force Parliament has not passed any Act on the subject and on matters on which the Constitution is silent we continue to follow the practice of the British House of Commons. So far there has been no insistent demand to substitute the British practice by a Parliamentary statute, and that practice has not been found to be inconvenient. Even if a Statute law on the subject is framed at some future date, there is no doubt that the precedents established through these twenty years will form the basis of such law. The similarity of our procedures constitutes the bond between Commonwealth Parliaments. The practice and procedure of Parliament being the chief concern of Speakers and Presiding Officers, the interests of the delegates to this Conference may be said to be identical. The Conference is the most suitable forum for pooling experience, for discussion of difficulties and problems arising in the present-day world and for reaching solutions for the more effective functioning and strengthening of the system we are working in our respective countries. One may ponder whether the task of the Speakers and Presiding Officers of this generation is not more difficult than that of the preceding generation? The answer to this question may depend on the circumstances prevailing in different countries and opinions on the subject may vary. A study of common problems however in the Conference will, I hope, make the task of all easier, whatever the conditions obtaining in various countries.



Each one of you is the official representative of his Parliament and a Conference like this not only brings together on one platform the official representatives of Parliaments of Commonwealth countries but it may be said that through them contact is also established and maintained between the people of the respective countries who become associated in our common goal. Their interests are the same, the common goal being to preserve all those liberties which this Parliamentary system was designed to preserve and protect, and which are the underlying basis of our democracies. The role of the Speakers and Presiding Officers is of a very special and onerous character. They exercise a judicial function. Perhaps their office possesses more dignity than powers. Even so, members' cooperation sustains and enhances the dignity and can remedy the lack of powers if any, wherever necessary. Sometimes Speakers and Presiding Officers have to function in an atmosphere of highly charged emotions. Proverbial impartiality and coolness of judgment, however, are the hall-marks of their decisions and determine the success of the system. They are the guardians of the privileges of Parliament and its members and are responsible for the due enforcement of its rights. Maintenance of the dignity of the House and the smooth running of the Parliamentary machinery are their special responsibility. It is natural that in the growing complexity of the affairs of the modern world new problems arise and sometimes old problems acquire a new urgency. Consultations between the official representatives of our Parliaments can thus produce most fruitful results.

The agenda of this Conference covers some of the most vital issues before us. The relations between the Executive, the judiciary and the Legislature which is a subject of considerable discussion in the Press and public platform will be considered at this Conference. This is a most important subject, crucial to the preservation and development of our democratic set-up. The Executive, Judiciary and Legislature which are the three main parts of our Constitutional machinery, have to work in harmony in order that the State may be able to achieve the grand purpose, namely, the happiness and the welfare of the people. Clashes have sometimes—though now rarely—occurred between the judiciary and the Legislature, here as elsewhere. Self-restraint, however, has preserved the balance and prevented conflicts and in course of time, the limits of action become a part of settled practice.

In a country like India where there is a written Constitution defining the limits of the powers of these three branches of government, and where the judiciary has the power to pronounce upon the constitutional validity of Acts of the Legislature and also the legality of executive actions, it may sometimes happen that pronouncements of the courts do not give satisfaction to all. In such cases the task of Speakers and Presiding Officers becomes both difficult and delicate. While giving full latitude to the legislators to express their minds freely, they have to enforce the constitutional rule that no discussion shall take place in Parliament with respect to the conduct of judges. On the other hand they have also to defend the privileges and immunities of Parliament and its members against any unconstitutional action. Thus a grave responsibility devolves on the Speakers and Presiding Officers in the matter of the maintenance of the constitutional balance between these three departments of government. Our constitutional rule, no doubt, is a salutary safeguard. According to it the Speakers and Presiding Officers enjoy an immunity from the jurisdiction of courts, and the validity of any proceedings in Parliament cannot be called in question on the ground of any alleged irregularity of procedure.

It is well that you propose to examine the impact of public opinion polls on election campaigns. As guardians of the privileges of legislators it is only natural that you should discuss some aspects of this subject in this Conference. The duties and responsibilities of Speakers and Presiding Officers are becoming increasingly complex and your discussions on the problems of Parliamentary Procedure, control of debate and similar matters should be of the utmost value and help to all of us.

Friends, your time is precious and I do not wish to take any more of it. I conclude with best wishes for the success of your valuable deliberations and endeavours to ensure the healthy development of Parliamentary democracy.

I welcome you all once again and wish you a happy sojourn in our country.

I would now request our Rashtrapatiji to kindly inaugurate this Conference.

**INAUGURAL ADDRESS BY THE PRESIDENT OF INDIA,  
SHRI V. V. GIRI**

Esteemed Mr. Vice-President, Respected Mr. Speaker, Honourable Speakers from Commonwealth Countries Comrades, Friends, Ladies and Gentlemen,

I have great pleasure in inaugurating this Conference of Speakers and Presiding Officers of Commonwealth countries. The delegates assembled here have a representative capacity which is unique and which symbolises the struggle of man for orderly government.

The parliamentary system, it has been demonstrated, if properly worked, is the surest guarantee against authoritarianism and self-aggrandisement. It enables people not merely to have the right to choose their governments but to have a direct, powerful and effective voice in the governance of their affairs. The representatives who sit in Parliaments come there with a mandate from the electors who have chosen them and are committed to the service not merely of their parties or their respective constituencies but the people of the country as a whole. You Hon'ble Speakers, are the custodians and the preservers of this most durable system of government. Your authority though not derived from law, is yet unquestioned and recognised by procedures and conventions adopted and followed by consent.

The Speaker is the repository of the power and prestige of a House of Parliament. The Chair in whose name he functions gives the Presiding Officer an impersonal character. So long as he holds that august office, he is expected to be non-political and non-partisan in all his actions. A gentleness of approach, a liberal view of the rules and a correct understanding of the mood of the House are qualities that contribute to the successful functioning of a Presiding Officer. It should be a good motto for a Speaker to remind himself often that 'the voice of reason is more readily heard when it can persuade but no longer coerce'. I am aware of the great strain on the mind of a Presiding Officer when he conducts the deliberations of his House. I have been one myself for two years and can speak with some personal knowledge and experience. The question hour, the 'calling attention' procedure—a procedure which, I am told, owed its origin in its present form to the Indian Parliament—and sometimes

also a 'point of order' may all put to test the mettle of a Presiding Officer. Our members here also give unto themselves, sometimes through the courtesy of the Presiding Officer and sometimes without it, a 'zero hour' when some matter which, in the opinion of the member, is of such vital concern and so urgent that it will not brook delay may be raised. Here, the Government benches are often put to embarrassment because they have had no notice; but the member is satisfied that he has had his say. The poor Presiding Officer prefers to pretend that his voice has failed and seeks refuge in the cosy cushion of the Chair, that great symbol of the authority and majesty of Parliament. We are often told that we should formulate codes of conduct. But of what value will these codes be, unless the conduct is self-imposed? A discipline of the mind, a desire to understand the other man's point of view and, above all, a sense of mutual respect will alone help in preserving standards. I venture to suggest that these are basic qualities for any individual to function in any capacity; and even more important for a legislator.

In our parliaments, we attach the greatest importance to freedom of speech. In India's Constitution this is guaranteed by specific provision—and I believe that is the case in all the Commonwealth countries. This is so because a representative chosen on the free vote of the people owes it to his constituents, no less than to the country as a whole, that he should place himself in the service of his Parliament without any fear and without impediments of any sort being placed in his way. He cannot be influenced by any inducements, official or otherwise. The right of free speech and freedom of conduct, therefore, impose upon him a duty and a responsibility to observe the highest standards of conduct himself. A show of ill-temper or bad manners can be no substitute for reasoned debate or a well-argued point. No member can hope to impress his constituents by some act of his or some sensation that he throws up which may provide headline news to the press gallery man; they will judge him on the basis of his work in terms of the solid results it leads to. Decorum and decency are qualities which enrich human society. Let it not be said even of a single legislator that he did something which lowered the prestige, the dignity and the authority of Parliament, the only institution which can sustain and constantly strengthen the democratic way of life and a truly democratic form of government.

A nation's parliament reflects the hopes and aspirations of the common man whom it seeks to serve. In spite of the great advancements, scientific as well as technological, which we witness today, we have to remember that there are still in this tormented world vast num-

ber of people to whom life is a continuous struggle for existence. Food, clothing and shelter, the barest requirements to make life worth living are still not within the capacity of every individual. The right to work and the right to live should be inalienable rights of every citizen in any democratic society. We still talk of the privileged and the under-privileged sections of the community, and when we talk of nations we refer to them as the developed and the developing countries. There are areas which are said to be backward and which continue to remain as such, sometimes for geographical reasons and sometimes also, we are told, on grounds of race to which their inhabitants belong. All these distinctions should cause us the deepest concern. Compartmentalisation in relation to finding solution of human problems will not help the growth of a harmonious society. What is needed is an earnest desire to help one another and a willingness tempered with generosity to give more where the need is greater. The talk of the rich nations and the poor nations should have validity only in terms of sharing of the riches for the common good of all.

We often discuss the concept of 'one-world'. I am one of those who sincerely looks forward to its attainment. But what is that world going to be unless we can devise a mechanism—a powerful soul force—through which every child born and every man and woman can be assured a life of minimum comfort, reasonable opportunities of self-development and a right to claim an equal share in the benefits of scientific and technological progress? If we want abiding peace among nations and among the vast millions of peoples who comprise them, it should not be beyond man's ingenuity to discover this mechanism.

This assembly is an indicator of the sincere desire of those participating in this Conference to build and foster better and closer understanding among their national Parliaments. By discussion we touch each other's heart, and by debate and free exchange of views a consensus evolves. I have no doubt that in your deliberations this is the spirit that is going to prevail.

Some of you, the distinguished delegates to this Conference, must have come to our country before; for others, this may be their first visit. We have been engaged since our Republic was born twenty-one years ago in the task of reconstruction and in building up an egalitarian society where every individual will have the fullest opportunities of self-development, where the nation's resources will be at the disposal of all its people equally and where a government's most pressing commitment is to assist the common man to raise himself to a better life and a fuller life. We have achieved a measure of progress,

though in a vast country like ours, with its numerous problems, it has been somewhat slow. Indeed, in the present day fast-moving economy and social changes, any process of reconstruction has to be continuous. I am sure Mr. Dhillon, who presides over our Lok Sabha with such distinction, will enable you to see and understand India—at any rate some facets of our life—first-hand and that when you return home you will carry with you pleasant and lasting impressions.

I extend to every one of you my warm good wishes and I wish your deliberations every success.

**THANKS-GIVING ADDRESS BY Dr. G. S. DHILLON**

Rashtrapatiji, Mr. Chairman, Madam Prime Minister, distinguished delegates, Your Excellencies, Honourable Presiding Officers from the Indian States, Ladies and Gentlemen,

It is indeed a very pleasant duty for me now to thank Rashtrapatiji for having kindly inaugurated the Second Conference of Speakers and Presiding Officers of the Commonwealth countries and the Vice President and the Madam Prime Minister for having participated in the inaugural function today. Need I say how happy I feel at having all the distinguished Presiding Officers gathered here at New Delhi for attending this Conference. This is an occasion to which I have been personally looking forward to, rather keenly, almost from the day I suggested and all of you were good enough to accept the invitation to have this Conference here. I think it is but proper that after Canada had hosted the first Conference, we as the largest democracy in the world should have been extended this privilege.

I am sure we are all happy to have in our midst Presiding Officers from Fiji and Western Samoa—recent entrants into the Commonwealth family since we met last year in Ottawa. I am happy that the Hon'ble Ronald Graham Quayle Kermode, Speaker of the House of Representatives from Fiji, whom I had the occasion to personally invite to this Conference at the time I had the honour of representing India at Fiji's Independence day celebrations, has found it possible to respond to the invitation and be with us here today. We are likewise very glad that Hon'ble Magele Ate, Speaker from Western Samoa, is also with us. On behalf of all of you I extend to them our welcome.

As many of you might be aware, when the possibility of an institution of this nature at the international level was first considered, we were amongst those who welcomed the idea with enthusiasm. We welcomed the proposal not only as one obviously good in itself but, more so, as confirmed believers in the practical utility of the institution from our own personal knowledge and experience of a similar forum of some standing here at the national level—I mean, the Conference of Presiding Officers of Legislative Bodies in India, now nearly half a century old. Over the years since inception, and particularly after Independence when the legislatures in the country came into their own, this institution has served us well, during the crucial formative years of our Republic, when numerous new problems and situations had to be faced and satisfactorily resolved. The Ottawa Conference too has brought out the usefulness of this meet for exchange of ideas and experience amongst the Presiding Officers of Commonwealth countries.

Some of us may have been meeting off and on at international forums under one auspices or the other, but our gathering here is of a different character altogether. We meet here as members of, may I say, a unique brotherhood—of individuals that share a special commitment and faith in the destiny of free institutions.

Free institutions are the hall-mark of civilized existence; they are the natural corollaries of an age of reason. They are as relevant today as at any time in the past. Our deep faith in them stems from their continuing validity. The awesome advances in science and technology during our life time, should, if anything, only serve to reinforce our reverence for the majesty of the human mind and its wondrous, near-limitless power for good or evil. True democracy, again, reaffirms the dignity of the human mind. If ideas are to govern human progress, if civilized ordering is to mark the conduct of man's affairs on earth, it can only be on the basis of a faith in the sanctity and worth of the human individual, which free institutions symbolize.

As men called to preside over the deliberations and fortunes of these institutions, ours is a burdensome trust. For, Parliaments all the world over are facing new challenges today. We are passing through cataclysmic times. Science has annihilated distance and revolutionised means of communication. We are poised for a big leap into the beyond—into the awesome spaces of an ever-expanding uni-

verse. Sweeping changes have been taking place almost in every direction familiar frontiers of human knowledge are fast receding; accepted norms and values no longer hold their sway. Some of the newly emergent nations, like India, the late arrivals on the international political scene, have their own additional problems. They are caught up in the throes of development and change and in these countries, as our Prime Minister Shrimati Indira Gandhi aptly reminded recently, several revolutions—political, economic, social, intellectual and technological—are taking place simultaneously, not always without confrontation and crises. The giant strides in science and technology, the increasing complexity of modern economic organization with the growing inter-dependence of nations, and the problems of growth and modernisation in developing societies have all been affecting—and affecting profoundly—lives of individuals and nations, and imposing new burdens and responsibilities on governments and representative institutions everywhere.

Legislatures everywhere today have to face up to new demands and it devolves on us as presiding officers to see how best the ancient machinery of Parliament could be geared to meet these demands—how best it could be refurbished and rendered apposite to the new ends and purposes.

The key questions that we as presiding officers constantly ask ourselves, to my mind, are how best to ensure (i) that Parliament retains its pivotal role in national affairs; (ii) that it functions as a forum where all views are expressed freely; (iii) that it commands the confidence of the people as an instrument for bringing about all desirable social and economic changes by consent; and (iv) that its forms and procedures are adequate to its tasks.

As the silent arbiter in the political drama, it becomes the Chair's duty to see that the national debates go on, fully and fairly, and the disciplines and freedoms of democracy are cherished within the legislature as values worth preserving in themselves. His central concern at all times, in my view, has to be to see that the corporate image of Parliament is allowed to grow as a distinct entity, and its voice does not merely get lost in, or become indistinguishably merged with, that of the party for the time being in power. Unless this is done it is vain to hope that the primacy of the popular will in national affairs will be realised in practice.

To say this, as all of you know, implies many things (i) protection and fair opportunity to all sections of the House, on the one hand



and, on the other, adequate safeguard to ensure that the transaction of government business goes on, without let, smoothly; (ii) ample opportunities under the rules for timely raising of public issues by the private Member and requisite scope for his active participation, so as to render his parliamentary life worthwhile and fulfilling; (iii) meaningful institutional arrangements for the effective oversight of administration without impairing at the same time executive flexibility and initiative.

All these call for building up of sound conventions, a constant and continuing review of the adequacy of existing procedures, an imaginative anticipation of developing needs and, not the least, considerable wisdom and caution. When I say 'caution', I am reminded of our first Speaker of the Indian Parliament, Shri G. V. Mavalankar, who attached great importance to stability of procedure which, he insisted, was 'essential for the best and most democratic functioning of the House' and saw in it the surest safeguard to individual members of the House in respect of the exercise by them of their rights as such members. The difficult problem, often, for us is to reconcile the resilience needed to meet utterly new situations with the concern for stability so that the process of change shares the character of organic growth, instead of being merely expedient solutions.

We face this and many other problems for which we would need answers from time to time. In our individual Parliaments, problems might vary—as indeed they should, considering that a political institution has to be related to the surrounding political facts and social *milieu*. But we are, happily, a large family of diverse races, colours, nationalities and cultures, at different stages of political evolution. Between us, we represent a spectrum of human experience wide enough, I think, to furnish guidance, if not direct answers, to our individual problems and situations. I have, therefore, no doubt—and I am sure all of you who attended the Ottawa Conference will share my feelings—that this Conference of ours which we have now established, is one whose practical utility and potential are immense.

In all that we do, here in the Indian Parliament, we often turn to our President Shri V. V. Giri, a great parliamentarian and presiding officer himself, for his mature counsel and guidance, and it is indeed very much like him that he readily consented to grace this occasion with his presence and inaugurate the Conference. I am sure, all of us are much beholden to him.

We are also indeed fortunate to have with us today a great legal luminary, our Chairman Shri G. S. Pathak, whom I am privileged to have as my valued colleague in the other House in our Parliament.

May I once again say how welcome you are and express the hope that you find your deliberations fruitful and your stay here enjoyable.

Thank you, very much.

*In free countries, every man is entitled to express his opinions—and every other man is entitled not to listen.*

G. NORMAN COLLEGE



**The Late Shri M. Thirumala Rao**  
Chairman, Estimates Committee

## TRIBUTES TO M. THIRUMALA RAO

### Chairman, Estimates Committee

Shri Mosalikanti Thirumala Rao, Chairman of the Estimates Committee of Lok Sabha, passed away in New Delhi on November 29, 1970.

Glowing tributes were paid to Shri Thirumala Rao by the leaders of all parties and groups in Lok Sabha when it met on November 30. The House later adjourned without transacting any business on that day as a mark of respect to his memory.

Breaking the sad news to the House, the Speaker, Dr. G. S. Dhillon, said:

He was, as I personally knew him, very hardworking, mature and experienced, and a very active parliamentarian, and served on a number of parliamentary committees and guided the deliberations of some of them as their Chairman. His contribution as Chairman of the Estimates Committee was praiseworthy. He was also a member of the panel of chairmen for a number of years. He also served on a number of Enquiry Committees appointed by the Government.

Shri Rao was a versatile genius. He was an intellectual, a journalist, and fond of religious and spiritual studies. He was amiable and always had a cheerful disposition. He was loved and respected by all. He was with us, hale and hearty during the major part of the current session, and we could never imagine that he would be snatched away from us so soon.

We deeply mourn the loss of this distinguished friend.

Referring movingly to Shri Rao as an "old comrade and friend", the Prime Minister, Shrimati Indira Gandhi, paid her tributes in the following words:

It is always sad when an old comrade and friend dies. One by one, the old stalwarts are leaving us. It is hard to believe that Shri Thirumala Rao is no more. He was busy only a couple of weeks ago, and even during his illness, I am told, he kept up his interest in parliamentary and other national affairs.

Shri Thirumala Rao was one of the veterans of our struggle for freedom, and one of the seniormost Members of Parliament. He was a very active Member, and in a career of more than 30 years, he made distinctive contributions to the debates in the House and to committee work. Conscientious about his responsibilities, he always upheld the proprieties of this House.

He was a fine representative of our tradition, soft-spoken, yet firm, knowledgeable, cheerful and always placing national interests above the sectional. That was why he was so greatly liked and deeply respected by all sections of the House. His interests were wide-ranging, and outside the House, he guided a large number of institutions.

We all mourn his passing away. May I request you, Mr. Speaker, to convey our sincere condolences to his family?

**The Leader of the Opposition, Dr. Ram Subhag Singh joining in the tributes, said:**

Mr. Speaker, Sir, on behalf of the Opposition, I express deep sorrow on the sad demise of Shri M. Thirumala Rao.

As you said, Shri Rao was a senior Member of this House and wherever he worked, it was always his desire to promote the national well-being. His services to the country as a Member of the Central Assembly, the Provisional Parliament, the Lok Sabha and as Lt. Governor of the erstwhile Vindhya Pradesh have been praised by one and all. He was one of those Members who had equal affection for all and maintained friendly relations with everybody throughout. It is difficult to believe that Shri Rao is no more. He has been snatched away from us by the cruel hands of death at a time when he was needed most.

**Shri M. R. Masani, associating himself and the Swatantra Party with the sentiments expressed, feelingly recalled his association with Shri Thirumala Rao and said:**

There is not very much that one can add to what you have said, but it is with some personal sadness that I say these few words. As the Prime Minister has just observed, one by one, the old familiar faces are disappearing, and those of us who belong to the pre-Independence generation naturally feel forlorn at this development.

My association with Shri Thirumala Rao was way back 23 years when he joined the Constituent Assembly. From that day till now, although we did cross swords on more than one occasion on the floor of the House, we had the most cordial and friendly personal relations. That was something that marked his behaviour with all of us wherever we might be sitting in this House.

**Shri Bal Raj Madhok, who was speaking on behalf of the Jan Sangh Group, bemoaning the death of the old leader and senior Member, said:**

When a Member like him leaves, not only the House becomes poorer, but the whole country suffers. Only last week, I was in Kakinada, the constituency of Shri Rao, I was so happy to find that Shri Rao was respected there by all shades of people. We have been associated with him for the last many years. He was always

cheerful, expressed his views with great sobriety and also gave us guidance. In fact, he was a guide to the younger Members.

The leaders of other Groups in the House—Shri Era Sezhiyan (DMK), Shri Umanath (CPI—M), Shri Rabi Ray (SSP), Shri Ishak Sambhli (CPI), Shri Surendranath Dwivedi (PSP), Shri D. K. Kunte (BKD), Shri M. Muhammed Ismail (Unattached) and Shri Krishna Kumar Chatterjee (Congress—R)—all made feeling references to the contributions made by the veteran leader during the freedom struggle and his role as a parliamentarian.

The Estimates Committee held a condolence meeting on November 30, 1970. The acting Chairman and Members of the Committee present and the officers of the Lok Sabha Secretariat connected with the Committee, expressed their deep sense of sorrow on the death of Shri Rao and paid glowing tributes to the services rendered by him as a Member of Parliament and the Chairman of the Estimates Committee.

Thereafter the Committee adopted the following resolution conveying their sense of loss and sorrow to the family of the deceased Chairman:

The Estimates Committee expresses its deep sense of sorrow, at the sudden demise of Shri M. Thirumala Rao, sitting Chairman of the Estimates Committee. He died in harness as it was only on the 12th November i.e., the last working day before the holidays and the day when he was admitted to the hospital on the 14th the 12th November i.e., the last working day before the holidays Committee of Andhra Pradesh. In the year 1957-58 and 1958-59, he was actively associated as a Member of the Estimates Committee. He was appointed Chairman of the Committee for the terms 1969-70 and 1970-71. He was also Chairman of the Railway Convention Committee. As Chairman, Shri Thirumala Rao, ably guided the deliberations of the Committee and maintained its reputation as an effective instrument of Parliamentary control over Government expenditure thereby enhancing the prestige of the Committee. In this work, he commanded the respect and cooperation of all concerned.

He was a gentleman *par excellence*, a man of great talent, administrative ability and organisational skill, all of which were to be seen at work in his role as an organiser of people's freedom movement, Deputy Minister in the Central Government, Lt. Governor of Vindhya Pradesh and lastly as Chairman of the Estimates Committee. He was a staunch patriot and national leader and served the country throughout with unremitting devotion. He suffered imprisonment several times during the freedom struggle.

The Committee and Secretariat place on record their appreciation of the valuable services rendered by him as Member and as Chairman of the Estimates Committee.

A condolence resolution was adopted on December 19, 1970 by the Railway Convention Committee of which Shri Rao had been appointed Chairman in 1968 when the Committee was constituted. The resolution expressed the Committee's "deep sense of grief at the sudden passing away of Shri Rao", who, as its Chairman, "ably guided the work of the Committee and commanded the respect and cooperation of all concerned".

The resolution laid emphasis on "his great qualities of head and heart, administrative ability and organisational skill". It said, *inter alia*:

He was a staunch patriot and a national leader and suffered imprisonment several times during the freedom struggle. He served the country till the end with great devotion.

The Committee and Secretariat place on record their appreciation of the valuable services rendered by him as Chairman of the Railway Convention Committee.

#### LIFE SKETCH

Born at Pithapuram in Andhra Pradesh on January 29, 1901, Mosalikanti Thirumala Rao, gave up his studies in 1921 and joined the Non-Cooperation Movement. He was imprisoned the following year and was jailed five times during the freedom movement. Elected to the AICC in 1926, he remained its Member for nearly 25 years and was also successively President of the East Godavari District Congress Committee twice, member of the Pradesh Congress Executive and of the Congress Parliamentary Party Executive.

Shri Thirumala Rao's parliamentary career began with his election to the Central Assembly in 1937. After serving in the Assembly till 1940, he became a member of the Council of States from 1945 to 1947 and was later elected to the Constituent Assembly in 1948. As a Member of the Provisional Parliament, he was appointed Deputy Minister of Food and Agriculture from 1950-52. He unsuccessfully contested the First General Election, but was subsequently elected member of the Second, Third and Fourth Lok Sabha. He served briefly as Lieutenant-Governor of erstwhile Vindhya Pradesh in 1956. He headed the Foodgrains Enquiry Committee in 1950 and 1957, and was also a member of the Health Survey Committee in 1957 and of the Standing Committees on External Affairs, Food and Agriculture, Transport and Shipping, and Steel and Mines. From 1961 to 1966, he served as Leader of the Minor Irrigation Team of the Committee on Plan Projects, Planning Commission.

Shri Tirumala Rao was elected a Deputy Leader of the Congress Parliamentary Party in 1968. Following the split of the party he stayed with the Congress(R). He became Chairman of the Estimates Committee early in 1970.

Journalism and spiritual studies were his special interests. For some time he was the Editor of an English daily at Madras. He also translated into Telugu a work of Meher Baba.

*Maintaining a majority is never a simple and straightforward matter; the discipline of followers is not the obedience of private soldiers to their commanders.*

HAROLD J. LASKI



## DR. C. V. RAMAN

### Parliament's homage to Doyen of Indian Scientists

On November 23, 1970 both Houses of Parliament paid glowing tributes to the doyen of Indian scientists, Dr. C. V. Raman, who passed away in Bangalore on November 21 following a heart attack. He was 82.

The Prime Minister, Shrimati Indira Gandhi, conveyed to Lok Sabha the sad news of the death of Dr. C. V. Raman, whom she described as "the greatest scientist of Modern India and one of the greatest intellects our country has produced in its long history." In a touching reference to the great scientist, she said:

His mind was like the diamond, which he studied and explained. His life's work consisted in throwing light upon the nature of light, and the world honoured him in many ways for the new knowledge which he won for science.

Dr. Raman was a great teacher, who believed that learning is not for hoarding but to be shared with all. He had an unsurpassed enthusiasm for explaining the phenomena of Nature in a manner that the most uninitiated could understand. . . .

Dr. Raman inspired successive generations of young scientists in our country to new achievement. His immediate circle of students was almost as able as he himself.

Dr. Raman was an individualist who kept away from governmental committees and from mass politics. Yet he yielded to none in his love of his country and in his pride in being an Indian. His own vast learning had not come from study abroad and he did not think that foreign education by itself was a mark of ability. He encouraged foreign scholars to come to India, and indeed many did come to study in the institution which he had founded and which he directed.

He was a great representative of integrated culture: his interest in music, in literature and in gardening is well known. It will be difficult for Nature to produce another combination of so much intellectual power, simplicity of manner and enthusiasm.

A Bharat Ratna has gone from our midst, leaving us a great example of achievement to cherish and to emulate.

Joining in the homage to the eminent physicist, the Leader of the Opposition, Dr. Ram Subhag Singh (speaking on behalf of the Opposition, said\*:

By his unique example, Dr. C. V. Raman had raised the stature, honour and prestige of India in the world. India has produced a

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\*Translated from the original speech in Hindi.

number of eminent personages in the field of science, but it is very difficult to find equal of him . . . His greatest achievement . . . the principle of 'Raman Effect' for which he received the Nobel Prize . . . has enhanced not only his prestige but also the prestige of the country.

He is not in our midst to-day, but the Indian Institute of Science founded by him, which attracts scholars not only from India, but also from abroad, will serve as a monument to his memory. His is a great example which should be cherished and emulated by others.

Associating himself with the sentiments expressed by the Leader of the House and the Leader of the Opposition, the Speaker, Dr. G. S. Dhillon referred to his personal meetings with the late scientist to recall how 'very unassuming, very amiable and very humble in his nature' Dr. Raman was. Regarding Dr. Raman's devotion to science, the Speaker said:

Dr. C. V. Raman's contributions in the field of science have been universally recognised . . . According to Dr. Raman himself, science was his religion and he pursued it till his end. By his researches and earning international honours, including the coveted Nobel Prize, he had brought a great name for this country. At home also he was awarded the highest honour, Bharat Ratna. He was so devoted to his task that he used his own earnings in advancing the cause of science. Though he is gone, his career will always remain a shining example for the young scientists in the times to come.

In Rajya Sabha, the Chairman, Shri G. S. Pathak, dwelling on the work and achievements of the great scientist, observed:

For over six decades Dr. Raman had devoted himself to work and research in the fields of light, sound, colour, vision, crystal, etc. . . Many and varied were the honours showered on him in recognition of his valuable contributions to knowledge. . .

Apart from being a great man of science, Dr. Raman was gifted with endearing qualities of head and heart. His death is an irreparable loss to India and the world.

#### LIFE SKETCH

Born on November 7, 1888 at Tiruchirapalli in Tamil Nadu, Chandrasekhara Venkata Raman, achieved fame in the scientific world at a very young age. Even as an undergraduate at the Presidency College, Madras, he undertook original investigations in acoustics and optics and his reports were published in *Nature* and *Philosophical Magazine* in 1906 when he was barely 18. After taking his Bachelor's and Master's degrees with highest distinctions, he

entered in 1907 through a competitive examination, the Indian Finance Department, which he served for the next ten years. Even, when he was in Government service, he continued his scientific investigations and contributed several original papers to *Nature*, *Philosophical Magazine*, and *Physical Review*.

Academic circles in India took notice of his talents when in 1917 he was offered the Palit Professorship in Physics, which he held for the next sixteen years. As Palit Professor he made his first visit to Europe to attend the Congress of Universities of the British Empire at Oxford in 1921 and it was during that year that Dr. Raman began his work on the scattering, of light which was to lead to the discovery of the phenomenon that bears his name—the Raman Effect. This discovery—the Raman Effect and the Raman lines which are now part of the central body of physical theory—brought him world-wide fame and several international honours, including the coveted Nobel Prize in Physics in the year 1930. At home, he was among the first three to be decorated with the highest national award—the Bharat Ratna in 1954.

The degrees and honours conferred upon Dr. Raman, both by Indian and foreign universities, were numerous. Some of the outstanding honours were the Huges Medal of the Royal Society; the Franklin Society Medal by the Franklin Institute of Philadelphia; Foreign Associate, Paris Academy of Sciences (1949), International Lenin Prize (1957), Foreign Member, Soviet Academy of Sciences (1957). He was nominated member, Pontifical Academy of Sciences by Pope John in 1961.

In 1933, Dr. Raman resigned from the Calcutta University to become the Director of the India Institute of Science at Bangalore. Later he founded the Indian Academy of Sciences to which was attached the Raman Research Institute where all his subsequent work lay.

Dr. Raman's was a life dedicated to the pursuit of knowledge with single-minded devotion and energy. The corpus of his work was so large and varied—it ranged over acoustics, optics, theory of musical instruments, crystallography, magnetism, diffraction of light, liquid hypersonics, structure of diamonds, flowers and the phenomenon of their colours and several others—that it is quite inadequate to remember him solely by his first major discovery that won him the Nobel Prize. This Titan in Science was a full man, "essentially an aesthete" as he was fond of calling himself. In his death the country has lost, as has been aptly remarked, 'the most distinguished symbol of an austere and noble tradition.'

### THE LIGHTER SIDE OF PARLIAMENTARY PROCEEDINGS—II

**A. Shanker Reddy,**  
**Secretary, Andhra Pradesh Legislature**

The arduous nature of work turned out in modern Legislative bodies will be obvious if we take into account the fact that during the five-year term of Third Lok Sabha, the House met for 3732 hours spread over 578 meetings. In spite of the keen interest which members of the Parliamentary bodies naturally evince in their work, sitting for such long periods is bound to be a little monotonous. A parliamentary institution is a place where fierce controversies, heated discussions, hair-splitting arguments and counter arguments and at times even merciless mud-slingings and mutual recriminations do arise fairly frequently. What keeps away monotony and heat from the proceedings is humour. A famous psychiatrist has stated that with the help of humour "we are able to deprive the unpalatable experience of some of its real bitterness and significance." A timely joke at times brings down the heat by several degrees. Recently Members of Lok Sabha were indeed annoyed about the action on the part of a newspaper that published the picture of a retired Inspector General of Police and captioned the same as the new Speaker. The Speaker who remained unperturbed about this dereliction coolly remarked amidst laughter, "My wife should be the first person who should be worried about it. Why should members worry?" Sometime ago when mutual accusations were prevailing in the House, the Speaker remarked that there should be a quarrel hour besides the question-hour to dispose of all the quarrels before the House could attend to the proceedings in peace. This remark from the Chair had a very salutary effect.

In the course of the proceedings of a Legislative body some intricate issues pertaining to procedure and others relating to national policies are bound to crop up. Sometimes unusual and unexpected issues not strictly connected with either arise which impart a lighter touch to the proceedings. In 1967 there was a lively discussion on the question as to what the correct name of the Prime Minister is, whether her name is Indira Nehru Gandhi. Again, interesting controversies took place on whether members could recite poetry on the floor of the House, whether expressions like *Khopri* were parliamentary and whether the Chair

had any gender. On the last issue, the Lady member who was then in the Chair, ruled that the Chair had no gender and members could use either masculine or feminine gender.

### **Repartees and Exchanges**

Brilliant repartees always add liveliness to the proceedings and a really neat and masterly repartee is admired not only by a Member's own party but also by his opponents. The late Shri Satyamurty's repartees won the admiration of even hard-boiled European Members. In the old Central Assembly his seat was opposite to that of Sir James Grigg, the then Finance Member. One day when Shri Satyamurty was inflicting his onslaughts on the bureaucracy with his usual eloquence, Sir, James interrupted him saying, "The Hon. Member must face ugly facts." Pointing out his hands in the direction of the Finance Member, Shri Satyamurty hit back "That is what I am doing sitting here day after day."

Years after when the old Central Assembly was replaced by Lok Sabha, Dr. Shyama Prasad Mukherjee was confronted with a similar situation. When he was asked to face the truth, he retorted, "How can I when I face the treasury benches?". Another repartee of Shri Satyamurty is equally memorable. When he was speaking in the old Madras Legislative Council (under Montford Scheme), a donkey brayed outside the Council Chamber and Sir A. Ramaswami Mudaliar, then a member of the House, quipped "Once at a time please". After the lunch interval it was Sir Ramaswamy's turn to speak, when the donkey brayed again. Utilising this opportunity to the best advantage for retaliation, Shri Satyamurty asked: "Mr. President, don't you hear a remarkable echo?" The whole House including Members of the Justice Party to which Sir A. Ramaswamy belonged, cheered Shri Satyamurty.

On another occasion, a Member of the Central Assembly obtained permission to speak sitting. Thereupon another Member interposed saying, "Then he must stand at the close of his speech so that we may know that he has finished." A joke attributed to Sheridan, an eminent writer, evidences his ready wit, though not a refined taste. Sheridan, who was a member of the House of Commons, said openly on the floor of the House that one-half of the Members were asses. This highly objectionable observation was taken note of immediately and he was asked to withdraw the same. He thereupon stated, "I apologise. Half the Members in this House are not asses."

In the American Senate when Mr. Calvin Coolidge was presiding, one Senator asked another to go to hell. The Senator who was the victim of this abuse told the Chair, "Mr. President, did you hear what he told me?" Pretending to go through the Senate Rules book, Coolidge replied, "You know I have been looking through the Rules book. It says you do not have to go to hell."

In Lok Sabha when a member was mentioning where his father and grandfather were born, another member famous for his ready wit, retorted, "Sir, there should be no talk here about fathers and grandfathers. This is Lok Sabha, not Parlok Sabha."

The exchanges between Ministers and the Opposition Benches are only natural and fairly usual. Such exchanges, when meant in good humour, will be a delight to the hearers on the spot and make an interesting reading when they are reported in the Press and in the official proceedings. An extract from a dialogue between a former Finance Minister and a member in Rajya Sabha is reproduced below:

*Member*: Even before the budget, the price of a cup of tea had been increased. This is pick-pocket mentality.

*Minister*: I do not deny. I do pick the pocket.

*Member*: I am glad you have admitted that you are a pick-pocket.

*Minister*: It is legally done with consent. If I am pick-pocket, I may call you a dacoit.

*Member*: A dacoit is a more honourable person than a pick-pocket.

In another Legislature, a Minister had the honour of being compared to an Ayyavaru (Priest) instead of to a pickpocket. When the Minister was replying to the debate on his demands, a Member got up and quipped that the Minister's reply was like the chanting of *mantras* by Ayyavaru.

Sometimes Members do not stop at making remarks but express their resentment even in action. Once on the floor of a Legislative Assembly, a member presented a pair of bangles to a Minister.

Not long ago when a Member suggested that a particular Minister should be given at least a six-month grace period to enable him to answer all the supplementaries on a particular subject newly allotted to him, because otherwise the time of the House would be wasted, the Minister thereupon retorted:

"Mr.....is speaking about a six-month grace period. We gave a five-year grace period to Mr..... to understand things, but he does not understand any thing."

Not only the Ministers but their party organisation too may be targets of humourous comment. An Opposition Member described the head office of a ruling party as the Principal Employment Exchanges in the whole Country.

It need not always be a repartee that can cause laughter in the House. Sometimes even a quotation may be equally interesting. A Member quoted a passage from a text book used in a School at Delhi which read "God delegated powers to the School Principal, the School Principal delegated powers to the teachers and the teachers delegated powers to the monitors." A quotation like Disraeli's famous saying "Well, if Gladstone fell into the Thames that would be a misfortune, and if anybody pulled him out, that I suppose would be a calamity," is sure to evoke laughter, though this statement was made several years ago.

Sometimes anecdotes are cited by Members to drive home their point. When Shri Govind Ballabh Pant was in the Opposition in the Old Central Assembly, he quoted an anecdote of a Finance Member of his Province who rang up to the Exchange to connect him with a particular number. As there was delay, the exasperated Finance Member asked, "why this delay, are you a non-cooperator?" The man replied, "I am neither a non-cooperator nor a cooperator but a plain operator." A Member in another Legislature made his speech very spicy by making two interesting suggestions. One was that a bar should be opened for the legislators because Churchill had made the best speeches in the British Parliament after emerging from the Bar. The second suggestion was that there should be a slab system of salaries for three categories of legislators—married, unmarried and those who have children.

Another Parliamentary body in the country was quite recently amused to hear from the Home Minister that two Members had written to the Government asking for strong action against Bankim Chandra Chattopadhyaya, the celebrated Bengali writer (and author of *Vandemataram*), not knowing that he was dead. The Minister, however, refused to divulge the identity of those Members.

### **Use of Words**

Apart from content, skilful use or misuse of certain words may give rise to fun. A question on shortage of fish in West Bengal caused a brief verbal clash between members of two Political Parties. A Member thereupon interjected; "Should a question on fish convert

the House into a fish market?" In another instance, a Member said just the opposite of what he intended. While desiring to say that the Minister was misled by his unworthy son, he actually said, "This is not the first time when an unworthy father had been misled by a worthy son." The Member noticed his mistake and corrected himself only when the whole House burst into laughter.

In another Legislature a Member sent the whole House into laughter when he referred to the plainclothes policemen, as "undressed men".

Misuse of words is understandable particularly when a foreign language is used. But it is indeed a painful thing when members question each other's command of the language. Such instances too have occurred in our parliamentary history. When a Member was putting a question, another commented "ungrammatical English". The other retorted, "This gentleman speaks English in Punjabi accent and why should he make such remarks?" The Speaker thereupon observed:

"I am not going to judge whether the English spoken here is correct or not, whether it is Queen's English or not. I want the Members to understand each other."

Lloyd George's capacity to coin new phrases was infinite. It was he that coined the term "unearned income". A person named Hicks, an unsuccessful lawyer by profession and a member of Parliament, happened to have married an heiress by name Joyson and prefixed her name to that of his own, thereby becoming Jyson-Hicks. Mr. Joyson-Hicks, while speaking on the Budget of 1909-1910 denounced the term "unearned income" and demanded a definition of the same. Mr. Lloyd George immediately retorted, "On the spur of the moment I can think of no better example of unearned income than the hyphen in the right honourable gentleman's name."

It was against he (Lloyd George) that described the Indian Civil Service as "Steel frame" and the House of Lords as a "lumber room of musty prejudice" and an "asylum of hereditary delusions". Equally interesting was Churchill's description of Ramsay Macdonald as "the boneless wonder." In coining brilliant phrases our leaders in India do not lag behind because no less a man than Bapuji described Miss Mayo's book "Mother India" as "the drain Inspector's report" and the Cripps Plan as "a post-dated cheque on a crashing bank", though these were not uttered on the floor of a parliamentary body.



### Unusual Events

Not only utterances but also anything of an unusual nature may create a humorous scene. On one occasion the little baby of a lady Member crept into the House, which could not but have a funny touch. Funnier still was the arrival of another unauthorised visitor of a different kind—a plump cat which kept running hither and thither between the rows. Two other things which gave a comic touch to the proceedings require special mention *viz.* the comedy of errors and the sleep.

### Comedy of Errors

The Legislature of a State, on being wrongly informed of the demise of one of its members, was on the verge of passing a condolence motion. But truth came to be known before it was too late and saved the House from a very embarrassing situation. But an individual member of a Legislative body was not so lucky because he came to know the facts only when it was impossible to retrace. That member who was representing the leader of his party to associate himself with the sentiments expressed in the condolence motion over the demise of a member, mistook the deceased for another member who was sitting in one of the rear rows. When the Member on his legs started paying a tribute to his qualities of head and heart, the concerned Member got up and protested. On another occasion, a Member who was eagerly waiting for his chance to speak, hoping that his predecessor would make use of the full quota of time allotted to him, went out for a cup of tea. The predecessor, for some reason or the other, concluded the speech much earlier than expected. The member of the Panel of Chairmen, who was in the Chair, called upon another Member to speak, with the impression that the chance to speak was due to him. If it was a gross surprise to the member who was invited to speak unwittingly impersonating for another, it was equally a shocking disappointment to the person who missed his chance.

### Sleep

Sleep leads to very interesting situations in the House. Once during a long tedious speech in the House of Commons, Mr. Churchill fell asleep in the House. When the Speaker protested, the veteran Parliamentarian suddenly raising his head and blinking open his eyes, snapped "I wish to God, I were". Recently, the Government of New Zealand had to face a defeat in the Parliament as

two members, of whom one was a Minister, dropped to sleep in their private rooms.

Two things pertaining to American parliamentary life may seem to have a comic touch, for the outsiders. One is the Filibuster in the American Senate. This device was used to tie up the entire business of the House until a controversial Bill is withdrawn, by telling stories from the Bible, or Aesop's Fables or reading from the Webster's Dictionary or Washington Telephone books or giving out recipes for cooking turnips green, taking advantage of the want of provision for time limit in the rules of the Senate. When there was Filibuster, though the floor was empty, the galleries were full. It is alien to the rest of the world. The other unique thing in American Parliamentary life which needs special mention is the free hair cut which is one of the perquisites of legislators in the U.S.A.

Anecdotes of this kind are a legion. As the present writer was pointing out in the course of an earlier article\* they are scattered in the pages of the old proceedings, old newspapers and autobiographical narratives. The rich feast of humour in them is not within the reach of all, though it makes very interesting reading. What is needed is painstaking research into the old volumes and files. It is hoped that some competent agency will take up a research project in this field.

*We must keep in the forefront of our minds  
the fact that whenever we take away the liberties  
of those whom we hate, we are opening the way to  
loss of liberty for those we love.*

WENDELL L. WILKIE

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\*The Journal of Parliamentary Information, Vol. XVI No. 2, July 1970  
Asadha-Sravana 1892 (S).

## FINANCIAL COMMITTEES IN STATE LEGISLATURES

H. G. Paranjpe

Secretary, Nagaland Legislative Assembly

Article 202 of the Constitution provides that the Governor shall in respect of every financial year cause to be laid before the House or Houses of the Legislature of the State a statement of estimated receipts and expenditure for that year, usually called the Annual Financial Statement. Estimates of expenditure show separately the sums required to meet expenditure charged upon the Consolidated Fund of the State and amounts required to meet other expenditure proposed to be made from the Consolidated Fund. The estimates of expenditure which are not charged upon the Consolidated Fund are submitted to the vote of the Assembly in the form of Demands for Grants and the Assembly has the power to assent or refuse to assent to any Demand. Government cannot incur any expenditure (excepting charged expenditure) unless it gets the approval of the Assembly. Thus, theoretically, the control of the Assembly over expenditure is complete. In practice, however, the control exercised by Legislature is limited, because seldom the majority in any Assembly is prepared to throw out of power its own government, and secondly once the Assembly passes the Budget it goes out of its hand and the Government is then free to incur expenditure any way it likes, subject only to the rules in Account Code and the Appropriation Act passed by the Assembly. In order to compensate this loss of opportunity on the floor of the House, all Assemblies in India following the Centre have devised control mechanisms called the Financial Committees. These Committees are (i) Estimates Committee and (ii) the Public Accounts Committee. In the case of some States which have a large number of public undertakings, a third Committee has also been recently constituted viz., the Committee on Public Undertakings. The two Financial Committees mentioned above exercise control over Government finances through different methods. The Estimates Committee examines current estimates while the Public Accounts Committee examines the Appropriation Accounts of the State placed on the Table of the Assembly and the report of the Comptroller and Auditor General of India thereon. The Estimates Committee basically seeks to find out what economies consistent with efficiency can be achieved within the estimates approved by the Legislature; the Public Accounts Committee endeavours to see that money has been spent as Legislature intended and in the manner prescribed in the

Financial rules. The Estimates Committee and the Public Accounts Committee have thus a complementary role. The Public Undertakings Committee is a specialist Committee combining the functions of both viz., the Estimates Committee and the Public Accounts Committee in relation to public undertakings.

While the functioning of financial committees of Parliament at the Centre is better known due to the wide publicity they have received and the longer time they have existed, the functioning of these Committees in the State Assemblies is not so well known. An attempt has been made in this article to present an impressionistic survey of their comparative procedures and to evaluate their achievements, based on the study of their last few years' reports.

### **ESTIMATES COMMITTEE**

The Estimates Committee in the Union Parliament and the State Legislatures have been constituted on the pattern of the Estimates Committee of the House of Commons of the United Kingdom. Of course there is one difference that whereas the U.K. Select Committee on Estimates cannot suggest alternative policies, the Lok Sabha Estimates Committee and most of the State Legislature Estimates Committees can. The United Kingdom Select Committee on Estimates was first constituted in 1912 and thereafter it has been constituted annually (excepting during the war years). The Estimates Committee of Union Parliament was set up on the 10th April, 1950. The State Estimates Committees have been set up in years varying from 1951 (Mysore) to 1964-65 (West Bengal).

#### **(a) Functions**

Excepting in Maharashtra and Gujarat, the functions of the Estimates Committees in the States are as follows:—

- (a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
- (b) to suggest alternative policies in order to bring about efficiency and economy in administration;
- (c) to examine whether the money is well-laid out within the limits of the policy implied in the estimates; and
- (d) to suggest the form in which the estimates shall be presented to Assembly.

While the function (d) above is a somewhat distinctive function, other functions are all usually inter-linked. While examining a Department or Undertaking, the State Estimates Committees like the Lok Sabha Estimates Committee, have by and large conducted administrative reviews, where efficiency, economy and alternative policies are all rolled into one.

In all State Assemblies the preamble to the rule regarding function of the Estimates Committee says that "there shall be an Estimates Committee to examine such of the estimates as it may deem fit". Consequently the Estimates Committees of Assam, Kerala and Punjab still continue to aver in their reports that they examined such and such Demand. But most of the State Estimates Committees do not have such inhibition and plainly say that they have taken up the examination of this Department or that.

The usual function of the Estimates Committees is to examine one or the other or more than one complete Department, but some of the State Estimates Committees have been rather selective, as is evident from the examination of "some Multipurpose and Major Irrigation Schemes in Gujarat State" by the Gujarat Estimates Committee and "Personnel Policies and Purchase Procedures in Police Department" by the Nagaland Estimates Committee.

As stated above, one of the functions of the Estimates Committee is to suggest the form in which the Estimates shall be presented to Assembly. In U.K. also that is not excluded from the scope of the Estimates Committee whose terms of reference read as follows:

To examine such of the estimates presented to the House as may seem fit to the Committee and report how if at all the policies implied in those estimates may be carried out more economically and if the Committee think fit to consider the principal variations between the estimates and those relating to previous financial year and the form in which the Estimates are presented to the House.

In Lok Sabha, in 1950-51 the Estimates Committee had presented a report on Demands for Grants. Thereafter in 1956 the Lok Sabha Estimates Committee presented another report on Budgetary Reform. Subsequently seldom has the question of form of budget been examined by the Estimates Committee. The State Estimates Committees have also sparingly undertaken the examination of estimates or budget form as such. There are a few important examples though, such as the Gujarat Estimates Committee's reports on "The Question of enhancing the monetary limits for new services and new instruments of

services" and "Exhibiting in the budget books the figures of detailed accounts and estimates contained in the financial appendices regarding public works" and Himachal Pradesh Estimates Committee's report on "Revised arrangements of the Demands for Grants of the Himachal Pradesh Government". The latter Committee examined the issue on the suggestion of the Government of Himachal Pradesh (Finance Department). The Speaker is also understood to have recently suggested to the Committee to examine the form of Estimates. On the other hand, the Estimates Committee of Haryana is excluded from examining the form of budget estimates—there being no such term of reference for the Estimates Committee under the Haryana Rules of Procedure. Similar is understood to be the case of Punjab.

Under the Assembly procedures, the Supplementary Demands for Grants stand on the same footing as the main Demands for Grants. Usually the Estimates Committee does not separately take up the Supplementary Demands or any part thereof for examination. If the Industry Department is under examination, the Estimates Committee will also keep in view the supplementary provision made during the year for the Industries Department. Punjab and Haryana Estimates Committees have however the distinction of examining the entire Supplementary Demands as such, and only after the Committee has considered them, the Supplementary Demands are passed by the Assembly. It will be worthwhile to recall the provision in this regard in the Internal Working Rules of the Punjab Estimates Committee, which is as follows:—

Before the Demands for Supplementary Grants are presented to the House, they will be brought before the Estimates Committee and be presented to the House only after the Estimates Committee have considered them. The Demands for Supplementary Grants will be brought before the Committee with information as follows:—

- (i) Amount of Supplementary Grant.
- (ii) Broad details on which Demands of the Supplementary Grant is based.
- (iii) Concise statement of the item or items for which the Supplementary Grant is required.
- (iv) Whether it is intended to find the amount by resappropriation within the grant or by asking for fresh sanction.
- (v) Whether the proposals have been approved by the Standing Committee attached to the Department, if any, and if so, with what result.

- (vi) Whether the Supplementary Grant is in the nature of recurring expenditure or non-recurring expenditure confined only to the year under review; if the former, full details of the recurring expenditure and other financial implications should be given.
- (vii) Any other information that the Department may think it necessary or proper to give.

Haryana Estimates Committee has not laid down such provisions in its Internal Rules but in the Memo on Supplementary Demands submitted by the Finance Department, the above information is more or less covered. Actually neither the Punjab Estimates Committee nor the Haryana Estimates Committee has ever withheld any Supplementary Demands. On submission of such Supplementary Demands, the Committee calls the Finance Department representative for evidence and after clarifying some information, approves the Demands which are then presented in the shape of a report to the Assembly. This is more of an informal examination reminiscent of the Standing Finance Committee's examination of estimates in the past at the Centre. In Haryana, on one occasion, the Committee objected to certain estimates being not included in the original budget, the Government therefore dropped those estimates from the Supplementary Demands.

In the Rules of Procedure of Gujarat Assembly, in regard to the function of Estimates Committee, the following item has been omitted:

to suggest alternative policies in order to bring about efficiency and economy in administration.

The Rules of Procedure of Maharashtra Assembly enumerate the function of the Committee altogether differently omitting 'alternative policies' from its scope as follows:

It shall be the duty of the Committee on Estimates :

- (a) to scrutinise the budget estimate of expenditure in such detail as it may consider necessary and tender advice so as to ensure that government's objectives are carried out in the most economical and efficient manner ;
- (c) to advise Government on any Financial questions that may be referred to it.

It has been a difficult task for the Estimates Committees all over to steer clear of the policy matters although occasions of involvement with policy matters are few. Kerala Estimates Committee, for instance, in its report (1968-69) on Coir Industry recommended that State Government should take initiative to have the Coir industry

included in the Industrial Development and Regulation Act and thereby regulate and control the licensing of Coir industrial units. The Himachal Pradesh Estimates Committee has also in one of its reports recommended that the work of the P.W.D. should be organised on functional basis instead of present territorial basis. In another report it has suggested that two Government Industrial Companies should be amalgamated.

Mysore Estimates Committee has also in its report on Irrigation Department suggested that plan provision for irrigation schemes should be increased so that spill-over schemes may be reduced. If this cannot be done it is essential to fix priorities so that too many works without benefits accruing in a reasonable time may not lead to infructuous expenditure. No State Estimates Committee has however had any confrontation with the Government on the 'alternative policies' issue.

Usually the Estimates Committees take up one or two Departments for examination in a year. But in Punjab and Haryana the practice is to take a very large number of Departments at a time notwithstanding that the same Department has been examined in previous year. That is due to the fact that the entire Demands for grants are scrutinized by the Committee and the approach is that whichever Department offers scope for improvement is commented upon. The Punjab and Haryana pattern is unique in this respect and is laudable, because it puts every Department to scrutiny every year. In the selective examinations followed by other States some of the Departments escape the scrutiny. This loophole has been plugged by some States like Maharashtra by the decision of Estimates Committee that within the life span of an Assembly all Departments must be examined. But this cannot be said of other States.

#### (b) **Tenure**

In all States, the term of the Estimates Committee is one year. But in Mysore the term is two years. Although the term of the Committee is one year, in some of the States by convention one third of the Members are allowed to continue for next year. In Himachal Pradesh the convention is that the Chairman continues for two years.

#### (c) **Composition**

In all State Assemblies the members of the Estimates Committee are elected by the Assembly from amongst its Members according to the principle of proportional representation by means of single trans-



ferable vote. The Rules of all State Assemblies excepting that of Jammu and Kashmir and Tamil Nadu also provide that a Minister shall not be elected as a member of the Committee and that if a Member after election to the Committee, is appointed Minister, he shall cease to be a member from the date of such appointment. In the Rules of Procedure of Jammu and Kashmir there is no prohibition for Ministers being elected to the Committee. In the initial two years of the Committee's life the Finance Minister was also appointed member *ex-officio*.

Membership of the Committee varies from State to State. In all the States excepting Andhra Pradesh, Maharashtra and Tamil Nadu only Members of the Assembly are elected to the Estimates Committee. In Andhra Pradesh, the Committee consists of 19 members out of which four members are elected by the Council from amongst its members. In Tamil Nadu the Rules provide that such number of members of the Legislative Council as may be fixed by a resolution passed by the Assembly and nominated by the Council in pursuance thereon may be associated with the Committee. The composition of the Committee in the different States is as follows:—

Name of the State	Strength of the Committee
Andhra Pradesh	18 Assembly Members, 6 Council Members.
Assam	10
Bihar	..
Gujarat	11
Haryana	9
Himachal Pradesh	11
Jammu & Kashmir	15
Kerala	9
Madhya Pradesh	15
Maharashtra	Assembly Members, 4 Council Members
Mysore	15
Nagaland	9
Orissa	9
Punjab	12 Nine elected by Punjab Assembly and 3 nominated by Punjab Legislative Council.
Rajasthan	15
Tamil Nadu	16 Assembly Members plus Council Members as may be fixed by a resolution passed by the Assembly.
Uttar Pradesh	21
West Bengal	15

The Rules of Procedure of Tamil Nadu Legislative Assembly provide that in addition to the 16 members elected to the Committee, the Finance Minister and the Chairman of the Committee on Public Accounts shall be *Ex-officio* Members of the Committee. Likewise, in Maharashtra the Chairman of the Public Accounts Committee and the Chairman of the Committee on Public Undertakings are associated by special invitation. In Kerala and Goa also, the Chairman of the Public Accounts Committee attends the Estimates Committee meetings occasionally by convention.

#### (d) Chairman

In all the States the Chairman of the Committee is appointed by the Speaker from amongst the Members of the Committee and generally belongs to the Ruling Party. If the Chairman is absent from any sitting, the Committee chooses another Member to act as Chairman for that sitting. In Gujarat, the Finance Minister used to be the Chairman of the Estimates Committee formerly but Gujarat has also now fallen in line with other States and the Chairman is now one of the Members elected to the Committee. In Punjab the practice is that if Deputy Speaker is elected to the Committee he is appointed as the Chairman.

#### (e) Quorum

The quorum at a meeting of the Committee varies from State to State. In Gujarat and Maharashtra the quorum is 1/4 of the membership of the Committee. In Assam, Kerala, Nagaland, Rajasthan and West Bengal the quorum is 1/3 of the membership. In Haryana, Orissa and Punjab the quorum is 3. In Himachal Pradesh and Jammu and Kashmir quorum is 4, in Mysore and Madras 5; Madhya Pradesh 6 and Andhra Pradesh 7.

#### (f) Appointment of Sub-Committees

The Estimates Committees in all the States are empowered to appoint one or more sub-Committees, each having the powers of the undivided Committee to examine any matters that may be referred to it and the reports of such Sub-Committees are deemed to be the reports of the whole Committee if they are approved by the whole Committee. This power is not, however, uniformly resorted to by Estimates Committees in all the States. While Committees in States like Maharashtra have used this power frequently, those in States like Himachal Pradesh and Rajasthan have used it sparingly. In Haryana, the system of Sub-Committees is altogether not followed. In Punjab, on the other hand,

one Drafting Sub-Committee and one Implementation Sub-Committee are regularly formed.

Another variant of the Sub-Committee system is the Study Groups. These are like Sub-Committees sharing the Committee's work but they do not have the formal powers as the Sub-Committees have. In Maharashtra, Study Groups have been appointed regularly to examine the materials supplied and frame questions at regular sittings. In West Bengal, sometimes the full Committee has worked as Study Group for the sake of informality.

#### (g) **Written Materials**

At the beginning of each financial year, the Committee makes a selection of Department/Departments or subjects concerning any particular Department for examination during that year. Thereafter the Department or Departments are asked sufficiently in advance to collect all the relevant information relating to the Department for submission to the Committee. Generally the Departments are asked to submit information on the following lines:

- (1) Organisation of the Department and its attached and subordinate offices. (The detailed figures of the total of each class of gazetted and non-gazetted and Class IV staff are to be given).
- (2) Figures of amount of income and expenditure of various Demands for Grants (including Supplementary Demands) with which the Department is concerned (full references are to be made to the volume of the budget and statements for supplementary demands).
- (3) The functions of the Departments and its attached and subordinate offices.
- (4) Broad details on which the estimates are based.
- (5) Volume of work in the Department and its attached and subordinate offices covering the period of estimates and giving for the purpose of comparison corresponding figures for the previous three years.
- (6) Schemes of projects including those in the five year plan which the Department has undertaken. (The name and details of the scheme, the estimates of expenditure, period within which likely to be completed, progress up-to-date etc., are to be supplied).

The Members after going through the papers frame questions eliciting further information required by them. These questions or points are sent to the Secretary of the Committee. The Secretary consolidates

these questions and also frames further questions on which information is required by the Committee. After approval of the Chairman or by the Committee (as in the case of West Bengal or Rajasthan), the consolidated questionnaire is sent to the Department for preparing answers for submission to the Committee. In Maharashtra, as pointed out earlier, the framing of questions is done by the Study Group by going through the materials at regular sittings. Similar is the practice in Himachal Pradesh. Sometimes it becomes necessary to call for further information. A supplementary questionnaire is then prepared and sent to the Department following the procedure similar to the one followed in the case of the first questionnaire.

The work of the Estimates Committee depends to a large extent on the cooperation of the Departments in furnishing information to the Committee. In Assam, the Estimates Committee took 3 years to report on the Public Health Engineering Sector of the Health Department, primarily because of the failure of the Department to send information in time. Similar complaints have been made by the Orissa Estimates Committee in their reports.

The Estimates Committees have been empowered to send for any papers or records. In case any question arises whether the evidence of a person or the production of a document is relevant for the purpose of the Committee it is referred to the Speaker for final decision. However the Government may decline to produce a document before the Committee on the ground that its disclosure would be prejudicial to the safety and interest of the State. In Andhra Pradesh while the Estimates Committee was examining the working of the Industries Department in 1964-65, an interesting situation arose. The Committee wanted to know the details of the offers received by the Industrial Development Corporation, Andhra Pradesh for collaboration in the promotion of the Integrated Glass Project and the reasons that weighed with the Corporation in its choice. The Corporation and the Government held the view that it would not be desirable to disclose such information to the Committee. The Committee did not agree with the Government's view and recommended that the information be placed before the Speaker to satisfy him that the disclosure of the information would be against the interest of the public or Corporation. In Haryana also a similar situation arose when the Committee wanted to know about the posting of various police officers. The Department had declined to furnish information in the first instance. Eventually on the insistence of the Committee the Department had to yield and the information was furnished.

The Estimates Committee have also insisted that the information be supplied to them through the Secretaries, as it is supposed to represent the considered views of the Department as a whole. Maharashtra Estimates Committee had on one occasion to censure the Government because the material was supplied to the Committee directly by a Superintending Engineer and subsequently during discussion, the Secretary of the Department did not agree with the views of the Superintending Engineer. The Secretary of the Department realising the mistake quickly came out with an unqualified regret and assured the Committee that such mistakes would not recur.

#### (h) On-the-spot studies

It is common practice now with the State Estimates Committees to undertake tours for on-the-spot study. In most of the States such visits are entrusted to Study Groups or Sub-Committees appointed for the purpose. But in Gujarat the entire Committee has been going on tour. The intention behind these tours is to gather visual impression. In some States the tour notes are appended to the report. Strictly speaking, it is not necessary for the Estimates Committees of State Assemblies to go outside their States but a convention has been developed in several States permitting their Estimates Committees to undertake such tours. To quote a few examples, the Andhra Pradesh Estimates Committee while examining the Agriculture Department in the year 1968-69 visited the Pusa Institute, Delhi, the Punjab University etc. The justification given for these tours is that they widen the mental horizon of the Members and enable them to view the working of the Departments or schemes under examination *vis-a-vis* the working of similar Departments/schemes in other States. This is the practice in State Assemblies in the case of Public Accounts Committee as well.

#### (i) Evidence

After going through the written information and sometimes seeing the projects/sites personally, the Committee decides as to whether oral evidence of the representatives of the Departments should be taken. Usually the Secretaries of the Departments appear before the Committee. They are, however, allowed to bring Heads of the Departments or other officers to assist them in giving evidence. In some of the States viz., Andhra Pradesh, Gujarat, Punjab, Maharashtra and West Bengal, the Secretary or a senior officer of the Finance Department is also invited to attend the meetings of the Committee to assist them in their deliberations.

The Committee expects Departmental representatives to come prepared for all questions. The Punjab Estimates Committee, in their report on 1967-68 Budget Estimates, regretted that a large number of departmental representatives who appeared before the Committee had not come fully prepared despite ample notice and often asked for further opportunities. The Committee also took exception to the fact that answers given by some of the Departmental representatives were inadequate or superficial. Although several other Estimates Committees have not specifically recorded their displeasure in this matter in their reports, it is believed similar is the reaction of those Committees.

Some Estimates Committees like those of Maharashtra and Andhra seem to be devoting considerable time to taking of evidence in contrast to others. For their 10th Report on Agriculture Department presented in 1968-69, the Andhra Estimates Committee held 36 meetings—most of which were devoted to taking of evidence. For report on Panchayati Raj Department also the Committee held as many as 41 sittings. The Himachal Pradesh Estimates Committee also devoted 11 sittings to oral evidence while examining P.W.D. In Andhra there is one more peculiar system i.e., that the Minister is summoned to explain the working of the Department before the evidence of the officials. But this practice is not to be found elsewhere.

Evidence of non-officials is also taken in some of the States such as Gujarat, Maharashtra and Punjab. In Gujarat the non-official is first asked to give a memorandum. In some other States like Bengal the non-officials are asked to indicate their views through memoranda only.

A *verbatim* record of the proceedings of the Committees is usually kept in all States Assemblies. Relevant portions of the speeches are forwarded to the Members and officials who have tendered evidence before the Committee for vetting and return. Minutes of the meetings are also recorded which in some States are appended to the reports. But the practice of printing *verbatim* proceedings does not seem to be in vogue in any State.

#### (j) Reports

After the evidence is over and the information on the point promised during the evidence by the Departmental witnesses is received, a draft report is prepared. In most of the States the draft report is prepared by the Assembly Secretariat. But in some States like Punjab and Andhra Pradesh a Sub-Committee or Study Group is formed to

draft the report. In Punjab during 1969-70 the Drafting Sub-Committee of the Estimates Committee held as many as 8 meetings at which it drafted reports on seven departments which is indeed a remarkable job for the Members who constituted the Study Group. After the report is drafted it is considered at the meeting of the full Committee and it embodies the decision of the majority of the Members present and voting.

Ordinarily in the Reports of the Estimates Committee no Member is permitted to give a Minute of dissent. In the Rules of Procedure of Tamil Nadu and Rajasthan there is a specific provision in this regard while in the Internal Rules of the Estimates Committees of Orissa, Madhya Pradesh and West Bengal there is provision that no Minute of dissent is permissible. In other States there is no specific mention about Minutes of dissent either in the Rules or in the Internal Rules of the Committee.

The report is generally sent to the concerned Department for factual verification but some States do not strictly follow it *e.g.*, the Haryana Estimates Committee. The report is presented to the Assembly by the Chairman or in his absence by any other Member. Reports of the Committee are not discussed in the Assembly; however in some States (*e.g.* Himachal Pradesh) the Members are known to make profuse reference to the Reports while discussing the Departmental activities in the House.

The pattern of report is found to be everywhere similar, but some State Estimates Committees have gone into minute details whereas others (*e.g.*, Punjab and Haryana) seem to believe in small, concise reports focussing their attention on only major issues. In Maharashtra, if a Committee is not able to finish its examination, it presents an Interim Report. Under the Rules of Procedure, the Committees have to report to the House about the unfinished work, but the Maharashtra system seems to have formalized it through presentation of Interim Reports. Although all Estimates Committee reports generally include some important statements as Appendices, the Andhra Estimates Committee reports can be said to be the most well-documented. An interesting event took place in Maharashtra some years back. The Maharashtra Estimates Committee had presented a report on General Administration Department in 1965. One sentence in that report led to some misunderstanding. There was reference to the report in the Assembly. The Committee re-examined the recommendation and presented a "Further Report on General Administration Department".

Following the pattern of the Lok Sabha Estimates Committee in the initial years, the Orissa Estimates Committee in the beginning attempted to give at the end of the report a statement showing the economy likely to accrue as a result of the Committee's recommendations. But this did not find favour in subsequent years in Orissa and is not in vogue in any other State.

**(k) Implementation of recommendations**

In the initial years the Estimates Committee in the States did not have either a method or a machinery to watch the implementation of their recommendations.

In the Lok Sabha itself the procedure regarding watch over implementation of recommendations was devised 5 years after the Estimates Committee came into being. But in most of the States the Estimates Committees now keep a watch on the implementation of their recommendations. The Gujarat Estimates Committee's Internal Rules of Working specifically lay down that Government will furnish replies to the recommendation of the Estimates Committee to the Assembly Secretariat as early as possible. Even in other States now the action taken on the recommendations is reported to the Committee.

Maharashtra has the practice of appointing a Study Group to scrutinize the action taken statements. The Andhra and Assam Committees appoint Sub-Committees to scrutinize the replies received from Government departments.

Although at this follow-up stage the Committee does not go very deep into the questions, of late it is noticed in some States (*e.g.*, Himachal Pradesh) that the Committee examines witnesses and even undertakes on-the-spot inspections. The Maharashtra and West Bengal Estimates Committees for instance, summoned officials to seek clarification on those replies which were not satisfactory. The West Bengal Estimates Committee a few years ago went to inspect the Salt Lake Reclamation and City Extension Projects in connection with the implementation of recommendations.

The action taken reports have a common pattern designed more or less on the Lok Sabha pattern *viz.*—

(a) Recommendations accepted by Government.

(b) Recommendations not accepted by Government but replies accepted by Committee or on which Committee has no observations to make.



- (c) Recommendations not accepted by Government.
- (d) Recommendations not finally implemented by Government.

Generally in the third category there are few recommendations because by convention although the recommendations are not mandatory, they are accepted by Government. The few exceptions that are there provide the occasion for the Committee to make a further report in which it either reiterates the old recommendation or makes a fresh recommendation. Normally on such further recommendations there is no further action taken report. But in Maharashtra there are a few instances where the Committee has presented an Action Taken on Action Taken Report. Following the Lok Sabha convention some States like Himachal Pradesh lay on the Table of the Assembly further replies received on Action Taken Reports. Such replies are also considered at the time of taking that subject afresh for examination.

One fact is inescapable, viz., that the Committee does not allow the Government to get away with a vague or interim reply. In Maharashtra and Gujarat the Committee invariably wants the Department to furnish a further reply to the Committee in such cases. In Andhra, in case of unsatisfactory replies, the Committee wants that further action taken statement should be placed on the Table of the House.

Not only have the Government to take action on the recommendations of the Committee, they have to furnish timely reply to that effect to the Committee. Delays in reporting have been severely criticized in most of the Action Taken Reports of the Maharashtra Committee. The Assam Estimates Committee have also been very critical in their report of the delays in replying to the recommendations. The Maharashtra Estimates Committee has set up a time limit of six months for implementation of recommendations. The Himachal Pradesh Estimates Committee also allows 3 to 6 months' period for implementation.

The earlier practice with some State Estimates Committees was to report on the action taken along with a fresh report on that subject. But now the practice everywhere is to present separate Action Taken Reports. But one variant is that some States like Maharashtra and Gujarat dispose of several action taken statements in one composite report whereas others present one action taken report on one original report. In Haryana and Punjab a different procedure is followed in that not all action taken replies are submitted to the Assembly through action taken reports. If the Committee is satisfied with the replies, the matter is dropped. Only those recommendations on which the replies

are not satisfactory are again reported to the House with the Committee's comments. The remaining recommendations are pursued with Departments concerned at the Assembly Secretariat level.

What is the extent of implementation of recommendations? It is futile to assess any exact percentage, the Government stretching the meaning of replies in their own favour and the Committee in their own. The Committee itself keeps an open mind on the action taken on recommendation and where it is feasible to accept a recommendation with modification only, the Committee has been treating such recommendations as accepted. Notwithstanding this it can be safely said that majority of the recommendations are accepted. At least the Gujarat Estimates Committee has recorded in its report that most of its recommendations had been accepted by Government. It would have been useful for the State Estimates Committees to give at the end of their Action Taken Reports an analysis of recommendations accepted by Government; but unfortunately with the exception of Pondicherry and Rajasthan which give the percentages at the beginning in an Action Taken Report, no other Estimates Committee has tried it.

*A Government must perpetually look over its shoulder to see whether it is being followed. If it is not, it must alter direction. For in this sense only, is it true that a democracy is Government of people by the people.*

IVOR JENNINGS

# **IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION**

## **REPORTS OF THE COMMITTEE ON PUBLIC UNDERTAKINGS (Fourth Lok Sabha)**

*[A new series of articles highlighting the impact of recommendations of the Financial Committees of Parliament on the Administration, was started with the April, 1970 issue of the Journal.]*

*In the present issue, we are publishing articles dealing with the recommendations of the Committee on Public Undertakings (Fourth Lok Sabha) on:—*

- I. Financial Management in Public Undertakings;*
- II. Import of Sulphur; and*
- III. Contracts entered into by Rourkela Steel Plant for the supply of Iron Ore and Manganese Ore.*

—Editor]

### **I. FINANCIAL MANAGEMENT IN PUBLIC UNDERTAKINGS (i) Consultation with Finance**

It was brought to the notice of the Committee on Public Undertakings (1967-68) that while the majority of the public undertakings had laid down that Finance should be consulted on various matters in one way or the other, there were still a few undertakings which were not obliged to hold such consultations. In some other undertakings, discretion had been given to the Chief Executive to determine the cases which would be referred to Finance.

It was found, for instance, that satisfactory arrangements for consultation with Finance had not been made in as important an undertaking as the Hindustan Steel Ltd. The Financial Adviser and Chief Accounts Officer, H.S.L. had expressed the view before the Public Undertakings Committee that while the Chief Executive should have the right to over-rule the Financial Adviser, it should nevertheless be obligatory for the former to consult the Financial Adviser. The Vice-Chairman, Hindustan Steel Ltd., on the other hand, argued that when the functional board was in vogue, the functional directors were "more

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or less like 'warlords', each having his own little private army in the Plant". The Chairman was then not given any special power and all directors were almost equal. A decision was, therefore, taken by the Minister to make the Chief Executive fully responsible and do away with the system of functional directors. The Committee, however, felt that a situation where the Financial Adviser was consulted only when it was required was by no means a happy one. The corporate form envisaged management by a committee or group rather than decision by one individual, particularly when important decisions had far-reaching financial implications. As there was also a growing tendency for corporations to expand in size, the Committee felt that steps should be taken to see that consultation with finance on prescribed matters was made obligatory.

The Committee were pained to find that even though the Financial Adviser had brought to the notice of the Hindustan Steel Ltd. and the then Secretary, Ministry of Iron and Steel, the fact that he had not been consulted on various matters, no remedial action was taken by the Government. The Committee observed that the Government had overall responsibility for the efficient working of public undertakings and certain powers had been vested in them for this purpose. If such matters were not set right "effectively and immediately", they would work to the detriment of the undertakings, and hence the Committee recommended that appropriate action should be initiated to ensure that there was no recurrence of such instances.<sup>1</sup>

Following the recommendation, the Government proceeded to reorganise the management of Hindustan Steel Ltd. In the reorganised set-up, provision was being made for three functional directors including the Director (Finance) whose financial responsibilities were to be detailed by the Board of Directors as soon as the post was filled. A suitable procedure was also to be prescribed by the Board of Directors regarding consultation with the Director (Finance)<sup>2</sup>.

**(ii) Investment****A. Approval of Parliament**

According to the practice, certain details regarding the capital outlay, objects and achievements relating to the existing public undertakings were given as 'Notes on Important Schemes' appended to each

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<sup>1</sup>C.P.U., 15th Report (1967-68), paras 83, 87 & 88.

<sup>2</sup>C.P.U., 56th Report (1969-70), page 13.

volume of the Demands for Grant. In respect of the new undertaking, these details were given along with the Supplementary Demands for Grant.

It was, however, admitted by the Government during evidence that there was no procedure for placing before Parliament for approval full details relating to a public undertaking, before it was set up. It was also admitted that the absence of such a procedure "raised certain questions of policy which would have to be considered at the highest level". The two main practical difficulties worth considering in this regard were stated to be that (i) Parliament did not sit throughout the year, and (ii) with continuous increase in the number of public undertakings, Parliament had little time to have "full-dress discussion" on each proposal. The Government representative, however, agreed that pending a decision on this question it would be desirable to give more details in the Budget documents. He also referred in this connection to the Administrative Reforms Commission's recommendation that some document, like the White Paper in the U.K., should be laid before Parliament, giving in detail the objects and functions of the proposed undertaking, expected profitability and its financial and other objectives. The recommendation, he added, was before the Cabinet.

The Committee observed that the investment by Government in public undertakings in the form of share capital and loans had assumed huge proportions and was more than Rs. 3,000 crores. The provisions, by way of equity and loans, for the years 1967-68 (revised estimates) and 1968-69 (budget estimates) amounted to Rs. 386 crores and Rs. 404 crores, respectively. "Where such large sums are involved", the Committee added, "it is necessary that Parliament be provided ample time and opportunity to examine the Demands and accord approval". According to the Committee, these Demands had so far been treated as part of the Demands of the administrative Ministries and had been discussed and voted as such.

The Committee suggested that whenever Demands for additional investment in public undertakings, either by way of loan or of equity, were placed before Parliament, detailed and up-to-date information about the past investment in such undertakings, their achievements and working results should be made available, so that Parliament could exercise more effective scrutiny before approving the Demands.<sup>1</sup>

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<sup>1</sup>C.P.U., 15th Report (1967-68), paras 98 to 102.

*Impact of Financial Committees' Recommendations on Administration*

While accepting the recommendation, the Government stated that in future up-to-date information on the working of the existing undertakings would, as far as possible, be incorporated in the Budget documents, whenever Demands for additional investment in public undertaking were placed before Parliament.<sup>4</sup>

So far as new undertakings were concerned, the Committee were of the view that prior approval of Parliament should, as far as possible, be obtained before a company was registered.<sup>5</sup>

The setting up of a new public undertaking, according to the Government, was treated as a "New Service", which meant that investment therein was made after obtaining Parliament's approval thereto, either through the annual Budget for the coming year or through a Supplementary Demand for Grant during the course of the year. In urgent cases, however, advances from the Contingency Fund were taken, but these were recouped by presenting Supplementary Demands to Parliament in accordance with the Contingency Fund Rules.

With a view to complying with the Committee's recommendations, instructions were issued as follows:

- (i) While obtaining approval of Parliament through the annual Budget or Supplementary Demands, detailed information, as far as possible, on the objectives, scope, capital cost, foreign participation, if any, profitability and other financial obligations should be incorporated in the "Notes on Important Schemes", which were appended to the volumes of Demands for Grants of the Ministries concerned, or in the Explanation below the Supplementary Demands, as the case might be.
- (ii) In each volume of the Demands for Grants of the Ministries concerned, a separate section should be added, which would specifically contain the list of all "New Service" and "New Instruments of Service" items included in the Budget documents relating to public undertakings. This section would *inter alia* show the details of investment, either by way of loan or equity, in public undertakings.<sup>6</sup>

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<sup>4</sup>C.P.U., 56th Report (1969-70), page 14.

<sup>5</sup>C.P.U., 15th Report (1967-68), para 103.

<sup>6</sup>C.P.U., 56th Report (1969-70), page 15.

### B. Equity-Debt Ratio

The question of equity-debt ratio for financing the projects in public sector undertakings had been engaging the attention of Government for quite some time in the past. In June, 1961, the Ministries concerned with public sector undertakings were advised that unless there were exceptional reasons to the contrary the equity-debt ratio should be 1:1.

This question was later examined by the Committee on Public Undertakings (1967-68), who observed that there was a marked divergence of opinion on this issue between the undertakings and the Ministries. After considering their views, the Committee were inclined to think that there could not be one common ratio applicable to all the undertakings. They, therefore, recommended that rigidity might be avoided in applying the ratio of 1:1 to all public undertakings. If some undertakings did make out a strong case for altering the ratio, the Committee observed, the Government should give it due consideration. The Committee also commended for consideration the suggestion that the first half of the total investment should be in the form of equity and the other half in the form of loan.<sup>7</sup>

The Government accordingly advised the public undertakings that there need be no rigidity about the prescribed equity-debt ratio of 1:1 and that each case should be considered on merits. The Government also informed the Committee that the latter's suggestion that the first half of the total investment should be kept in the form of equity and the other half in the form of loan would be kept in view at the time of the release of funds to the undertakings.<sup>8</sup>

### C. Revision of Capital Cost Estimates and Over-Capitalisation

A common feature in public undertakings noticed by the Committee was that the capital cost estimates were reviewed many times. Some of the main factors responsible for this were stated to be that (i) detailed project report estimates did not take into account the capital cost of certain items such as township, customs duty, etc.; and (ii) the initial estimates were only rough approximations, because the project was a new one and adequate data was not available. The Committee were also informed that each revision of cost estimates was preceded by a study by the undertakings.<sup>9</sup>

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<sup>7</sup>C.P.U., 15th Report (1967-68), para 112.

<sup>8</sup>C.P.U., 56th Report (1969-70), pages 16 & 20.

<sup>9</sup>C.P.U., 15th Report (1967-68), paras 114 to 116.

The Committee were of the view that the Bureau of Public Enterprises, preferably co-opting a few officers of the administrative Ministries, should carry out an intensive study into reasons for revision of capital estimates. To begin with, the Committee suggested, a few undertakings might be selected for such a study and, in the light of experience gained, it might later on be decided whether these would be sufficient for drawing guidelines for the preparation of capital cost estimates, or some further studies were still necessary.<sup>10</sup>

The Committee noted that over-capitalisation in many public undertakings was mainly due to (i) the practice of providing at the first stage itself in-built capacity for bringing about expansion at a later stage; (ii) provision of township and attendant amenities to staff; and (iii) interest of loan. While agreeing that "to a certain extent it would be in the economic interest of a plant to provide for in-built capacity", the Committee observed that this practice should not be resorted to as a matter of course.

During the examination of the various undertakings, the Committee had come across several cases of wrong assessment of demand of steel, coal, heavy electrical equipment, etc., which they had duly pointed out in the relevant Reports. The Committee wanted utmost care to be exercised in assessing the demand for such items. They suggested that only persons with "proven ability and experience" should be drafted for such work.<sup>11</sup>

The extent of under-utilisation of capacity in public undertakings was also referred to by the Committee who urged that every undertaking should devote all attention to the early achievement of optimum output. The Committee thought that demand was not changing so fast as to render difficult a fairly accurate assessment and that if the assessment of the demand was correctly made, there would be no need for changing the product-mix at a later stage. They therefore, recommended that greater care should be exercised in determining the product-mix which should be based on a thorough assessment of the demand.<sup>12</sup>

The Government informed the Committee in reply that in order to ensure that proper capital cost estimates were prepared, the procedure

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<sup>10</sup>*ibid.*, para 117.

<sup>11</sup>*ibid.*, para 117.

<sup>12</sup>*ibid.*, para 138.



had been rationalised, and necessary instructions issued in this behalf. These instructions envisaged three broad stages prior to plant construction, viz.—

- (a) Project Formulation Stage.
- (b) Preparation of a Preliminary Project Report or Feasibility Study.
- (c) Preparation of Detailed Project Reports.

It was stated that the Feasibility Studies and the Detailed Project Reports were also examined by the Bureau of Public Enterprises before the investment decisions were taken by the Government. The Government informed the Committee that the quality of both capital cost estimates and operating cost estimates had shown an improvement after the above instructions had been issued.

These instructions, the Committee were informed, covered two aspects, namely, (i) a realistic and close assessment of demand so as to avoid under-utilisation of capacities; and (ii) careful preparation of project estimates so as to avoid subsequent revisions, etc.

The Bureau of Public Enterprises was stated to have undertaken also a case-study of some enterprises where there had been frequent large-scale revisions of original estimates.<sup>13</sup>

#### *D. Working Capital*

The Committee on Public Undertakings were informed by a number of public undertakings that the latter had experienced considerable difficulties in raising working capital. Their complaints were mainly directed against the State Bank of India. It was alleged that there was delay in getting cash credit and that the State Bank of India was not only not providing such facilities at competitive rates, but was insisting on Government guarantees in addition to security of assets. In some cases, the Bank was reported to have expressed its inability to provide funds to the required extent. It was brought to the Committee's notice that although there was no specific ban on the undertakings having dealings with other scheduled banks, there had been earlier instructions to the effect that the undertakings should keep their deposits with the State Bank of India.

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<sup>13</sup>C.P.U., 56th Report (1969-70), pages 18 and 19.

The Committee found that the public undertakings were being put to unnecessary difficulties on account of inadequate working capital, with the result that their efforts and time had to be diverted from the important objectives of maximising production and keeping the costs low. "It is regrettable", the Committee observed, "that Government have not taken adequate steps to resolve these difficulties for the undertakings". They desired the Government to find out whether the State Bank of India would be able to meet the working capital requirements of all undertakings on suitable terms. If it was not possible, the Committee recommended,<sup>14</sup> the undertakings should be free to raise cash credit from other banks.

The Committee were later informed by the Government that the guidelines prescribed in this behalf envisaged that the enterprises should approach the State Bank of India for cash credit facilities for their working capital requirements on the security of their current assets in the first instance, failing which they might approach the Government for counter guarantees on the security of which additional cash credit facilities could be secured from the Bank. The Government added in their reply to the Committee that the entire question of affording cash credit facilities to public sector undertakings for meeting their working capital requirements was being reviewed in the context of the nationalisation of major Banks.<sup>15</sup>

### (iii) Return on Investment

The Committee on Public Undertakings felt that it was in the interest of each undertaking to show the capital outlay on first phase and on expansion, separately, so that it could find out the investment and return from each of its projects and phases thereof. "If this information was not available", the Committee observed, "adverse trends in the working of the first phase would go unnoticed". The Committee, therefore, desired that even if separate accounts were not maintained, the undertaking should allocate the expenditure to the respective projects and in the case of common expenditure distribute it on a percentage basis, so as to get a clear picture of the profitability of each phase.<sup>16</sup>

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<sup>14</sup>C.P.U., 15th Report (1967-68), paras 126 to 128.

<sup>15</sup>C.P.U., 56th Report (1969-70), pages 21 and 22.

<sup>16</sup>C.P.U., 15th Report (1967-68), para 140.

In pursuance of the Committee's recommendations, the Government decided that in respect of multi-unit undertakings, Profit and Loss Accounts and Balance Sheets should be prepared separately for each unit, by allocating the common expenditure on equitable basis.<sup>17</sup>

#### (iv) Budget

Almost all public undertakings prepare annual budget and analyse reasons for variations with estimates. However, the Committee on Public Undertakings came across one or two instances where no detailed budget estimates had been prepared in the first few years. The representatives of undertakings agreed before the Committee that preparation of such estimates should be obligatory. A view was expressed that there should be a specific instruction or provision in the Articles of Association to the effect that no work should be undertaken without a budget. The Committee desired it to be made obligatory for undertakings to prepare detailed budget estimates.<sup>18</sup>

Accepting the above recommendation, the Government informed the Committee that while the need for preparing detailed budget estimates had been impressed upon undertakings—and most of them did prepare such budget estimates every year for all the items of work to be undertaken in that year—it was now being made obligatory on the public undertakings to ensure that such detailed budget estimates were prepared. The undertakings had been advised, the Government stated, that they should ensure that these obligations were carried out either by amending the Articles of Association of the company or by such other method as might be deemed necessary.<sup>19</sup>

#### (v) Costing

The Committee on Public Undertakings learnt that as many as 24 public undertakings did not have a costing system. The economic success of any project, the Committee felt, depended on an efficient and accurate system of cost control. The Committee, therefore, wanted a proper costing system to be introduced in all public undertakings, without which, they observed, it would not be possible either to fix the prices correctly or to exercise adequate control over various elements of cost. The Committee noted that integrated system of cost and financial accounts had been adopted by 31 undertakings, while

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<sup>17</sup>C.P.U., 56th Report (1969-70), pages 29, 90 and 100.

<sup>18</sup>C.P.U., 15th Report (1967-68), para 151.

<sup>19</sup>C.P.U., 56th Report (1969-70), pages 29 and 105.

20 were not in favour of such a system. The advantage of the system was stated to be that it avoided the necessity of frequently reconciling the figures between the two accounts. The disadvantage, on the other hand, was stated to be due to the difference in costing and account heads which led to delays.

In the Committee's opinion, undertakings themselves were in the best position to decide whether or not the integrated system of cost and financial accounts would suit them. The Committee were, however, emphatic that whatever the system, collection of cost data should be completed as speedily as possible. It was brought to the Committee's notice that in a number of undertakings, the compilation of cost data took more than a month's time, and in some cases it took as long as three months. Prompt steps for cost reduction could be taken, the Committee observed, only if full data for cost analysis was readily available. They recommended that the undertakings should gear up their costing organisations, so that cost data was compiled by each undertaking within the shortest possible time.

The Committee emphasised the need to introduce standard cost with a view to exercising effective cost control. While admitting that there might be some difficulty in expressing the standard cost in monetary terms, as due to the all-round increase in price, standard cost was likely to become out of date very often, the Committee suggested that "it would be advantageous to lay down physical norms for determining standard cost, *i.e.*, the quantity of materials that should be consumed per unit of end product, labour hours, machine hours, etc. per unit of end product".<sup>20</sup>

Accepting the above recommendations, the Government recognised the need to have an efficient cost accounting system in the public undertakings. Apprising the undertakings of the observations made by the Committee the Government asked them to develop an integrated system of cost and financial accounts, so that the necessity of frequent reconciliation of figures between financial and cost accounts was avoided. The Government also asked the undertakings to recognise standard costing as an "essential management tool" for the purpose of cost control. They admitted that standard cost provided the necessary data against which actual performance could be compared and variation determined for initiating necessary remedial measures.<sup>21</sup>

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<sup>20</sup>C.P.U., 15th Report (1967-68) paras 170 to 177.

<sup>21</sup>C.P.U., 56th Report (1969-70), pages 35 and 118 to 121.

**(vi) Pricing Policy**

The Committee on Public Undertakings were informed that while 24 public undertakings enjoyed freedom of determining their pricing policy, in respect of others it was the Government who fixed the prices of their products. The reasons for Government having this responsibility were different in the case of different undertakings. In some cases, the prices to be charged were governed by the need for earning foreign exchange, and in others by considerations of making essential commodities, like life saving drugs, available to consumers at reasonable prices. Agreeing that Government should be the ultimate authority to decide which are the items whose prices should be fixed by them, the Committee felt that it would be in the fitness of things if the method of price fixation was fair to the undertaking concerned.

The Committee were of the view that while it was not possible to lay down any uniform method on the basis of which the public undertakings could be asked to determine the prices of their products, such undertakings should nevertheless not lose sight of the basic fact that they must prove to be economically viable units and earn a reasonable return on capital employed, so that they could contribute to general revenues. Quite often public undertakings were given partial or total monopoly in producing certain items as an import substitution measure or for boosting exports. "It is but right", the Committee observed, "that when undertakings discharge such responsibilities, they should not be asked to run at a loss by being compelled to sell at prices lower than their cost of production". In such cases, the Committee added, the cost of production and a reasonable amount of margin should be allowed to them. But to counter any apprehension that it might lead to laxity on the part of the undertaking in controlling the costs, the Committee recommended that the cost of production should be determined by a body of persons which might include some "impartial outsiders". The same considerations would apply, when the undertakings were required to sell something in public interest at a price lower than the cost of production. In cases where the only buyer was a Government department, the price should not be allowed to exceed "the cost of production plus a reasonable margin."<sup>22</sup>

The Government informed the Committee in reply that in formulating the guidelines for pricing policies, it had been recognised that public undertakings should be economically viable units and all-out

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<sup>22</sup>C.P.U., 15th Report (1967-68), paras 178 to 186.

effort should be made to increase their efficiency and establish their profitability at the earliest. It had accordingly been decided that:

- (i) it would not be necessary or advantageous to lay down guidelines in regard to pricing policies to be followed by enterprises which produced goods in respect of which the prices were subject to regulations of a binding type either voluntarily by mutual agreements or due to domestic or international regulations;
- (ii) it would not be necessary to prescribe any guidelines for trading organisations like the State Trading Corporation, the Minerals and Metals Trading Corporation, etc; and
- (iii) in respect of the enterprises producing goods and services in open competition with other domestic private sector producers, the normal market forces of demand and supply would operate and their products would be governed, by and large, by the competitive prices prevailing in the market.

The Government added that suitable guidelines for the enterprises operating under monopolistic or semi-monopolistic conditions had been prescribed. These included (i) that the pricing of their products should be on the basis of the landed cost of comparable imported goods which would be the normal ceiling (and not on the basis of c.i.f. prices); and (ii) that within the ceiling of the landed cost, it would be open to the enterprises to have price negotiations and fixed prices at suitable levels for their products, which would give them a reasonable return on the capital invested.<sup>23</sup>

While, in pursuance of the Committee's recommendations, the Government issued guidelines for enterprises which operated under monopolistic or semi-monopolistic conditions, they did not prescribe any such guidelines for trading organisations like S.T.C., M.M.T.C., etc. The Committee, therefore, emphasised that in so far as trading organisations were concerned, Government should keep in view the

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<sup>23</sup>C.P.U., 56th Report (1969-70), pages 47, 49 & 50.

Committee's earlier recommendations<sup>24</sup> on S.T.C. in which they had stated that the criterion for fixing prices should not be only the mopping up of surplus profit by a government agency.<sup>25</sup>

(vii) **Audit**

The Committee on Public Undertakings were informed that all the government companies were subject to audit by chartered accountants, generally called 'statutory auditors'. Their appointment was made by the Central Government on the advice of the Comptroller and Auditor General, who was authorised to give directives to the auditors regarding the manner in which the company's accounts should be audited and also instructions in regard to any matter relating to the discharge of their functions. The statutory auditors also submitted copies of the Audit Reports to the C. & A. G., who had the right to comment upon or supplement, such Audit Reports. Any such comments upon and supplement to the Audit Report were required to be placed before the Annual General Meeting of the Company at the same time and in the same manner as the Audit Report itself. In addition, the C. & A.G. had authority to conduct a supplementary or test audit of the accounts of these concerns. The results of such audit were reported by him to Parliament through the Audit Report (Commercial) every year.

The Committee were convinced that the supplementary or test audit by the C. & A. G., in some form or the other, was essential to ensure their accountability to Government and Parliament. They felt that the existing arrangements had been working, by and large, satisfactorily. If some undertakings had experienced procedural difficulties in attending to two audit parties—statutory auditors and the C. & A. G.'s audit team—at one and the same time, the Committee observed, these could be solved by greater coordination between the C. & A. G.'s office and the statutory auditors.

The Committee were, however, of the view that the supplementary audit by the C. & A. G. should concentrate more on efficiency-cum-

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<sup>24</sup>The Committee had observed in their Fifty-first Report (1968-69), on the State Trading Corporation that since one of the objects of canalising imports through S.T.C. was to ensure supply of raw materials at reasonable prices so that the consumer was not adversely affected, the Government S.T.C. should keep its pricing policy of imported items under periodical review "with a view to avoid overburdening of the concerned industry and consumer" (vide para 3.136, *ibid.*).

<sup>25</sup>C.P.U., 56th Report (1969-70), page 2.

propriety audit, so that his reports to Parliament gave an overall appraisal of the financial working of the undertakings.

While abstaining from expressing any opinion on the recommendations of the Administrative Reforms Commission regarding the constitution of Audit Boards dealing with specified sectors of public enterprises, the Committee expressed the hope that before taking a decision in the matter, the Government would ensure that "any new system will not only make audit more purposeful, but also go a step further in making Parliament's control over the public undertakings more effective."<sup>26</sup>

Recognising the need for having efficiency-cum propriety audit, as impressed upon by the Committee, the Government stated that it had been decided to set up Audit Boards for public undertakings in accordance with the A.R.C.'s recommendations. The Audit Boards, the Government explained, would be under the jurisdiction and control of the C. & A. G. and would form part of his organisation. The system of audit by statutory auditors would, however, continue. These auditors would work under the directions of the Audit Boards. The C. & A. G. would continue to give directives on the methods of conducting audit. The statutory auditors would do their normal regularity audit plus any other items under the directives given to them. The Audit Boards would also conduct, with the help of their own staff, efficiency-cum propriety audit, which was earlier being done by the Director of Commercial Audit.

In addition to the annual audits by the statutory auditors, the Audit Boards would conduct a periodical appraisal. The A.R.C. had recommended that such appraisals should be made once in every five years, but the Government thought that these could be done at more frequent intervals, if necessary.

The Government, however, made it clear in their reply to the Committee that the arrangements under the new system would not detract the C. & A. G. from his right to undertake any special or supplementary audit, if he considered it necessary. The comments of the Audit Boards on the audit of public enterprises would be incorporated in the Audit Report (Commercial) placed before Parliament.<sup>27</sup>

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<sup>26</sup>C.P.U., 15th Report (1967-68), paras 189 to 201.

<sup>27</sup>C.P.U., 56th Report (1969-70), pages 37 and 38.



(vii) **Financial Powers**

The Committee on Public Undertakings learnt that the limit up to which a public undertaking could sanction capital expenditure varied from undertaking to undertaking. While smaller undertakings had the authority to incur capital expenditure up to a higher limit, the limits fixed in respect of bigger undertakings were comparatively lower. The Committee recommended that "the powers enjoyed by all the undertakings should be reviewed and refixed in such a manner as to bear relationship to the total capital outlay and annual capital expenditure incurred by an undertaking". Such limits, the Committee added, should be reviewed periodically with a view to making suitable adjustments.<sup>28</sup>

In pursuance of the Committee's recommendations, the Government, after conducting a review of the limit of capital expenditure, decided to rationalise the delegation of financial powers to Boards of Managements of Public Undertakings on the basis of the following guidelines.<sup>29</sup>

*Total Capital investment  
of the Undertaking*

Rs.
100 crores or more
50-100 crores
20-50 crores
5-20 crores
below 5 crores

*Powers to sanction capital  
Expenditure without prior  
reference to Government*

Rs.
1 crore
50 lakhs
40 lakhs
15 lakhs
15 lakhs

(ix) **Training of Financial Advisers etc.**

The Committee on Public Undertakings learnt that only a small number of public undertakings had made arrangements for importing training in financial management. In this regard, the Committee observed that existing arrangements for the training of Financial Advisers were inadequate. They recommended the setting up of a Central Training Organisation for that purpose.<sup>30</sup>

<sup>28</sup>C.P.U., 15th Report (1967-68), para 212.

<sup>29</sup>C.P.U., 56th Report, 1969, pages 41, 134 and 135.

<sup>30</sup>C.P.U., 15th Report (1967-68), pages 70 to 73.

In their reply to the Committee, the Government stated that the need for training the Financial Advisers, officers and staff of the Financial Division in the modern techniques of financial management and intricacies of commercial accounts was fully recognised. It was indicated by the Government that arrangements were being made to see that the public undertakings took advantage of the facilities and training courses presently available in the management and training institutes. In the circumstances, Government did not consider it necessary to establish a separate Central Training Organisation for imparting training to the financial staff of public undertakings.<sup>31</sup>

The Committee, however, were not convinced by the Government's reply and reiterated their earlier recommendation for the setting up of a Central Training Organisation.<sup>32</sup>

## II. IMPORT OF SULPHUR

### Introductory

In July, 1967 a question<sup>33</sup> was raised in Lok Sabha in respect of a contract entered into by the State Trading Corporation of India with an American firm for the import of over three lakh tons of sulphur. Subsequently, several members of Parliament suggested that one of the Financial Committees should be asked to examine this transaction. The Speaker accordingly, on 25th July, 1967, referred the matter to the Committee on Public Undertakings for examination and report at an early date.

In their Fifth Report (Fourth Lok Sabha) the Committee dealt with this subject *viz.* the contract entered into by the S.T.C. with M/s. Oval Industries for the import of sulphur as well as the policy of Government regarding the import of this commodity.

#### (i) Contract with M/s. Oval Industries

##### *Background to Firm's Officer*

In the beginning of 1965, a world shortage of sulphur occurred, and imports by established importers were found to be inadequate to meet the full requirements of consuming industries. The matter was

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<sup>31</sup>C.P.U., 56th Report (1969-70), page 45.

<sup>32</sup>*Ibid.*, page 1.

<sup>33</sup>S. Q. No. 1291, dated 21-7-1967.

considered at an inter-Ministerial meeting in February 1966, when the State Trading Corporation was asked to examine the possibilities of augmenting the imports of sulphur. Thereafter the S.T.C. started contacting firms for the supply of sulphur.

On 20th August, 1966, an offer was received by the S.T.C. from M/s Oval Industries Inc. of U.S.A. through an Indian firm for the supply of 360,000 tonnes of sulphur at the rate of 55 per tonne FOB California. The offer was considered at an inter-Ministerial meeting of officers of the Ministries of Finance, Industry and Agriculture and the S.T.C. On 23rd August, a note was put up to the Finance Minister, who, after observing that he was not given sufficient time to consider the proposal, approved the firm's offer the same day. The acceptance of the offer was also communicated to the firm on the same date.

The Committee on Public Undertakings learnt that M/s Oval Industries had been functioning as a private firm since 1963 and were incorporated in January 1966. The chief executives of the firm (Muskat Bros.) who were also incharge of a sister company (Dunbar Boot Company) had entered into a contract with the S.T.C. for the first time in April 1966 for the export of Indian leather goods to U.S.A. The Committee were informed that in the course of his discussions with Muskat Brothers in April 1966, the Chairman, S.T.C. had made a casual mention that India was interested in importing sulphur. In his evidence before the Committee, the Chairman, S.T.C. was asked whether Muskat Bros. were doing any business in sulphur. He stated that at that time he did not go into this aspect. The Committee came to the conclusion that the firm had not done any business in sulphur prior to the time of their discussion with the Chairman, S. T. C., and that it was only as a result of this discussion that they took interest in the sulphur trade and made an offer in August 1966. As events proved, the supplies envisaged in the offer did not materialise.<sup>84</sup> There were "no comments" from the Government on these observations of the Committee.<sup>85</sup>

#### *Inadequate scrutiny before acceptance of offer*

As regards the scrutiny of the firm's offer by the Ministries, the Committee noted that the Secretaries of the Ministries of Finance, Industry and Agriculture knew that M/s Oval Industries themselves

<sup>84</sup>C.P.U., 5th Report (4th Lok Sabha), para 14.

<sup>85</sup>C.P.U., 53rd Report (4th Lok Sabha), page 2.

were neither mining sulphur nor engaged in the sulphur trade. An offer of any such firm to supply 360,000 tonnes of sulphur in 12 months could, therefore, raise doubts about the possibility of such supplies materialising.

The Committee felt that the officials of the Ministries had relied solely on the judgement of the S.T.C. and enquiries were not made by them about the genuineness of the parties and the sources of supplies.

The Committee also came to the conclusion that very little scrutiny was exercised by the S.T.C. and the officers of the Ministries concerned on the merits of the offer at \$55 per tonne which was higher than the rate at which purchases had been made previously.<sup>36</sup>

The Government stated in reply that the S.T.C. was fully aware that the firm was new to sulphur trade; but in view of the acute shortage of sulphur, it had to try the chances of tapping even such sources, subject of course to taking reasonable financial precautions and safeguards. As for the part played by other Ministries, it was stated by the Government that the Secretaries did not presumably go into the genuineness of the offer or the competence of the firm to effect supplies. It was said that "the S.T.C. had exercised the scrutiny as appeared to have been practicable", ensuring at the same time that it did not take any liability as might expose it to financial burdens till the supplies started materialising. Since the firm had agreed to satisfy the S.T.C. with regard to the sources and availability of sulphur and suitable guarantees were to be obtained in regard to its performance, the Secretaries of the Ministries had no objection to the S.T.C. trying a new channel of import.

In view of the Government's reply, the Committee did not pursue the matter further.<sup>37</sup>

*Firm's antecedents and sources of supply not verified*

Two days after communicating the acceptance of the firm's offer, the S.T.C. addressed cables to the Indian Embassy, Washington and the General Manager, Handlooms and Handicrafts Exports Corporation, a subsidiary of S.T.C. at New York, calling for Dun and Bradstreet Report on the credentials of the firm. The first reports received

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<sup>36</sup>*ibid.*, page 26.

<sup>37</sup>C.P.U., 53rd Report (4th Lok Sabha), page 14.

gave suspicious details and unsatisfactory position of the firm. In the meanwhile, however, the contract was signed with the firm on the 7th September, *i.e.* three days before the first reports were received. The Committee, therefore, observed that serious efforts had not been made to expedite the receipt of reports on the firm's credentials before the signing of the contract. They also expressed the view that the S.T.C. should not have entered into such a big contract running into several crores of rupees with a firm hardly known to it and which was proposing to enter a new line of business whose supply position was very difficult.<sup>38</sup>

From the facts placed before them the Committee came to the conclusion that the effort of the firm (Oval Industries) was in the nature of a speculation in the new line selected, because the Chairman, S.T.C. had indicated that India was searching for sulphur supplies. "Being aware of the background", the Committee felt "the S.T.C. might have made proper investigation and enquiries from other sulphur suppliers and producers".<sup>39</sup>

In reply, the Government explained that the S.T.C. had made earnest efforts to expedite the Dun and Bradstreet Reports before signing the contract. A cable reminder was sent on 31st August and a trunk call was also made by the concerned officer in the S.T.C. to the General Manager, Handloom and Handicrafts Exports Corporation on 7th September, 1966. It was added:

"STC's eagerness to sign the contract in anticipation of the status report appears to have been motivated by the anxiety on the part of the S.T.C. to the effect that a possible source of supply might withdraw its offer, if the contract was not signed sufficiently early".

As regards the signing of the contract with a firm which was new to the trade, it was stated:

"STC had no reason to doubt that Oval Industries, which had been formed to enter into import and export business, were not sincere about the offer made by them, or that under reasonably favourable conditions, they would not be able to procure the quantity of sulphur for which the contract was entered into with them".

<sup>38</sup>C.P.U., 5th Report (4th Lok Sabha), paras 32 and 37.

<sup>39</sup>*ibid.*, 56.

The Committee accepted the explanation given by Government and did not pursue the matter further.<sup>40</sup>

As regards the sources of supply, the Committee were informed that limitation of time and other surrounding circumstances did not permit S.T.C.'s involvement into the question of verification of the sources of production. In another reply it was stated that the representatives of the firm who came to negotiate the contract regretted their inability to disclose the particulars of sources of supply until the deal was well on its way to implementation. Subsequently, when delays were noticed on the part of the firm, the official of the S.T.C. who happened to be in the U.S.A. tried to verify the arrangements made by the firm for the supply of sulphur, but no satisfactory information was made available to him by the firm. The Committee commented that the S.T.C. had no clear idea of the sulphur trade and relied too much on the representation of the firm than on its own judgement about the availability of sulphur in the world market and the capacity of the party to fulfil the contract.<sup>41</sup> The S.T.C. was advised by Government to keep a note of the Committee's observations for future guidance in dealing with large contracts.<sup>42</sup>

#### *Letter of Credit*

In clause 9 of the contract, it was provided that the S. T. C. should open a letter of credit for the full quantity of 360,000 tonnes. Clause 13 further provided that in the case of failure to fulfil any of the terms of the contract the firm should be liable to pay for all damages up to 5 per cent of the value of the contract and that the S. T. C. should further be free to terminate the contract or make purchases at sellers' cost and risks from alternative sources.

According to clause 15 of the contract, the firm was required to furnish a performance bond in the form of a bank guarantee for the performance of the contract in the amount of 5 per cent of the total amount of the contract. The Committee learnt that even though the firm failed to furnish the requisite performance bond, the S. T. C. opened a letter of credit for the total supplies, with the condition that it would be operative only on the firm's furnishing the performance bond.

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<sup>40</sup>C.P.U., 53rd Report (4th Lok Sabha), pages 16 & 17.

<sup>41</sup>C.P.U., 5th Report (4th Lok Sabha), para 42.

<sup>42</sup>C.P.U., 53rd Report (4th Lok Sabha), page 9.

The Committee felt that the stipulation of the above condition by the S.T.C. was not enough, as, in the event of a default such a performance bond would not have enabled the S.T.C. to recover the sum indemnified. Since the S.T.C. had not done any business with the firm earlier, the Committee felt that by opening the letter of credit, it had taken graver risk than was warranted by the circumstances of the case. In fact, had the contract not been cancelled in time, the S.T.C. might have involved itself in litigation and loss of money.<sup>43</sup>

In reply, it was reiterated that the action of the S.T.C., in opening the letter of credit before the performance bond was furnished, was motivated by the fear that the offer of supply might be withdrawn if this course of action was not resorted to. Later, when the performance bond was not forthcoming, the S. T. C. cancelled the letter of credit and the State Bank of India did not charge any commission for the infructuous letter of credit.

The Committee's observations were, however, conveyed by the Government to the S.T.C. for guidance in their future transaction.<sup>44</sup>

#### (ii) Import Policy

##### *Imports through S.T.C.—By-passing of Cabinet deprecated*

In view of the overall shortage of sulphur, experienced in the world from the beginning of 1965, the available quantities of sulphur were being distributed by the Government on the basis of the relative importance of different industries. Subsequently in 1966, Government further examined the possibilities of augmenting the supplies of sulphur and the S.T.C. was asked to put up proposals in this regard.

At an inter-ministerial meeting of Secretaries held on 5th August, 1966, it was decided to obtain approval of the Industries Sub-Committee of the Cabinet to the following general scheme:

- (i) The STC should be the centralised authority for procuring sulphur, and will be allowed to buy sulphur at reasonable prices depending upon the international sulphur market situation.

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<sup>43</sup>C.P.U., 5th Report (4th Lok Sabha), para 30.

<sup>44</sup>C.P.U., 53rd Report (4th Lok Sabha), page 9.

- (ii) So far as the purchase from SULEXCO is concerned it can be arranged through their sole agents or if possible by the STC.
- (iii) The STC would charge an average price to the fertiliser industry.
- (iv) Any private sector fertiliser unit desiring to make a bulk contract for sulphur for not less than six months' requirements of the unit, subject to a minimum of 10,000 tonnes at reasonable price, may be permitted to enter into such a contract and be given an import licence for the purpose.

Before the above proposals could be considered by the Cabinet Sub-Committee, a notification was issued by the Ministry of Commerce, on 27th August, 1966 whereby all imports of sulphur were canalised through the S.T.C.

Subsequently, when the matter was placed before the Cabinet Sub-Committee, it took the following decisions on 15th November, 1966:

- (a) that the STC should be made the sole agency for imports of sulphur;
- (b) that the STC be given the flexibility in deciding upon quantities to be procured and the prices at which purchases are to be made; and
- (c) that direct purchases by fertiliser producers (or any other large users) be permitted under specified conditions.

The Committee of Public Undertakings expressed surprise as to how a matter which was considered at length by the Committee of Secretaries and their recommendations which were to be placed before the Cabinet Sub-Committee could be by-passed by the Ministry of Commerce by issuing a Notification canalising all imports through the S.T.C. The Committee felt that the proper course for the Minister was to have placed the matter before the Cabinet Sub-Committee at the earliest possible opportunity, instead of taking an *ad hoc* decision overruling the recommendations of the Committee of Secretaries.

It was stated that the decision regarding canalisation of imports through the S.T.C. was taken on the basis of oral representations received by the Minister of Commerce about the acute scarcity of sulphur. The Committee observed that the decision of the Minister was "ill-advised and not justified in the circumstances, especially in view of the fact that the policy regarding import of sulphur was discussed by the Committee of Secretaries only three weeks earlier and



the matter was pending before the Cabinet Sub-Committee for decision". The Committee decided the Government to consider whether as a safeguard it would not be proper to evolve a procedure whereby no final orders are notified in such matters in future without the concurrence of the Cabinet.

The Committee also desired that Government should lay down a procedure making it incumbent on a Minister to record the reasons where he orders reversal of a policy.<sup>45</sup>

The Government accepted the recommendation of the Committee and the following instructions were issued by the Cabinet Secretariat:

"Where a matter affects more than one Department, orders thereon should issue only after obtaining the concurrence of those Departments. The responsibility for ensuring compliance with these Rules is laid on the Secretary of the Ministry, as its administrative head. The Prime Minister has directed that the Secretary should ensure that the Minister's attention is appropriately drawn to the procedural requirements of the consultation with the concerned Departments."

As regards the suggestion of the Committee that Ministers should record reasons at the time of issuing orders involving change in policy, the Committee were informed as follows:—

"The Prime Minister has directed that the reasons for any order passed by the Minister, even if some of them happen to be political, would have to be briefly stated. To this end, it shall be the duty of the Secretary of the administrative Ministry to ensure that all previous papers are properly linked to establish the sequence before the issue of the orders. In case the sequence is not clear or the order passed by the Minister is contrary to any previous order on the subject, the Secretary should bring the position to the notice of his Minister to facilitate resolution of any conflict which might have arisen and the issue of such further directions as the Minister may give".<sup>46</sup>

#### *Written Directions to Public Undertakings preferred*

The Committee further noticed that although in pursuance of the orders of the Minister of Commerce all imports of sulphur were to be canalised through the S.T.C., no written directions were issued to the S.T.C. to exclusively undertake this work. The Committee

<sup>45</sup>C.P.U., 5th Report (4th Lok Sabha), paras 111 and 113.

<sup>46</sup>C.P.U., 53rd Report (4th Lok Sabha), page 7.

were of the opinion that the proper course for the Ministry would have been to issue a written direction to the S.T.C. to undertake all future imports of sulphur. They suggested:

"Whenever Government desire a public undertaking to accept any responsibility or pursue any course of action which is beyond its normal course of business, they should issue written directions. This would enable a clear appreciation of the functions of an undertaking carried out in its own commercial judgement and those undertaken in accordance with the specific policy or direction of Government."<sup>47</sup>

In reply, Government stated that the Administrative Reforms Commission in their report on Public Undertakings had also made an almost identical recommendation and the Cabinet had since given the following decisions which had been circulated to all the ministries by the Bureau of Public Enterprises on 28th September, 1968.

"When Government considered it necessary to issue a directive to a public enterprise, it should be in writing; the issuance of the directive should also find a mention in the annual report of the enterprise concerned."<sup>48</sup>

#### *Reversal of Import Policy for Sulphur*

Prior to the adoption of the policy of canalising the imports of sulphur through the S.T.C., the country was depending for the imports of sulphur upon monopoly suppliers in America acting through their two Indian agents. When orders for the canalisation of imports through the S.T.C. were issued in August 1966, the S.T.C. took initiative in contacting various foreign parties for the supply of sulphur, but it could not break the ring of monopoly-suppliers in USA|Canada, who wanted to deal with their Indian agents directly and not through a State Trading Organisation in India. Thus, the advantage that was thought to accrue as a result of canalisation did not materialise, and the expectations of supply of sulphur during the year 1967 became so uncertain that the policy of canalisation had to be reversed in January, 1967. According to the Committee, "this change of policy brought about under the pressure of foreign monopolists and their Indian agents did "no credit to Government". They suggested that

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<sup>47</sup>C.P.U., 5th Report (4th Lok Sabha), para 114.

<sup>48</sup>C.P.U., 53rd Report (4th Lok Sabha), pages 8-9.

“while adopting any such policy, proper steps and sufficient precautions should be taken to meet the challenge of Indian and foreign monopolists who might try to frustrate the efforts of a public undertaking”.<sup>49</sup>

While noting the Committee's observation, Government stated that the changes in the import policy of sulphur were made, as Government were satisfied that the changes were necessary to ensure adequate supplies to actual users at a time when the world supply position was becoming increasingly tight.<sup>50</sup>

#### *Long term contracts preferred*

The Committee noticed that there had been a general rise in the export price of sulphur from the year 1965 onwards. The devaluation of the Indian rupee in June 1966 also adversely affected the import costs. Thus the STC's landed cost of sulphur had steeply increased from an average of Rs. 280 per tonne in 1965-66 to Rs. 537.18 per tonne in February 1967. It was also noted that commercial imports from non-traditional suppliers of sulphur cost much more than imports from traditional suppliers. The Committee, therefore, recommended that the country's dependence on “spot” purchases, which cost more, should be reduced to the minimum. They advised the Government to enter into long-term contracts with foreign suppliers to ensure regular flow of imports at economical prices, until such time as the indigenous sources of supply of sulphur as also the use of alternative raw materials for fertiliser and other sulphur-using industries were adequately developed. “In choosing suppliers, dependence on one supplier or one group of suppliers should be avoided”, the Committee suggested.<sup>51</sup>

The Committee's observations were noted by the Government. It was stated that the STC had already been instructed to enter into long-term commitments for the supply of sulphur.<sup>52</sup>

#### *Future Imports of Sulphur through Government agency preferred*

As regards future policy regarding the import of sulphur, the Committee suggested that “in the interests of the country canalisation through a Government agency will be a desirable objective, as it can result in purchases being made at economic prices. It would also avoid unhealthy competition among Indian buyers which is likely to

<sup>49</sup>C.P.U., 5th Report (4th Lok Sabha), para 129.

<sup>50</sup>C.P.U., 53rd Report (4th Lok Sabha), pages 10-11.

<sup>51</sup>C.P.U., 5th Report (4th Lok Sabha), para 139.

<sup>52</sup>C.P.U., 53rd Report (4th Lok Sabha), page 11.

arise in times of shortage and in a market where there are few sellers and too many buyers". "However" the Committee observed that "canalisation by STC should be resorted to only when it proves its capacity of importing sulphur regularly and in sufficient quantities at reasonable prices and wins the confidence of importers and actual users in India as also of foreign suppliers."<sup>53</sup> The Committee's observations were noted by Government.<sup>54</sup>

### **III. CONTRACTS ENTERED INTO BY ROURKENA STEEL PLANT FOR THE SUPPLY OF IRON ORE AND MANGANESE ORE**

The facts regarding contracts entered into by the Rourkela Steel Plant of the Hindustan Steel Ltd. (HSL) with M|s. B. Patnaik Mines (P) Ltd. and M|s. Mishrilal Jain and Sons for the supply of iron ore and manganese ore first came to the notice of Parliament on the 18th August, 1966, when a question<sup>55</sup> on the subject was asked by a Member in Rajya Sabha. The Rourkela Steel Plant entered into two ad hoc contracts with M|s. Patnaik and M|s. Mishrilal Jain for supply of 139,000 tonnes and 100,000 tonnes of iron ore and 28,000 tonnes and 22,000 tonnes of manganese ore, respectively. The contracts stipulated supplies at the base price of Rs. 16 per tonne of iron ore and Rs. 25 per tonne of manganese ore.<sup>56</sup>

It was stated by Government in the Rajya Sabha that although no formal notifications were issued before entering into contracts with these firms, a number of firms in the Barajamda area had been contacted. The Government explained that very few mine-owners were in a position to supply high grade iron ore as well as manganese ore, and that many did not show even a slight interest in the matter. Giving justification for entering into the ad hoc contracts, the Government informed the Rajya Sabha that "as the stocks of iron ore with Hindustan Steel Ltd. had come down to only two days' consumption, there was no alternative but to arrange for supplies immediately to keep the plant running without necessarily completing the formalities of issuing final notification etc."

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<sup>53</sup>C.P.U., 5th Report (4th Lok Sabha), para 147.

<sup>54</sup>C.P.U., 53rd Report (4th Lok Sabha), page 12.

<sup>55</sup>R.S. S. Q. No. 506, dt. 18-8-1966.

<sup>56</sup>C.P.U., 6th Report (1967-68), para 2.

It was *inter alia* alleged by Members in the House that:

- (i) Contrary to the general policy of the Government and public sector undertakings, in this particular case no tenders had been called for and quotations were obtained only from a few persons. This was objected to by the Mine Owners' Association who had also made representations to the HSL.
- (ii) This procedure had been adopted with a view to benefit Shri Biju Patnaik and his business associates, overlooking the fact that Shri Patnaik had come to adverse notice of Government.
- (iii) The Minerals and Metals Trading Corporation of India Ltd. (MMTC), a public sector undertaking had been neglected.
- (iv) The MMTC was purchasing iron ore at the rate of Rs. 15.50 per tonne from small mine-owners and supplying it to HSL at the rate of Rs. 16.50. HSL could have purchased the ore directly from small mine-owners at the rate of Rs. 15.00 had it so desired. Had tenders been invited the correct prices could have also been known.
- (v) No proper precautions had been taken by HSL to acquire the raw materials in time and the stocks had been allowed to dwindle down to as low as two days' supplies.<sup>57</sup>

It was *inter alia* stated in reply on behalf of the Government that:

- (i) As the Eastern Zone Mine Owners' Association, with whom discussions were held, was not a trading body, it was not possible to enter into any contracts with them and, therefore, contract was placed with these two firms.
- (ii) The price at which the contracts were placed with the firm was lower than offered by MMTC. The price quoted by MMTC was Rs. 17 per tonne, besides Rs. 0.30 per tonne as commission, whereas that paid to the parties was only Rs. 16 per tonne. This clearly showed that no favour was shown, nor was any high price charged.
- (iii) The stocks had depleted due to pressure of export obligations.

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<sup>57</sup>*Ibid*, para 5.

There was also a half-an-hour discussion in the Rajya Sabha on this matter on the 29th August, 1966 when an appreciable number of Members raised questions.

The Committee on Public Undertakings (Third Lok Sabha) decided in September, 1966 to call for detailed information from the Government on various points arising out of this matter. The information received from the Ministries of Iron and Steel, and Commerce was examined by that Committee who could not, however, pursue the matter further on account of dissolution of the Third Lok Sabha.<sup>58</sup>

The Committee on Public Undertakings (Fourth Lok Sabha) examined the matter *de novo* and decided on the 14th August, 1967 to take it up for detailed examination.<sup>59</sup>

#### *Failure to Make Purchases from Open Market*

The Committee on Public Undertakings (1967-68) were informed that there was a total shortfall of 44,992 tonnes of iron ore and 19,279.9 tonnes of manganese ore in the supplies to the Rourkela Steel Plant during the period January to April, 1965. The Committee expressed their surprise to learn that the Plant authorities had taken this shortfall as only a "temporary imbalance", because it had become "increasingly clear" to the authorities that the position of supplies through MMTC was not likely to improve till the question of price was finally settled. The Committee felt that the failure of the Plant authorities to make purchase from open market earlier was a "gross neglect and disservice to the cause of public sector".<sup>60</sup> The observation of the Committee was noted by the Government.<sup>61</sup>

#### *Very Few Parties Contracted for Quotations*

The Committee learnt that whereas as many as 43 firms had supplied iron and manganese ores to the Rourkela Steel Plant through MMTC during 1965-66, the Plant contacted informally only ten of them, including the two parties in question. Further all of these ten

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<sup>58</sup>*Ibid.*, para 5.

<sup>59</sup>*Ibid.*, para 6.

<sup>60</sup>*Ibid.*, paras 30, 38 and 41.

<sup>61</sup>C.P.U., 52nd Report (1969-70), page 5.

parties were not the largest suppliers of ores. Calling for offers thus appeared to the Committee to have been done in an "unplanned and arbitrary" manner. Their view was that had the Plant authorities contacted a larger number of suppliers, a more definite trend of market prices would have become apparent and the contracts for ores could have been placed on a more rational basis.<sup>62</sup> This observation of the Committee was duly brought to the notice of HSL by the Government for future guidance.<sup>63</sup>

### *Tenders Not Called For*

The Committee on Public Undertakings were informed that no approved list of suppliers in respect of raw materials was being maintained by the Plant, but such a list was in the process of preparation. Non-maintenance of such list was noted with surprise by the Committee who emphasised the need for quick preparation thereof.<sup>64</sup> The Committee's recommendation was brought to the notice of HSL who were stated to have initiated steps to prepare the required list.<sup>65</sup>

Explaining the reasons for not calling for tenders in these deals, the representatives of the Rourkela Steel Plant stated that the practice in this regard was not to call for tenders—either open or limited—for the purchase of ores. They entered into long-term contracts only on the basis of negotiations. Open advertised tenders were issued only when either the market was not known or new parties were sought to be encouraged or there was a fierce competition in the market. In the case of iron and manganese ores, it was explained, all the suppliers were fairly known to the Plant authorities, who were also aware as to which parties were in the best position to make supplies. The prime objective of the Plant, it was stated, was not only to obtain the supplies of the right type, but also at the most competitive rates and within the stipulated period.<sup>66</sup>

Another argument advanced for not having called for tenders in this case was that as the HSL was discussing the question of price with MMTC, the latter would not have liked any such move on the part of

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<sup>62</sup>C.P.U., 6th Report (1967-68), para 59.

<sup>63</sup>C.P.U., 52nd Report (1969-70), page 8.

<sup>64</sup>C.P.U., 6th Report (1967-68), para 63.

<sup>65</sup>C.P.U., 52nd Report (1969-70), page 8.

<sup>66</sup>C.P.U., 6th Report (1967-68), para 64.

the Rourkela Steel Plant. This argument was, however, not considered valid by the Committee who felt that, from the point of view of MMTC, both the methods, namely, calling for open tenders and calling for informal offers, would have had the same effect on the market.<sup>67</sup>

The Committee also did not accept the claim that the capacity of various suppliers was fully known to HSL. As far as the Committee could see, the HSL knew the potentialities of only those firms which had supplied the ores to them through MMTC. As regards other suppliers, the Committee observed that the HSL did not have full information about them. The Plant did not have a list of approved suppliers either. The Committee thought it would have been in the interest of HSL themselves that they should have encouraged new parties and located all sources of supplies.<sup>68</sup> The observation was noted by Government who informed the Committee that the same had been brought to the notice of HSL for future guidance.<sup>69</sup>

#### *Ad hoc Contracts*

Out of the ten parties contacted by HSL for the supply of iron and manganese ores, M/s. Mishrilal Jain and two others had given offers in writing. The remaining seven parties including M/s. B. Patnaik Mines had given quotations verbally. On the basis of these written and verbal offers, contracts were given, after negotiations, to M/s. B. Patnaik Mines and M/s. Mishrilal Jain. The initial *ad hoc* contracts were for 1 lakh tonnes of iron ore and 20,000 tonnes of manganese ore.

M/s. B. Patnaik Mines and M/s. Mishrilal Jain had originally offered iron ore at Rs. 16.50 and Rs. 17.00 per tonne and manganese ore at Rs. 26 and Rs. 27 per tonne, respectively. Later on, following negotiations with them they agreed to supply iron ore at Rs. 16 per tonne and manganese ore at Rs. 25 per tonne, respectively.

On the other hand, another party had offered iron ore at Rs. 16.50 per tonne and had indicated that if an order for one lakh tonnes of ore was placed, they would further reduce the price to Rs. 16.00 per tonne. Similarly, yet another firm had offered manganese ore at Rs. 25 per

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<sup>67</sup>*Ibid.*, para 65.

<sup>68</sup>*Ibid.*, para 66.

<sup>69</sup>C. P. U., 52nd Report (1969-70), page 9.



tonne, although they could not make any definite commitment due to prior engagement with MMTC.

The Committee saw no reason why it could not be possible for the Rourkela Plant to consider the offer for 1,00,000 tonnes of iron ore by the firm who offered to supply it at Rs. 16 per tonne. Similarly, the Committee observed, the matter could have been pursued with other firms who had quoted low prices.

The Committee added:

"Instead of following this straightforward line of action, the Plant authorities preferred the procedures of negotiating with parties who had quoted higher prices for these raw materials. If negotiations with M/s. B. Patnaik Mines and M/s. Mishrilal Jain could bring down the rates quoted by them for these ores, there is every reason to believe that similar negotiations with others would have brought down their rates. Thus, the likelihood of further lowering of prices was ruled out by negotiating with certain chosen parties."

The Committee were not convinced that the Rourkela Steel Plant "were not unreasonably inclined to favour some mine-owners." "It is difficult to believe," they observed, "that the management of Rourkela Steel Plant and other concerned offices were not aware of the C.B.I. report on B. Patnaik etc." It appeared strange to the Committee that contracts were given to this firm when it was not in a position to raise the required quantities of ores from its own mines, as was evident from the fact that it had to associate other mine-owners for supplies against the long-term contracts.<sup>70</sup>

The Ministry of Steel and Heavy Engineering in their reply to the Committee stated that there was no official intimation concerning the CBI Report referred to by the Committee. According to the established procedure, the Committee were informed, the names of firms which were black-listed by Government were circulated and the undertakings did not deal with such firms. The Ministry stated that no instructions in regard to black-listing of M/s. B. Patnaik Mines (P) Ltd. were received by them.

The Committee re-affirmed that the Rourkela Steel Plant ought to have taken into account all these facts before entering into any contracts. While observing that it was a lapse on the part of the Government not to have circulated a list of firms which were black-listed, the

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<sup>70</sup>C.P.U., 6th Report (1967-68), paras 72, 73 and 78 to 80.

Committee suggested that, in future, Government should circulate such lists to all public undertakings as soon as a firm was black-listed so that the undertakings did not enter into contracts with such firms.<sup>71</sup>

### *Question of Prices*

The request of MMTC for enhancing the prices of iron and manganese ores was first discussed at a meeting between the representatives of the Rourkela Steel Plant and MMTC in May, 1965. This was followed by a series of talks between HSL and MMTC. The negotiations, however, finally broke down on the issue of a package deal. Whereas the MMTC had agreed to the price of Rs. 16 per tonne being charged for iron ore to be supplied to the Rourkela Steel Plant, they had demanded the same price for iron ore to be supplied to the Durgapur Steel Plant also, which was higher than the price of Rs. 15.50 already under negotiation between the Durgapur Plant and certain other firms.

The Committee in the circumstances felt that the insistence of the MMTC on a package deal for both the Rourkela and Durgapur Plants was not only unreasonable but largely responsible for the further deterioration of relations between the two undertakings.<sup>72</sup> The Committee's observations were noted by Government.<sup>73</sup>

### *Long-term Contracts*

The Rourkela Steel Plant entered into further long-term contracts for supply of iron and manganese ores in July, 1966 with M/s. Mishrilal Jain, M/s. B. Patnaik Mines and M/s. Rungta and Sons. The *ad hoc* contracts given to M/s. B. Patnaik Mines and M/s. Mishrilal Jain were to have run up to June, 1966. The Committee felt that from March, 1966 to June, 1966, there was ample time for the Rourkela Steel Plant to have called for open or limited tenders for making long-term contract. The Plant's contention, on the other hand, was that they did not take any action for concluding long-term contracts in the hope that a permanent arrangement would soon be reached with MMTC. However, as stated earlier, negotiations with MMTC had finally broken down on the 30th May, 1966, because they had insisted on a package deal for both the Durgapur and Rourkela Steel Plants.

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<sup>71</sup>C.P.U., 52nd Report (1969-70), pages 1 and 22.

<sup>72</sup>C.P.U., 6th Report (1967-68), paras 84 to 102.

<sup>73</sup>C.P.U., 52nd Report (1969-70), page 11.

At a meeting held between the representatives of mine-owners and MMTC in May 1966 an understanding was reached that mine-owners making direct supplies to HSL would be debarred from claiming any business through MMTC. The H.S.L.'s apprehension, therefore, was that in view of the above understanding mine-owners would be unwilling to submit quotations against tender enquiries made by them as "in the event of orders not coming through with HSL, they would be faced with loss of business with MMTC as well as uncertain future contracts with HSL." Issue of limited tender enquiries was, therefore, not considered advisable by HSL, since, according to them, they wanted to ensure regular supplies at reasonable price.

The above argument of HSL, however, did not appear to be convincing to the Committee as, according to them, M/s. Mishrilal Jain, M/s. B. Patnaik Mines and M/s. Rungta and Sons, who were signatories to the minutes of the aforesaid meeting held in May, 1966, had agreed to enter into long-term contracts with the Rourkela Steel Plant in spite of the "self-imposed ban." "In fact," the Committee observed, "a number of mine-owners are now sharing the supplies with M/s. B. Patnaik Mines and M/s. Mishrilal Jain against the direct contract."

Considering all the circumstances, the Committee felt that in view of the known attitude of MMTC there was no apparent justification for HSL to have waited till July, 1966 for making firm arrangements for the supply of these "vital ores"<sup>74</sup> The observations of the Committee were noted by the Government who also brought them to the notice of HSL for future guidance.<sup>75</sup>

#### *Relations between HSL and MMTC*

Since 1967 the State Trading Corporation had been the sole purchaser of iron ore from the mines in Orissa and Bihar, commonly known as the Barajamda sector, for export through the port of Calcutta. The procurement of iron ore and manganese ore from the private sector mines in the Barajamda sector for supply to steel mills of HSL at Durgapur and Rourkela was also entrusted to STC in 1958. From 1st October, 1963 this work was taken over by the MMTC which was formed out of STC for handling the trade on mineral ores etc.

The monopoly for export of iron ore vested in MMTC enabled them to have control over pricing and supplies. On the basis of demands placed by HSL from time to time, MMTC negotiated prices

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<sup>74</sup>C.P.U., 6th Report (1967-68), paras 103 to 108.

<sup>75</sup>C.P.U., 52nd Report (1969-70), page 12.

for the iron ore with the suppliers and finalised the same with the approval of HSL. MMTC received a commission on the iron ore supplies made to HSL. In the case of manganese ore, however, contracts were entered into by HSL directly with the suppliers on the basis of offers collected from mine-owners by MMTC.

Throughout the period, from July, 1965 to May, 1966, MMTC and HSL entered into lengthy and repetitive correspondence with each other regarding fixation of prices. According to the Committee on Public Undertakings, upto May, 1966 no efforts were made by MMTC to convene a meeting of the mine-owners for settling the price issue. The Committee felt that the meeting which was at long last held in May, 1966 been held in August, 1965, the entire matter could have been settled earlier. In their opinion, the MMTC, except for sending complaints and counter complaints to HSL, the Ministries of Commerce, Iron and Steel etc., did not initiate any positive steps to resolve the differences.<sup>76</sup>

In reply, the Ministry of Commerce informed the Committee that MMTC had since been advised to take note of the Committee's observations and to take steps to ensure that difference between the Corporation and other public sector undertakings were resolved within a reasonably short time, failing which the assistance of the concerned Ministries should be obtained to ensure that inter-undertaking disputes were not unduly prolonged and did not adversely affect public interest.<sup>77</sup>

The Committee felt that when there was acute shortage of supplies of ores to the steel plants, it should not have been left by Government to MMTC to decide whether supplies to HSL should be curtailed in the interest of exports.<sup>78</sup> The Ministries of Steel and Heavy Engineering, and Commerce later assured the Committee that if such situation arose in future, they would take necessary action to overcome the difficulty.<sup>79</sup>

Finally, the Committee commented with regret that both MMTC and HSL (Rourkela Plants) had failed to realise that they were public sector organisations. They should not have done anything, the Committee added, which would in any way act prejudicially to the interest

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<sup>76</sup>C.P.U., 6th Report (1967-68), paras 129, 130 and 163.

<sup>77</sup>C.P.U., 52nd Report (1969-70), pages 15 and 16.

<sup>78</sup>C.P.U., 6th Report (1967-68), para 178.

<sup>79</sup>C.P.U., 52nd Report (1969-70), page 16.

of either of them, because ultimately their failure harms the interest of the people and casts a bad image of public enterprises.<sup>80</sup> The observations of the Committee were noted by the Government.<sup>81</sup>

*Liaison and Coordination between Public Undertakings*

The Committee on Public Undertakings (1969-70) found that in most cases the Ministry of Steel and Heavy Engineering had only brought the Committee's recommendations/observations contained in their Sixth Report (1967-68) dealing with the contracts entered into by the Rourkela Steel Plant for the supply of iron and manganese ores to the notice of HSL for "future guidance." The Committee desired (*vide* their Fifty-second Report, 1969-70) that the Ministry should ensure that in future the undertakings work in closer liaison and co-ordination with each other, and in case of disputes involving delay in settlement, such as between HSL and MMTC, the Government should step in to resolve the difficulty.<sup>82</sup>

*The freedom we should seek is not the right to oppress others, but the right to live as we choose and think as we choose where our doing so does not prevent others from doing likewise.*

—BERTRAND RUSSEL

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<sup>80</sup>C.P.U., 6th Report (1967-68), para 182.

<sup>81</sup>C.P.U., 52nd Report (1969-70), page 19.

<sup>82</sup>*Ibid.*, pages 1 and 2.

## Short Notes

### (a) PARLIAMENTARY EVENTS AND ACTIVITIES VISITING DELEGATIONS

#### *Turkish Parliamentary Delegation*

In response to an invitation by India, a 9-member Turkish Parliamentary Delegation led by H.E. Mr. Ferruh Bozbeyli, President of the Grand National Assembly of Turkey, visited India in August, 1970. Besides Delhi, the delegates were taken to Agra. They watched the proceedings of Lok Sabha and Rajya Sabha on August 25, 1970 and had discussion with members of Parliament. The same day, the Speaker of Lok Sabha hosted a dinner in honour of the delegation.

#### *Visit of Mr. Mh. Isnaeni, Deputy Chairman of the Indonesian Parliament*

In response to an invitation by India, Mr. Mh. Isnaeni, Deputy Chairman of the Indonesian Parliament and Mrs. Isnaeni visited India in September, 1970. Besides Delhi, they were taken to some places of cultural interest viz. Jaipur and Agra. The Deputy Speaker, Lok Sabha, hosted a Lunch in their honour on September 24, 1970.

#### *Ghana Parliamentary Delegation*

In response to an invitation by India, a 4-member Ghana Parliamentary Delegation led by the Hon. Mr. B. K. Adama, M.P., Minister of State for Parliamentary Affairs of Ghana, visited India in October, 1970. Besides Delhi, the delegates were taken to some places of cultural and industrial interest viz., Agra, Chandigarh, Bangalore and Bombay.

A lunch was hosted in honour of the delegation by the Deputy Speaker, Lok Sabha on October 21, 1970.

#### *Visit of Senator Wilfred Krichefski, Chairman of Jersey Branch of Commonwealth Parliamentary Association*

In response to an invitation by India, Senator Wilfred Krichefski, Chairman of Jersey Branch of Commonwealth Parliamentary Association and Mrs. Krichefski visited India in October, 1970. Besides Delhi, they were taken to some places of cultural interest viz. Srinagar and

Agra. The Deputy Speaker, Lok Sabha and Vice-President of the India Branch of the Commonwealth Parliamentary Association hosted a dinner in their honour on October 26, 1970.

*British Parliamentary Delegation*

In response to an invitation by India, a 6-member British Parliamentary Delegation led by Dame Joan Vickers, M.P., visited India in November, 1970.

Besides Delhi, the delegates were taken to some places of cultural and industrial interest viz. Chandigarh, Bhkra-Nangal, Agra, Calcutta, Madras, Bangalore, Mysore and Bombay.

They also watched the proceedings of Lok Sabha and Rajya Sabha on November 9, 1970 and had discussions with members of Parliament on the following day.

The Speaker, Lok Sabha hosted a dinner in their honour on November 9, 1970.

*Parliamentary Delegation from the Federal Republic of Germany*

In response to an invitation by India, a 10-member Parliamentary Delegation from the Federal Republic of Germany led by Mr. Kai-Uwe Von Hassel, President of the German Bundestag, visited India in November, 1970.

Besides Delhi, the delegates were taken to some places of cultural and industrial interest viz. Agra, Chandigarh, Madras, Bangalore Bandipur, Mysore. They watched the proceedings of Lok Sabha and Rajya Sabha on November 16, 1970 and had discussions with members of Parliament on November 18.

The Speaker, Lok Sabha hosted a dinner in honour of the delegation on November 16, 1970.

*Visit of Hon'ble Lucien Lamoureux, Speaker, House of Commons Canada*

After attending the Second Conference of the Commonwealth Speakers and Presiding Officers held in New Delhi in December, 1970-January, 1971, Hon'ble Lucien Lamoureux, Speaker, House of Commons, Canada, accompanied by Mrs. Lamoureux, visited Jaipur, Chandigarh and Patiala as our guests in January, 1971.

*Visit of Senator, the Hon'ble Sir Alister McMullin, President of the Senate, Australia*

After attending the Second Conference of Commonwealth Speakers and Presiding Officers held in New Delhi in December, 1970-January, 1971, Senator the Hon'ble Sir Alister McMullin, President of the Australian Senate, visited some places of cultural and industrial interest viz. Madras, Cochin, Thekkedy, Trivandrum, Bangalore and Mysore as our guest in January, 1971.

**Indian Delegations Abroad**

*Visit of Indian Parliamentary Delegation to Indonesia*

In pursuance of an invitation received from Indonesia, an Indian Parliamentary Delegation, led by Dr. G. S. Dhillon, Speaker, Lok Sabha, visited Indonesia in September, 1970. The other members of the delegation were: Shri R. K. Amin, M.P., Shri Mushir Ahmad Khan, M.P., Dr. Bhai Mahavir, M.P., and Shri B. N. Banerjee, Secretary, Rajya Sabha.

*Visit of Speaker, Lok Sabha to Fiji*

In pursuance of an invitation from the Government of Fiji, Dr. G. S. Dhillon, Speaker, Lok Sabha, accompanied by Shri B. N. Banerjee, Secretary, Rajya Sabha, visited Fiji and represented India at Fiji's Independence Celebrations in October, 1970.

As the guests of Government of Fiji, they were cordially received and hospitably entertained.

*Visit of Indian Parliamentary Delegation to the U.S.A.*

In pursuance of an invitation received from the USA, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, Speaker, Lok Sabha, visited the USA in October-November, 1970. The other members of the delegation were: Shri K. Raghuramaiah, M.P., Shri B. D. Khobragade, M.P., Shri D. Basumatari, M. P., Shri Era Sezhiyan, M.P., Shri R. P. Sinha, M.P., and Shri B. N. Banerjee, Secretary, Rajya Sabha.



## CONFERENCES

**Sixteenth Commonwealth Parliamentary Conference (Australia)  
September-October, 1970**

The Sixteenth Commonwealth Parliamentary Conference was held in Canberra (Australia) in September-October, 1970. The Indian delegation to the Conference was led by Dr. G. S. Dhillon, Speaker, Lok Sabha. The other members of the delegation were Shri P. Parthasarathy, Deputy Minister of Parliamentary Affairs, Dr. Debiprasad Chattopadhyaya, M.P., Shri Benoy Krishan Daschowdhary, M.P., Smt. Sushila Rohatgi, M.P., Shri Ram Sahai, M.P. and Shri B. N. Banerjee, Secretary, Rajya Sabha, who acted as Secretary to the Delegation, Shri Bejoy Kumar Banerjee, Speaker, West Bengal Legislative Assembly, Shri Shyamkant More, MLA (Maharashtra), Shri Thiru C. P. Chitrasu, Chairman, Tamil Nadu Legislative Council, Sardar Darbara Singh, Speaker, Punjab Vidhan Sabha, Shri K. Pullaswamy, Minister for Law, Labour and Parliamentary Affairs (Mysore), Shri Mathurdas Mathur, Minister of Finance (Rajasthan), Shri Indubhai Chaturbhai Patel, Chief Whip of Congress Party of Gujarat Legislative Assembly, also attended as delegates of their respective State Branches of the CPA. Shri D. G. Desai, Secretary, Gujarat Legislative Assembly, attended the Conference as Secretary from State Branches.

The following subjects were discussed:—

- (i) International Affairs and Defence
- (ii) The Parliamentarian
- (iii) Partners in Development
- (iv) Conservation and Pollution
- (v) Trade and Economic Development
- (vi) Population Growth
- (vii) Parliamentary Democracy

Pre-Conference tours of 12 days had been arranged by the Australia Branch of the Commonwealth Parliamentary Association.

**Fifty-eighth Inter-Parliamentary Conference—The Hague (Netherlands)  
September-October, 1970**

The Fifty-eighth Inter-Parliamentary Conference was held in The Hague (Netherlands) in September-October, 1970. The delegation to the Conference from India was composed of—

1. Shri G. G. Swell, Deputy Speaker, Lok Sabha—Leader
2. Dr. N. Sanjiva Reddy, M.P.
3. Shri M. V. Bhadram, M.P.
4. Shri Bijoy Modak, M.P.
5. Chaudhuri Randhir Singh, M.P.
6. Shri P. K. Patnaik, Deputy Secretary, Lok Sabha—Secretary to the Delegation:

The following subjects were discussed at the Conference:—

- (1) Peaceful Uses of the Sea-Bed and Ocean Floor and the Subsoil thereof
- (2) Regional Co-operation
  - (a) Contribution of Parliaments to the Strengthening of Security at the Regional and World Levels
  - (b) Parliament and Regional Economic Co-operation
- (3) Ways to put an End to Colonialism and Neo-Colonialism in the World
- (4) Parliament and Social, Economic and Cultural Forces
- (5) Contribution of Co-operative Systems towards the Progress of Developing Countries

During the Conference period, meetings of the Inter-Parliamentary Council, Standing Study Committees and Executive Committee of the Inter-Parliamentary Union were also held.

The Association of Secretaries-General of Parliaments also met in The Hague during this period.

### **Second Conference of Commonwealth Speaker's and Presiding Officers: New Delhi, December, 1970—January, 1971**

The Second Conference of Commonwealth Speakers and Presiding Officers was held in New Delhi from Monday, December 28, 1970 to Friday, January 1, 1971 (both inclusive). The first Conference was held in Ottawa (Canada) in 1969.

The Speakers and Presiding Officers (*i.e.* Presidents of Upper Houses) of national Parliaments of the Commonwealth countries had been invited by the Speaker of Lok Sabha to attend the Conference. Speakers and Presiding Officers of Australia, Botswana, Britain, Canada, Cyprus, Fiji, Ghana, Jamaica, Kenya, Mauritius, Trinidad & Tobago, Uganda, Western Samoa and Zambia attended the Conference.

Shri V. V. Giri, President of India, inaugurated the Conference in the Central Hall, Parliament House on Monday, the 28th December, 1970.\* The main Conference was held in the Conference Room (First Floor), Parliament House.

The following subjects were discussed at the Conference:—

- (1) Relations between the Executive, the Judiciary and the Legislature.
- (2) The domination of Election Campaigns by Public Opinion Polls as a Threat to Democracy.
- (3) The Preservation of Parliamentary Powers, Privileges and Immunities, with particular reference to offences affecting the security of the State.
- (4) Problems of Parliamentary Procedure
- (5) The operation of the *sub-judice* rule
- (6) The Speaker's Control of Debate
- (7) The Administrative Responsibilities of the Speaker
- (8) Conflict of Interest

The delegates were taken to Agra on January 2, 1971 and treated as our guests for the purpose. All arrangements for and in connection with the Conference were made by the Lok Sabha Secretariat.

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\*For the proceedings of the Inaugural Function, see pp. 5-12 *Supra*.

The Presiding Officers of the State Legislatures in India were invited to watch the proceedings of the Conference. They also had a discussion with the delegates at the Conference session held on December 30, 1970.

The Conference was open to the Press and the proceedings of the Conference got wide publicity.

*Man does not live by bread alone. Freedom of intellect, of thought, expression and association is an essential, element of a free life. If we are to be able to cope with the changing conditions of life, we must have full freedom to think new ideas, make experiments and correct current errors.*

—S. RADHAKRISHNAN

## (b) PRIVILEGE ISSUES

### **Giving false evidence before Public Accounts Committee by a Government officer**

*In Lok Sabha*

On March 6, 1969 Shri Madhu Limaye, a member, moved<sup>1</sup> the following motion in the House:

That the question of privilege against Shri N. N. Wanchoo, former Secretary, Department of Iron and Steel, and Shri S. C. Mukherjee, then Deputy Iron and Steel Controller, for allegedly giving false evidence before the Public Accounts Committee, be referred to the Committee of Privileges.

While raising the question of privilege, Shri Madhu Limaye stated *inter alia* as follows:<sup>2</sup>

On the basis of irrefutable evidence, I accuse the former Secretary of the Steel Ministry, Shri Wanchoo, and Shri S. C. Mukherjee, former Deputy Controller of Iron and Steel, of fabricating false and misleading briefs and giving false evidence before the most important Committee of Parliament, namely, the Public Accounts Committee.

It was during the hearing by the Public Accounts Committee in the notorious Steel Barter and pre-import cases involving Aminchand Pyarelal, Ramkrishna Kulwantraí and other allied firms, that Shri Wanchoo, in the presence of Shri Mukherjee, gave false evidence.

The Sub-Committee of the Public Accounts Committee enquired of the Ministry of Finance as to what conditions they had laid down for the Ministry of Iron and Steel while agreeing to the proposal for the issue of pre-import licences.

The Joint Secretary of the Ministry of Finance said that they had laid down two conditions:

- (a) There should be a firm export contract and the Bank should ensure that foreign exchange realised would be actually remitted to India; and
- (b) the firms should provide 15 per cent bank guarantee.

Clarifying the expression 'firm export contract' the Joint Secretary, Finance, said that the Ministry meant 'contract with a foreign buyer'.

On the basis of this information, the Sub-Committee of the Public Accounts Committee asked Shri Wanchoo whether the

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<sup>1</sup>L. S. Deb., 6-3-1969, cc. 219-226.

<sup>2</sup>Original in Hindi.

Steel Controller understood the above conditions and their implications correctly. Shri Wanchoo replied:

'The instructions of the Ministry left some room for different interpretations.... I feel the instructions of the Ministry were not as clear as they ought to have been on this particular point viz., what was intended'.

(In reply to another question), Shri Wanchoo stated:

'....The Ministry of Iron and Steel do not seem to have translated the instructions of the Economic Affairs Department in clear and unambiguous terms.'

It was because of this evidence that the Public Accounts Committee was misled into making the following observation in its 50th Report (para 4. 35 at page 62):

'The Sub-Committee regret to observe that these views of Ministry of Finance were not communicated in clear and unambiguous terms by the Department of Iron and Steel....The Sub-Committee cannot but deprecate in strongest words this failure, on the part of the Iron and Steel Ministry.'

Now my contention is that the whole story weaved by Shri Wanchoo about ambiguity, about two possible interpretations as also about not translating and conveying properly the Finance Ministry's instructions to the Steel Controller, is a concoction pure and simple....Shri Wanchoo knew that there was no basis for making this observation. And yet Shri Wanchoo, in the presence of the then Deputy Steel Controller, Shri S. C. Mukherjee, and many other officers from the Ministries of Finance, Iron and Steel and Home Affairs and Additional Auditor-General of India, deliberately gave false evidence, suppressed the true facts, and misled the Public Accounts Committee and the Parliament.

\*     \*     \*     \*     \*     \*

Now having sought the clarification and got it in the most unambiguous and clearest possible terms, the Steel Controller violated the instructions of the Finance Ministry, properly translated and conveyed by the Steel Ministry to the Steel Controller.

Not only this. While appearing before the Public Accounts Committee they deliberately suppressed this evidence on the files and successfully misled the Public Accounts Committee into absolving the Steel Controller of all responsibility in the matter...

The Minister of Steel and Heavy Engineering (Shri C. M. Poona-cha) speaking on the motion, stated as follows:—

Shri N. N. Wanchoo, ICS, former Steel Secretary, appears to have committed certain errors in furnishing information to the Public Accounts Committee about certain matters of 1960, five or

six years later. It has, however, to be pointed out that Shri Wanchoo took an early opportunity to bring the error to the notice of the Public Accounts Committee when the first Action Taken Report on the recommendations of the Public Accounts Committee was sent to that Committee. During the investigation by the Committee of Enquiry on Steel Transactions, headed by Shri A. K. Sarkar, Shri Wanchoo referred again to the errors and made no attempt to conceal them. The Sarkar Committee did not draw any adverse inference against Shri Wanchoo. One of the members of the Committee, however, in his dissenting not expressed the view that Shri Wanchoo had been misled by Shri Mukherjee but even that dissenting member did not make any observation against Shri Wanchoo.

Adverse observation having been made by a dissenting member of the Sarkar Committee against Shri Mukherjee and the matter raised being one of privilege, it is in the interest of all concerned that possible doubts about Shri Mukherjee's conduct should be looked into by the Privileges Committee. The case of Shri Wanchoo does not contain even this element of doubt but since his case is closely interlinked with that of Shri Mukherjee, Government would have no objection to the cases against both of them being referred to the Committee of Privileges.

The motion moved by Shri Madhu Limaye was then adopted by the House and the matter referred to the Committee of Privileges.

Subsequently, on March 22, 1969, Shri Madhu Limaye submitted to the Speaker, Lok Sabha, another notice on the same subject in respect of other cognate matters, which was also referred by the Speaker (Dr. G. S. Dhillon) to, and considered by the Committee of Privileges along with the previous reference made to the Committee by the House earlier. In that notice, Shri Madhu Limaye had pointed out that false evidence had been given before the Committee on Public Accounts on the following additional counts:—

(i) *The date on which the Iron and Steel Controller became aware of the omission that occurred in the matter of issue of pre-import licence to M/s. Ram Krishan Kulwant Rai, without their fulfilling the condition of having an export contract.*

According to Shri Madhu Limaye, the Public Accounts Committee had asked Shri S. C. Mukherjee as to when he came to know that M/s. Ram Krishan Kulwant Rai had been given import licences without their having any export contract. Shri S. C. Mukherjee's reply was that the 'mistake' was brought to his notice by the Hindustan Steel Limited sometime in the month of November, 1960. Shri Madhu Limaye alleged that the 'mistake' was in fact pointed out by Hindustan Steel Limited in their two letters dated the 26th August and the 25th October, 1960, addressed

to Shri S. C. Mukherjee. Thus the information given to the Public Accounts Committee by Shri S. C. Mukherjee that the 'mistake' came to his notice sometime in November, 1960 was absolutely false.

(ii) *The figures about the imports allowed after the discovery of the mistake*

According to Shri Madhu Limaye, Shri S. C. Mukherjee had told the Public Accounts Committee that Rs. 95 lakhs worth of steel had already been imported when the 'mistake' was brought to his notice and that only Rs. 3.0 lakhs worth of steel had been imported after the 'mistake' was detected. But taking 26th August, 1960 as the correct date on which the 'mistake' was pointed out by Hindustan Steel Limited, the value of import of steel subsequent to this date was Rs. 8994605/-. Even the value of import after 25th October, 1960 was Rs. 2694768/-. Thus, Shri Mukherjee deliberately misled the Public Accounts Committee by saying that the imports cleared after the 'mistake' was discovered amounted to only Rs. 3.9 lakhs.

(iii) *Revision of the form of guarantee bond*

According to Shri Madhu Limaye, Shri S. C. Mukherjee, during his evidence had informed the Public Accounts Committee that:—

(a) the Central Government Solicitor at Calcutta in drafting the Bank Guarantee Form took the view that no bank would agree to give an absolute guarantee in the manner outlined by the Ministry of Steel, Mines & Fuel's letter dated the 16th February, 1960;

(b) the form of the guarantee bond as actually drafted by the Solicitor was adopted by the Deputy Chief Controller.

The truth, however, was that the Central Government Solicitor never took the view attributed at (a) above because the form of the guarantee bond as drafted by him completely fulfilled the stipulation of the Ministry stated in their said letter.

The form of the guarantee bond as drafted by the Solicitor made the guarantee amount forfeitable simply on failure to export the specified quantity of Semis within a specified number of months from the date of the execution of the bond. It was Shri S. C. Mukherjee who made alterations in the form of the guarantee bond secretly. The effect of these alterations was to make the guaranteed amount forfeitable only if there was failure to export within 3 months from the date of delivery of the Semis by Hindustan Steel Limited. Thus, Shri S. C. Mukherjee made the guarantee of forfeiture dependent on settlement of all disputes concerning delivery of the quantities of requisite quality by the Hindustan Steel Limited to the barterer.

Pursuant to a decision taken by the Committee of Privileges on July 16, 1969, the Chairman of the Public Accounts Committee was ad-



addressed by the then Chairman of the Committee of Privileges for the views of the Public Accounts Committee on the question whether any false evidence had been given before the Public Accounts Committee as alleged by Shri Limaye, and if so, by whom and in what respect. The Public Accounts Committee decided to remit this matter for detailed examination by a Sub-Committee of that Committee. The said Sub-Committee examined Sarvashri N. N. Wanchoo and S. C. Mukherjee at their sitting held on October 22, 1969 and submitted their Report to the Public Accounts Committee, who approved the report. A copy of that Report was then forwarded by the Chairman, Public Accounts Committee to the Chairman, Committee of Privileges.

#### *Findings and conclusions of the Committee*

The Committee of Privileges, in their Twelfth Report, presented to the House on November 24, 1970 after considering the Report of the Public Accounts Committee on the question of privilege and the evidence, both oral and written, given before the Sub-Committee of that Committee by Sarvashri N. N. Wanchoo and S. C. Mukherjee, reported *inter alia* as follows:—

"In their Report,....the Public Accounts Committee have examined in detail the following three issues raised by Shri Madhu Limaye, M. P.:—

- (i) That Shri N. N. Wanchoo, the then Secretary, Ministry of Steel and Shri S. C. Mukherjee, the then Deputy Iron and Steel Controller 'gave false evidence' before the P. A. C. by not apprising the Committee of the existence of certain instructions issued by the Department of Steel about the conditions on which pre-import licences could be issued under barter deals;
- (ii) That in regard to a barter deal involving M/s. Ram Krishan Kulwant Rai, where the import licences were issued by mistake even though there was no export contract, Shri Mukherjee gave 'misleading' evidence before the Committee by telling them that the mistake came to notice sometime in November and that the bulk of the imports had taken place by that time. Subsequently, in certain notes, which were submitted to the Committee, Shri N. P. Mathur, the then Joint Secretary, Shri T. Swaminathan, the then Secretary, Department of Steel and Shri S. Sahay, the then Iron and Steel Controller also failed to place the full facts in this regard, before the Committee; and
- (iii) That in regard to guarantee bonds to be taken from firms which undertook barter deals, the P. A. C. was incorrectly informed during evidence that the Central Government's Sol-

citor at Calcutta took the view that these bonds could not be made absolute and drafted them in a conditional manner.'

After a careful consideration of the documents made available to the Committee and the oral as well as written evidence given by Sarvashri N. N. Wanchoo and S. C. Mukherjee before the Subcommittee of the Public Accounts Committee, the Committee fully agree with the findings and observations of the Public Accounts Committee contained in their Report on the matter, furnished to the Chairman of the Committee of Privileges. The conclusions of the Committee on the specific issues raised by Shri Madhu Limaye, M. P., are given in the succeeding paragraphs.

- (i) *Omission to bring to the notice of the Public Accounts Committee certain instructions issued by the Ministry of Steel, Mines and Fuel about the conditions on which pre-import licences could be issued under barter deals*

The Committee agree with the findings of the Public Accounts Committee that although there was an omission on the part of Shri Wanchoo to bring to the notice of the Public Accounts Committee during his evidence before the Committee on the 10th March, 1966, certain instructions issued by the Ministry of Steel, Mines and Fuel in March, 1960, about the conditions on which pre-import licences could be issued under barter deals, yet it cannot be concluded that 'Shri Wanchoo had intended to mislead the Public Accounts Committee' in view of the circumstances of the case stated in the Report of the Public Accounts Committee in this respect.

The Committee also agree with the Public Accounts Committee that as Shri S. C. Mukherjee had not himself given evidence on this point before the Public Accounts Committee, Shri S. C. Mukherjee cannot be held directly responsible for the Public Accounts Committee having been misled on this point, although he could have, 'if he had been alert, corrected Shri Wanchoo when he was giving evidence before the Public Accounts Committee'.

The Committee are, therefore, of the view that no further action is called for in so far as this aspect of the matter is concerned.

- (ii) *Issue of pre-import licence in the absence of an export contract.*

As regards the question if misleading the Public Accounts Committee by Sarvashri N. N. Wanchoo and S. C. Mukherjee during their evidence on the 10th March and 19th August, 1966 before that Committee, about the date on which the mistake in issuing five pre-import licences in June, 1960 in favour of M/s. Ram Krishan Kulwatrai, under a barter transaction, in the absence of an export

contract, came to the notice of the Deputy Iron and Steel Controller (Shri S. C. Mukherjee) and the Ministry of Steel, Mines and Fuel, the Committee agree with the finding of the Public Accounts Committee that in the circumstances of the case, Shri S. C. Mukherjee should be given the benefit of doubt and that, it cannot, therefore, be held that Shri S. C. Mukherjee misled the Public Accounts Committee in regard to the date on which the mistake came to his notice. The question of Shri N. N. Wanchoo having misled the Public Accounts Committee in regard to the date on which the mistake came to the notice of the Ministry of Steel, Mines and Fuel, and the question of the other three officers, namely, Shri T. Swaminathan, formerly Secretary, Ministry of Steel, Shri S. Sahay, Iron and Steel Controller and Shri N. P. Mathur, Joint Secretary, Ministry of Steel, having misled the Public Accounts Committee on this point, does not arise, as concluded by the Public Accounts Committee.

As regard the question whether the Public Accounts Committee was misled about the quantum and value of imports which had taken place by the time the mistake in issuing the pre-import licence in the absence of an export contract came to notice, the Committee agree with the view of the Public Accounts Committee that though there was a factual inaccuracy in the statement given to the P.A.C. about the quantum and value of imports made by the party in this case after the mistake in issue of import licence came to the notice in November, 1960, and the witness (Shri S. C. Mukherjee) should have informed the Committee that goods valued at Rs. 26.94 lakhs were still to come into the country in November, 1960, when the mistake came to notice, this did not tantamount to misleading the Committee, in view of the reasons given by the Public Accounts Committee.

The Committee are, accordingly, of the opinion that no further action is called for in the matter on this issue.

(iii) *Changes in Bank Guarantee Form*

The Committee agree with the finding of the Public Accounts Committee that a material change in the form of the bank guarantee was made by Shri Mukherjee and not by the Government Solicitor, and that, therefore, a misrepresentation of the position to this extent was made by Shri S. C. Mukherjee when he gave evidence before the Public Accounts Committee in March, 1966.

The Committee have, accordingly, reached the conclusion that Shri S. C. Mukherjee did not correctly present the facts to the Public Accounts Committee during the course of his oral evidence on the question of changes made in the bank guarantee form. The Committee are, therefore, of the opinion that Shri S. C. Mukherjee has committed a breach of privilege and contempt of the House by misrepresenting the position in the matter and thereby misleading the Public Accounts Committee. The fact that such contempt has been committed by a responsible public servant of Shri S. C. Mukherjee's position, has increased the gravity of the offence.

The Committee do not, however, consider that Shri N. N. Wanchoo, who had also given evidence on this point before the Public Accounts Committee, can be held responsible for misleading the Public Accounts Committee, in view of the reasons stated by the Public Accounts Committee.

*Recommendations of the Committee*

The Committee of Privileges recommended that:

Shri S. C. Mukherjee deserves to be censured for the contempt of the House committed by him in misleading the Public Accounts Committee in the matter of changes made in the bank guarantee form. The Committee, however, feel that the requirements of the case would be fulfilled if the disapproval and displeasure of the House in respect of the contempt of the House committed by Shri S. C. Mukherjee is conveyed to him (Shri S. C. Mukherjee) and also to the Government of India for such disciplinary action against him as they deemed fit.

*Action taken by the House*

On December 2, 1970, Shri Madhu Limaye moved,<sup>3</sup> and the House adopted, the following motion:

That this House do consider the Twelfth Report of the Committee of Privileges presented to the House on the 24th November, 1970.

After the above motion was adopted, Shri Madhu Limaye moved<sup>4</sup> the following motion:

That this House having considered the Twelfth Report of the Committee of Privileges presented to the House on the 24th November, 1970, in which Shri S. C. Mukherjee, the then Deputy Iron and Steel Controller, has been held to have deliberately misrepresented facts and given false evidence before the Committee on Public Accounts and committed contempt of this House, do resolve that he be committed to jail custody for a week.

Dr. Ram Subhag Singh, the Leader of the Opposition, however, moved<sup>5</sup> an amendment to the above motion moved by Shri Madhu Limaye to the effect that instead of committing Shri S. C. Mukherjee to jail custody for a week, he be summoned before the Bar of the House and reprimanded and that the House might further recommend that the Government in the light of the gravity of the offence should administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to the House.

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<sup>3</sup>L.S. Deb., 2-12-1970.

<sup>4</sup>Ibid.,

<sup>5</sup>Ibid.,

After some discussion, the above amendment moved by Dr. Ram Subhag Singh was agreed to and the motion was adopted by the House in the following amended form:—

That this House having considered the Twelfth Report of the Committee of Privileges presented to the House on the 24th November, 1970, in which Shri S. C. Mukherjee, the then Deputy Iron and Steel Controller, has been held to have deliberately misrepresented facts and given false evidence before the Committee on Public Accounts and committed contempt of this House, do resolve that he be summoned before the Bar of the House and be reprimanded and the House do further recommend that the Government in the light of gravity of the offence, administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to this House.

In pursuance of the above decision of the House on December 2, 1970, a Summons was issued by the Speaker, Dr. G. S. Dhillon, on December 3, 1970, to Shri S. C. Mukherjee to appear in person at the Bar of the Lok Sabha on December 9, 1970 to receive the reprimand.<sup>6</sup>

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<sup>6</sup>The Summons was issued in the following form:—

“LOK SABHA

SUMMONS TO RECEIVE REPRIMAND

WHEREAS the Lok Sabha has on the 2nd December, 1970, adopted the following motion:—

That this House having considered the Twelfth Report of the Committee of Privileges presented to the House on the 24th November, 1970 in which Shri S. C. Mukherjee, the then Deputy Iron and Steel Controller has been held to have deliberately misrepresented facts and given false evidence before the Committee on Public Accounts and committed contempt of this House, do resolve that he be summoned before the Bar of the House and be reprimanded and the House do further recommend that the Government in the light of gravity of the offence administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to this House.

NOW, THEREFORE, in pursuance of the above decision of Lok Sabha, you, Shri S. C. Mukherjee, formerly Deputy Iron and Steel Controller (at present Executive Secretary, Joint Plant Committee, Calcutta), are hereby summoned to appear in person to receive the reprimand at the Bar of Lok Sabha in the Parliament House, New Delhi, on Wednesday, the 9th December, 1970, at 12.00 hours.

Herein fail not.

Given under my hand and seal at New Delhi, this 3rd day of December, 1970.”

Sd/-

Speaker, Lok Sabha

SEAL

New Delhi, dated the 3rd December, 1970.”

On December 9, 1970, immediately after the Question Hour, the Speaker made the following observations:—

We will now take up the item regarding the reprimand to Shri S. C. Mukherjee, who in pursuance of the decision taken by the House on the 2nd December, 1970 has been summoned by me to appear at the Bar of this House, today, to receive the reprimand.

I need hardly remind the House that when Shri S. C. Mukherjee is being reprimanded, there should be silence, so that the dignity and authority of the House is maintained and the significance of the reprimand and the solemnity of it is emphasized.

Immediately thereafter, the Speaker asked the Watch and Ward Officer if Shri S. C. Mukherjee was in attendance. The Watch and Ward Officer replied in the affirmative. The Speaker then directed the Watch and Ward Officer to bring him in. Shri S. C. Mukherjee was then brought to the Bar of the House by the Watch and Ward Officer, where he bowed to the Speaker. The Speaker (seated in the Chair) then reprimanded Shri S. C. Mukherjee as follows:—

S. C. Mukherjee, this House having considered the Twelfth Report of the Committee of Privileges presented to the House on the 24th November, 1970 has adjudged you guilty of committing contempt of the House for having deliberately misrepresented facts and given false evidence before the Committee on Public Accounts. The House resolved on the 2nd December, 1970 that you be summoned before the Bar of the House and be reprimanded therefor.

Accordingly, in the name of the House, I reprimand you for having committed contempt of this House.

I now direct you to withdraw.

Shri S. C. Mukherjee then bowed to the Speaker and withdrew as directed by him.

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Contd.

The summons was served on Shri S. C. Mukherjee through the Ministry of Iron and Steel who were also asked to take action on the recommendation of the House that the Government in the light of gravity of the offence might administer to Shri S. C. Mukherjee maximum punishment under the law and report the same to the House.

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<sup>1</sup>L.S., Deb., dt. 9-12-1970.

## MANHANDLING AND REMOVAL OF A MEMBER OF PARLIAMENT BY POLICE OFFICERS

### *In Lok Sabha*

On November 18, 1970, Shri K. M. Koushik, a member raised<sup>a</sup> a question of privilege regarding his alleged manhandling and removal by police at Nagpur railway station on May 27, 1970. While raising the question of privilege, Shri K. M. Koushik stated *inter alia* as follows:—

On the 27th May, 1970, I was at Nagpur. When I read in the papers that the President of India was passing through Nagpur, I went to the railway station. By that time the train was about to steam in.

When I went to the first class reservation hall I found that the police officers were actually necking, pushing and manhandling people and taking them into the van. I asked the police officers why they were manhandling those persons. One of the police officers said that they had decided in the first instance that when the President's train arrived there, they would allow only MPs and MLAs and no other person to go inside and that since those people were neither MPs nor MLAs, they did not allow them. As I had seen that there were so many persons who were neither MPs nor MLAs, I asked them how they allowed them. The police officer asked me if I was an MP. I told him that I was an MP and showed my identity card to him. He said that I could go in. But I said that it was not a question of my going in; the question was why they were discriminating between one person and another; when the Nagar Congress Committee President, who was neither an MP nor an MLA, was allowed, why were they not allowing others and were necking and pushing them out. On that the Deputy Commissioner of Police, Nagpur, said that I was challenging his authority and that even though I was an MP, he was not going to allow me. He put his hand on my neck and pushed me. He actually put his hand on my neck, pushed me out and asked the constable to take me into the van. The constable caught my hand and began dragging me. I said, "I am an old man; I am not going to run away; I shall come with you".

When I went out to the portico, following the constable, of the two police officers who were there, the one who necked me out came to the portico and said, 'Scoundrel, you deserved this treatment'. I could have kicked him but did not want to create any scene because the President's train was steaming in. I did not want to do anything and I simply followed them.

They took me into the van, detained me for one hour and then let me out. When they let me out, they took my name and all that. I asked them, what was the offence that I had committed for which they had detained me. They were not able to explain

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<sup>a</sup>L.S. Deb., dt. 18-11-1970.

it. He said that it was too big a thing for him to explain but I had disobeyed orders. I asked him, what was the disobedience; he had asked me to go in; because I did not go in, was that disobedience; were they detaining me for that?

*Action taken by the House*

After some discussion, the following motion was moved by Shri Atal Behari Vajpayee, a member, but was withdrawn subsequently by leave of the House:—

That the question of privilege arising out of the alleged manhandling and removal of Shri K. M. Koushik, M.P., by the police at Nagpur Railway Station on the 27th May, 1970 be referred to the Committee of Privileges.

Thereafter the following motion moved by Shri Nath Pai, another member, was adopted by the House:

That this House resolves that Shri Padmanabhan, Deputy Commissioner of Police, and Shri Choube, Sub-Inspector of Police, of the State of Maharashtra, be summoned to appear at the Bar of this House on Thursday, the 3rd December, 1970, at 12.00 hours to answer the charge of breach of privilege and contempt of this House for allegedly assaulting and abusing Shri K. M. Koushik, a Member of this House, at the Nagpur Railway Station on the 27th May 1970.

In pursuance of the above decision of the House, two separate summonses were issued by the Speaker, Dr. G. S. Dhillon, on November 19, 1970, to Sarvashri K. Padmanabhan, Deputy Commissioner of Police and M. P. Choube, Sub-Inspector of Police'.

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<sup>9</sup>The summonses which were served, through the Chief Secretary, Govt. of Maharashtra, Bombay, were in the following form:—

SPEAKER,  
LOK SABHA,  
PARLIAMENT HOUSE,  
NEW DELHI-1.  
Dated: 19th November, 1970.

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28th Kartika, 1892 (S)

**SUMMONS**

WHEREAS the Lok Sabha has on the 18th November, 1970, adopted the following motion:

"That this House resolves that Shri Padmanabhan, Deputy Commissioner of Police, and Shri Choube, Sub-Inspector of Police of the State of Maharashtra, be summoned to appear at the Bar of this House on Thursday, the 3rd December, 1970, at 12.00 hrs.



On December 3, 1970, immediately after the Question Hour, the Speaker made the following observations:—

We will now take up the item regarding the examination of Shri K. Padmanabhan, Deputy Commissioner of Police, and Shri M. P. Choube, Sub-Inspector of Police, of the State of Maharashtra, who, in pursuance of the decision of the House of the 18th November, 1970, have been summoned to appear at the Bar of this House, today, to answer the charge of breach of privilege and contempt of this House for allegedly assaulting and abusing Shri K. M. Koushik, a Member of this House, at the Nagpur Railway Station on the 27th May, 1970.

In this connection, I may remind the House that when dealing with matters involving breaches of its privileges and contempts, the House in a sense functions as the High Court of Parliament. It is, therefore, profoundly important that particularly on such occasions, we should be judicious, fair and scrupulous and should maintain the solemnity, dignity and authority of the House. I need hardly emphasise that when Sarvashri K. Padmanabhan and M. P. Choube are being examined at the Bar, there should be pin-drop silence. According to the practice in such matters, it will be my duty to ask questions from these two witnesses when they appear at the Bar one by one, and after both of them have given their evidence and withdrawn, the House can deliberate and arrive at a decision in the matter. No member shall ask any question or interrupt, whatever be the answers or statements of these two witnesses in reply to the questions asked by me and there shall be no observation or expression of any opinion on the matter, till the examination of the witnesses is over and they have withdrawn from the Bar.

Immediately thereafter, the Speaker asked the Watch and Ward Officer if Shri K. Padmanabhan was in attendance. The Watch and Ward Officer replied in the affirmative. The Speaker then directed the

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to answer the charge of breach of privilege and contempt of this House for allegedly assaulting and abusing Shri K. M. Koushik, a Member of this House, at the Nagpur Railway Station on the 27th May, 1970.

Now, therefore, in pursuance of the above decision of the House, you, Shri Padmanabhan, Deputy Commissioner of Police/Shri Choube, Sub-Inspector of Police, are hereby summoned to appear in person to answer the above mentioned charge at the Bar of Lok Sabha in the Parliament House, New Delhi, on Thursday, the 3rd December, 1970, at 12.00 hours.

Herein fall no.

Given under my hand and seal at New Delhi, this 19th day of November, 1970.

Sd/-  
Speaker, Lok Sabha.  
SEAL"

Watch and Ward Officer to bring him in. Shri K. Padmanabhan was accordingly brought to the Bar of the House, where he bowed to the Speaker and stood. The Speaker (seated in the Chair) then addressed Shri K. Padmanabhan as follows<sup>10</sup>:—

Shri K. Padmanabhan, you have been summoned here to answer a charge of breach of privilege and contempt of this House for allegedly assaulting and abusing Shri K. M. Koushik, a Member of this House, at the Nagpur Railway Station on the 27th May, 1970. Now, I have to ask you a few questions to which you will give specific and truthful replies.

Were you on duty at the Nagpur Railway Station on the 27th May, 1970, when Shri K. M. Koushik, M. P., was restrained and removed by the police from the Railway Station?

Shri K. Padmanabhan replied in the affirmative.

Thereupon, the Speaker asked him whether he wished to say anything in that connection. In reply, Shri K. Padmanabhan offered his "profound apologies to the hon. Member (K. M. Koushik) and to the House for whatever had happened on that day."

The Speaker then directed him to withdraw.

Shri K. Padmanabhan then bowed to the Speaker and withdrew as directed by him.

Thereafter, the Speaker asked the Watch and Ward Officer if Shri M. P. Choube was in attendance. The Watch and Ward Officer replied in the affirmative. The Speaker then directed the Watch and Ward Officer to bring him in. Shri M. P. Choube was accordingly brought to the Bar of the House where he bowed to the Speaker and stood. The Speaker (seated in the Chair) then addressed Shri M.P. Choube as follows<sup>11</sup>:—

Shri M. P. Choube, you have been summoned here to answer a charge of breach of privilege and contempt of this House for allegedly assaulting and abusing Shri K. M. Koushik, a Member of this House, at the Nagpur Railway Station on the 27th May, 1970. Now, I have to ask you a few questions to which you will give specific and truthful replies.

Were you on duty at the Nagpur Railway Station on the 27th May, 1970, when Shri K. M. Koushik, M. P., was restrained and removed by the police from the Railway Station?

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<sup>10</sup>L.S. Deb., dt. 3-12-1970.

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

**Shri M. P. Choube** replied in the affirmative.

Thereupon, the Speaker asked him whether he wished to say anything in that connection. In reply, **Shri M. P. Choube** offered his profound apologies to the House, the Speaker and the Member concerned (**Shri K. M. Koushik**) for whatever had happened on that day. Thereafter the Speaker directed him to withdraw.

**Shri M. P. Choube** then bowed to the Speaker and withdrew as directed by him.

The Speaker then observed as follows:—

In view of the apologies tendered by **Shri K. Padmanabhan**, Deputy Commissioner of Police and **Shri M. P. Choube**, Sub-Inspector of Police, of the State of Maharashtra, at the Bar of the House today, I suggest that the matter may be treated as closed.

The House agreed and the matter was closed.

**Suspension of members from the service of the House for committing breach of privilege and contempt of House**

*In Haryana Vidhan Sabha*

On February 4, 1969, the Speaker (Brig. Ran Singh) named<sup>12</sup> four members viz., Sarvashri Jai Singh Rathi, Mahant Ganga Sagar, Ganpat Rai and Fateh Chand Vij, and asked them to withdraw from the House for obstructing the proceedings of the House, defying the orders of the Chair and for causing obstructions in the performance of duties by the Marshal in carrying out the orders of the Speaker, but in spite of repeated directions by the Chair, none of these members withdrew from the House.

On the following day, the Speaker informed<sup>13</sup> the House that he had received the following notice of a question of privilege from two members (Shri Banarasi Das Gupta and Shrimati Chandravati) against certain members for defying the orders of the Chair, raising slogans and creating disorder in the House on the previous day:—

Yesterday, the 4th February, 1969 during the sitting of the Haryana Vidhan Sabha, Sarvashri Jai Singh Rathi, M.L.A., Fateh Chand Vij, M.L.A., Ganpat Rai, M.L.A., Mahant Ganga Sagar, M.L.A., Chand Ram, M.L.A., Rao Birender Singh, M.L.A. and Dr. Mangal Sein, M.L.A., raised slogans in the House and created disorder and defied the orders of the Hon'ble Speaker. They have committed breach of privilege of the House. Appropriate action may be taken against them.

The Speaker held<sup>14</sup> the motion in order and said that he was admitting it and referring the question to the Committee of Privileges for examining it in all its implications and submitting report by March 5, 1969.

Later, a member, Shri Banarasi Das Gupta, moved<sup>15</sup> the following result of consultations between the Leader of the House and others, the the House, who had been named by the Speaker on the previous day:

That yesterday, the 4th February, 1969, four members of the House, namely, Sarvashri Jai Singh Rathi, Mahant Ganga Sagar, Fateh Chand and Ganpat Rai, having been named by the Hon'ble Speaker, did not withdraw from the House and continued to defy

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<sup>12</sup>Haryana Vidhan Sabha Deb, 4-2-1969 p. (5) 87.

<sup>13</sup>Ibid, 5-2-1969 p. (6) 17.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid., p. (6)24.

his orders. They committed gross contempt of the House and breach of privilege. This House suspends them for the rest of the session and directs the aforesaid members to absent themselves from the meetings of this House for the remainder of the present session.

The House after adopting the motion for suspension of Rule 104<sup>16</sup> of its Rules of Procedure and Conduct of Business, adopted the above-mentioned motion.

On February 6, 1969, the Speaker informed<sup>17</sup> the House that as a result of consultations between the Leader of the House and others, the question of privilege against the seven members, referred to the Committee of Privileges on the previous day had been withdrawn and that the matter was being treated as closed.

### Petition to the High Court

Subsequently, the four suspended members filed a writ petition in the High Court of Punjab and Haryana, Chandigarh, praying for quashing the proceedings of the Haryana Vidhan Sabha of February 5, 1969 relating to the suspension of the petitioners and also for declaring as invalid and unconstitutional the subsequent proceedings held on the 6th, 7th, 10th, 11th and 12th of February, 1969.

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<sup>16</sup>Rule 104 of the Rules of Procedure and Conduct of Business of Haryana Vidhan Sabha provides:—

“104. (1) The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately, from the Assembly and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the session and the member so directed shall absent himself accordingly. Such member shall be deemed to be absent from the meetings of the Assembly for purposes of section 3(2)(a) of the Punjab Legislative Assembly (Allowances of Members) Act, 1942, but shall not be deemed to be absent for the purposes of Article 190(4) of the Constitution”.

<sup>17</sup>Haryana Vidhan Sabha Deb., 6-2-1969, p. (7)12.

The grounds mentioned in the petition were:—

- (a) according to sub-rule (2) of Rule 104 the power to order a member to withdraw immediately from the Assembly for disorderly conduct and to suspend him has been given to Mr. Speaker, and so the power to suspend a member having been vested in Mr. Speaker by law could not be exercised by the House;
- (b) suspension of Rule 104 could not re-vest the power of suspension in the House;
- (c) the motion of suspension of Rule 104 was itself illegal being contrary to Rule 121 as when that motion was moved, the motion for suspension of the petitioners was not before the House;
- (d) the Haryana State Legislature cannot claim the power to suspend a member under Article 194(3) of the Constitution as such power is inconsistent with the rights of the members given to them by Articles 189 and 194(1) and the basic concepts of parliamentary government recognised by the Constitution;
- (e) even if the Haryana Legislative Assembly had such a power, its exercise in the present case has been *mala fide* and amounted to an abuse of power and bad faith as that was done with the ulterior object of ensuring a majority for the ruling party during the discussion and voting on the budget estimates and appropriation bill for the year 1969-70; and
- (f) the suspension of the petitioners from the session amounted to a fraud on the Constitution.

In reply the respondents had stated that—

- (a) apart from the power of Mr. Speaker under Rule 104, the House itself possessed the power under Article 194(3) of the Constitution to take appropriate action, including an action to suspend its members, in the event of the breach of its privileges, and that it is a breach of the privilege of the House..... if a member thereof indulged in disorderly conduct, defied the authority of the Chair, disobeyed the lawful command of the Chair and thus committed contempt of the House;
- (b) that the House possessed its own inherent power, apart from Rule 104, and there was no question of any re-vesting of the power in it on the suspension of that rule;
- (c) that both the motions (i.e., the motion for suspension of Rule 104 as well as the motion for suspension of the petitioners) were with Mr. Speaker when the motion for suspension of Rule 104 was moved and the opposition members were aware of the

second motion because of reference to the suspension of petitioners in the first motion and because of the reference of the substance of the second motion by members of the opposition during the discussion on the first motion;

- (d) that the operation of Article 194(3) was independent of anything said in any other article of the Constitution in so far as its operation had not been made subject to the provisions of the Constitution;
- (e) that the allegation of the petitioners that the powers exercised by the House in suspending them was *mala fide* and amounted to abuse of power, bad faith or fraud was baseless and so was the allegation of ulterior object attributed by the petitioners; and
- (f) that the suspension of the petitioners did not amount to a fraud on the Constitution.

The respondents had also raised the following preliminary objections:—

- (a) that Article 227 of the Constitution was not attracted even on the averments and allegations of the petitioners because the Haryana Legislative Assembly was not a Court or tribunal inferior to the Punjab and Haryana High Court;
- (b) that Mr. Speaker and the Secretary of the Haryana Legislature were not amenable to the jurisdiction of the Court because of Article 212(2) of the Constitution, and;
- (c) that the Haryana Legislative Assembly was supreme and had exclusive control and jurisdiction in all its internal affairs and was the sole judge of the lawfulness of its own proceedings, so that no part of its proceedings concerning the suspension of the petitioners was justiciable.

The Punjab and Haryana High Court dismissed the writ petition by its judgment dated August 28, 1969, which *inter-alia* was as follows:—

*Courts have no powers of superintendence over House.*

Article 227 gives superintendence to this court over all Courts and tribunals within its territorial jurisdiction, but the Haryana Legislative Assembly is neither a Court nor a tribunal subordinate to this Court over which it has jurisdiction of superintendence according to that article. The power of Mr. Speaker to regulate the procedure or the conduct of business in the House or for maintaining order in it is immune from the jurisdiction of this Court under clause (2) of Article 212. Same or similar immunity is also available to other officers of a State Legislature, such as its Secretary.

*Court cannot inquire into procedural irregularities of House*

In Rule 121 it is provided that there may be suspension of any rule in its application to a particular motion before the House; and if the motion is carried the rule in question shall be suspended for the time being. . . . Even having regard to all the facts, there still was no motion of suspension of the petitioners before the House when the motion for suspension of rule 104 in its application to the suspension of the petitioners was moved and strictly and literally there was no compliance with rule 121. It is, however, apparent that this is no more than a mere procedural irregularity in the proceedings of the House, and the validity of those proceedings on this account is not open to question in view of clause (1) of Article 212. So this argument on the side of the petitioners that the motion for suspension of rule 104 and the passing of the resolution to that effect by the House were attended by illegality does not prevail.

*House has power to punish a Member for his conduct in House*

The powers and privileges of a State Legislature as given and guaranteed by sub-article (3) of Article 194 are to be those of the British House of Commons on the date of the coming into force of The Constitution 1950. Unlike sub-article (1) of Article 194, sub-article (3) is not subject to the provisions of the Constitution. The powers and privileges so far given are complete and cannot be controlled by any rules made under Article 208(1). It has been shown from May's Parliamentary Practice, page 60, that there is the right of the House to punish its own members for their conduct in the Legislature, and, at page 62, that such a privilege in spite of standing order or rule relating to it is not dependent upon the same for its existence.

It is apparent that in the British House of Commons suspension from the service of the House may be made under Standing Order No. 24 or otherwise than by that standing order. . . . It clearly means that in spite of that Standing order the House of Commons retains the power and privilege to suspend a member as a measure of punishment for its contempt for the member disobeying the Chair and for disorderly conduct in the House. So the argument on the side of the petitioners that by making rule 104 the Haryana Legislative Assembly for ever lost the power of suspension of a member of it as a measure of punishment for its contempt because of his disorderly conduct or disobedience of the Chair is untenable. The approach urged on the side of the petitioners cannot be correct because unless the Haryana Legislative Assembly had the power to suspend a member of it in the circumstances as explained above, it could not confer such power upon its Speaker, and, it having conferred that power on him in the shape of rule 104, once it suspends that rule, it retains to itself that power as it is inherent in this behalf. An argument is acceptable that although it had this power which it conferred upon its Speaker under rule 104, but by making that rule it lost that power for ever and after the making of the rule the power can only be exercised by Mr. Speaker or not at all. Rule 104 is one of the



Business Rules, and rule 121 within the same contains a provision for suspension of any rule made by the House. There is nothing referred to either in the Business Rules or in any provision of the Constitution which justifies the argument that by making rule 104 the Haryana Legislative Assembly lost its power and privilege to punish a member of it for its contempt as explained above. So this argument does not prevail on the side of the petitioners.

#### *Effect of Suspension*

Sub-article (1) of Article 189 gives a right to vote to a member in determination of questions before the House of Legislature of a State, but the suspension of a member from the House in exercise of its power and privilege under Article 194(3) is not causing any vacancy in the House in the sense in which the same is used in the remaining sub-articles of Article 189 and in Article 190. Suspension does not cause a vacancy in the House of Legislature, and it merely enforces absence from service of the House as a measure of punishment for contempt of the House, as in this case, on account of a member's disobedience and defiance of the Chair and for disorderly conduct. When such absence is enforced by the House in exercise of its power, and privilege under Article 194(3), then the right of vote is not taken away from that member but he is only placed in the same position as if he was not present in the House. What is guaranteed as a right of vote is to a member present in the House.

So far as the right of freedom of speech in the House as referred to in sub-article (1) of Article 194 is concerned, in that very sub-article it is clearly stated that such a right is subject not only to the provisions of the Constitution but also to the Business Rules of a House of Legislature, and it has already been pointed out that the Business Rules of the Haryana Legislative Assembly require a member to obey the Chair and to conduct himself in the House in an orderly manner. Apart from the rules, there inheres in the Haryana Legislative Assembly power which is necessary for its own functioning to punish its members for its contempt on account of their disorderly conduct or disobedience and defiance of the Chair. So the right of freedom of speech in the House as in sub-article (1) of Article 194 is not unrestricted and uncontrolled. The suspension of the petitioners was thus not illegal and so the jurisdiction of this Court with regard to the proceedings of the House on February 5, 1969, is expressly barred by Article 212(1).

#### *Decision of House cannot be said to be mala-fide.*

If, as has been found to be the power and privilege of the Haryana Legislative Assembly, the House in exercise of such power and privilege suspended the petitioners from the service of the House in a lawful and constitutional manner, how could the vote of the House be described as *mala fide*. How can any motive be attributed to the vote in the House? The vote in the House of Legislature cannot ever be said to be *mala-fide*. If the House

surpasses its constitutional limitations, its action will be open to question on the ground of unconstitutionality, but even then it will not be described as *mala-fide*.....

In consequence, this petition of the petitioners is dismissed.

[AIR 1970 Punjab and Haryana 379]

**Alleged kidnapping of a member by C.I.D. Officials and thereby preventing him from attending the House**

*In Haryana Vidhan Sabha*

On February 4, 1969, Dr. Mangal Sain, a member, sought<sup>18</sup> to raise a question of privilege against Sarvashri Zile Singh and Nanak Chand Chopra, C.I.D. officials who, he alleged, had forcibly kidnapped Shri Joginder Singh, another member, in a closed car on January 31 and thereby prevented him from attending the House. After some discussion, the Speaker (Brig. Ran Singh) reserved his ruling in the matter.

*Reference to the Committee of Privileges*

On February 10, 1969, referring the matter to the Committee of Privileges, the Speaker *inter-alia* observed<sup>19</sup>:—

“...On 5th February, 1969 I reserved my decision on this notice of privilege motion and called for the comments of the Government..... The Government have denied that Shri Joginder Singh, M.L.A. was forcibly kidnapped in a closed car by Inspector (C.I.D.) Zile Singh, and Sub-Inspector Shri Nanak Chand Chopra with the help of some persons in the afternoon of Friday the 31st January, 1969. However, a case F.I.R. No. 80, dated the 3rd February, 1969, under section 365 of the Indian Penal Code has been registered at Central Police Station, Chandigarh, on a complaint of Shri Mange Ram, father-in-law of Shri Joginder Singh, M.L.A.....

I am of the opinion that *prima facie* a case has been made out as the member could not participate in the proceedings of the House and discharge his duties as a member of this august House. I, therefore, hold this motion in order and refer it to the Privileges Committee to examine the matter in all its implications subject to the rule of *sub judice* and submit its report by 31st March, 1969.”

<sup>18</sup>Haryana Vidhan Sabha Deb., 4-2-1969.

<sup>19</sup>Haryana Vidhan Sabha Deb., 10-2-1969.

*Findings and recommendations of the Committee*

The Committee of Privileges, in their Report presented to the House on August 12, reported as follows:—

After considering the points involved, the Committee decided to hear Shri Joginder Singh and Chaudhri Partap Singh (Daulatpur) M.L.As., in relation to this question of privilege.

Shri Joginder Singh was accordingly requested to appear before the Committee on the 15th July, 1969. He, however, did not turn up. The Committee afforded another opportunity to Shri Joginder Singh, M.L.A. to appear before them on the 29th July, 1969 and to state his position. He, however, did not appear before the Committee even for the Second time. The communications issued by the Haryana Vidhan Sabha Secretariat asking for his appearance were duly acknowledged by him.

The other witness, namely Chaudhri Partap Singh (Daulatpur) M.L.A. appeared before the Committee on the 29th July, 1969, as desired by them.

The Committee decided that no useful purpose would be served by taking the evidence of Chaudhri Partap Singh, M.L.A. without first taking the evidence of Shri Joginder Singh, M.L.A. who is directly involved in this case.

In view of these circumstances the Committee recommend that the matter be dropped.

*Action taken by the House*

The House adopted the report of the Committee on August 12, 1969.

**Alleged manhandling and arrest of a member and non-intimation of his arrest to Chairman***In the Punjab Vidhan Parishad*

On December 5, 1967, Master Gurcharan Singh, a Member, sought to raise a question of privilege against the police authorities concerned for alleged manhandling and arrest of a Member of the House, Shri Gopal Krishan Chatrath, while he was leading a demonstration of teachers towards the Assembly Hall. The Chairman observed that he would consider the matter on receipt of a written notice.<sup>20</sup>

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<sup>20</sup>Punjab Vidhan Parishad Deb., 3:12-67 (original in Punjabi).

On December 7, 1967, the Chairman, on receiving a notice of question of privilege from Shri Krishan Lal, another Member of the House, referred the matter to the Committee of Privileges.<sup>21</sup>

#### *Recommendation of the Committee*

The Committee of Privileges heard the oral evidence of Shri Gopal Krishan Chatrath, who later, on August 6, 1968, sent a communication to the Committee stating that he did not want to press the issue and that no further action be taken in the matter. In their Twelfth Report, presented to the House on April 21, 1969, the Committee reported *inter alia* as follows:—

The notice of the privilege motion under examination was from Sarvashri Krishan Lal, Murari Lal Kapoor, and Hitabhilashi, M.L.Cs., but the member whose privileges were alleged to have been infringed by the police of Chandigarh Administration does not want to pursue the matter any more. Under the circumstances, the Committee feels that no further proceedings in this matter are necessary.

The Committee, having considered the whole matter recommends that the matter may be dropped.

The House adopted the Report of the Committee of Privileges on April 21, 1969.<sup>22</sup>

#### **Freedom of speech and action does not imply an unrestrained licence of speech within the walls of the House: Chairman's Ruling**

##### *In Mysore Legislative Council*

On October 13, 1970, when the House was discussing the Excise Bill, Shri N. Rachiah, a Member of the Council, made some allegations against Shri B. Rachiah, Minister for Agriculture. He, *inter alia*, said that:

- (i) the Minister was receiving Rs. 3,000 from the people of Alur and that two nephews of his were running toddy shops in Alur, Chamarajnagar Taluk, and
- (ii) that the Minister misused the imported Russian tractors by employing them first for the improvement of his private farm.

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<sup>21</sup>*Ibid.*, 7-12-1967.

<sup>22</sup>*Ibid.*, 21-4-1969.

The Minister was not present in the House when Shri N. Rachiah made the aforesaid allegations. On the next day, Shri B. Rachiah gave notice of a question of privilege concerning the allegations. Thereupon, the Chairman stated that he would consider the notice before he gave his consent under the Rules.

The Chairman gave the following ruling on October 22:

"My Secretariat wrote to Shri N. Rachiah on October 17, 1970 requesting him to furnish any material or proof to support the allegations made against Shri B. Rachiah. I regret to state that though five days have elapsed since the letter was received by him, Shri Rachiah has not sent a reply. It is significant to note that Shri N. Rachiah himself admits in the course of the speech that the allegations are based on hearsay. It is therefore clear that Shri N. Rachiah had no proof to substantiate the allegations.

Speech and action in Parliament are no doubt unquestioned and free. But this freedom cannot be understood to imply an unrestrained licence of speech within the walls of the House. Reflections of a libellous character upon members in their Parliamentary capacity, have long been held by the House of Commons to be breaches of privilege or contempts amounting to reflections on the House itself. A member is responsible for the statements that he makes in this House. This would mean that action can be taken against him for his remarks if they are found to be wrong. This is intended to see that members do not cast allegations against one another without verifying the facts themselves beforehand.

Under Rule 261 of our Rules of Procedure, any member intending to make allegations of a defamatory or incriminatory character should give previous intimation to the Chairman and the Minister concerned. Shri N. Rachiah failed to observe this rule, though I repeatedly cautioned him not to make allegations without proper notice. I however gave another opportunity to Shri N. Rachiah to prove his allegations and he has failed to bring forward any such proof. It is with great pain and anguish that I have to characterise the allegations of Shri N. Rachiah as baseless and reckless. I cannot but deprecate in the strongest terms biased and unverified allegations offending the personal conduct and character of another member of the House. It is the bounden duty of every member to make a thorough investigation and satisfy himself on facts before he proposes to make allegations against another member, much more so when that member happens to be a Minister who is vulnerable often to unfounded suspicion and attack by virtue of the office he holds and the powers he exercises.

This August House has a great tradition in self discipline, decorum and in the observance of rules. It is my sincere desire that every member of this House should strive his utmost to uphold and even improve upon those traditions instead of sullyng the fair name of

this House. I fervently believe that I am reflecting the voice of everyone in this House when I express the hope that the House will not witness the recurrence of the events of the 13th instant.

I therefore expunge from the records all the remarks made by Shri N. Rachiah against the Minister for Agriculture and the discussion thereon. The notice of privilege against Shri N. Rachiah is treated as closed."

*Question of privilege against the Governor of Mysore for certain remarks reported to have been made by him in the course of a speech, disallowed by the Chairman*

*In the Mysore Legislative Council*

Shri G. S. Ullal, a member, gave a notice on October, 17, 1970, raising a question of privilege against the Governor of Mysore for certain remarks reported to have been made by him during the course of his speech at Mangalore. According to Shri Ullal, the Governor was reported to have stated that 'the Indian Parliamentary system had become a victim of chaos and disorder and legislatures were being used as a stage for wrestling', that 'no real work was being done and public money was being wasted,' and that 'if people failed to check this tendency, the day when the country would be ruled by goondas, blackmarketeers and unsocial elements was not far.'

In a ruling given on October 22, after he had heard submissions from the members on the admissibility of the motion, the Chairman, declining to give consent to the motion, observed:

Shri Ullal bases his privilege motion on newspaper reports. He has not stated that he was present at the time the Governor was reported to have made the above statements, nor is it his contention that he has obtained an authenticated copy of the Governor's speech.

It is unnecessary for me to go into the question as to whether the Governor's conduct can be discussed on the floor of this House. This issue bristles with complications and no final conclusions have been arrived at. It would be enough for me to give my ruling on the basis whether the Governor's speech, if made by a citizen, tentatively amounts to breach of privilege of the House. It is not the contention of Shri Ullal that the Governor was giving expression to the official view of the Government of Mysore which he could do only on the basis of advice tendered by the Council of Ministers. Even though the Governor was addressing a meeting, it is clear that he was giving vent to his personal view.

The House is aware that the privileges of members of the Legislatures in India are the same as those available for members of the Parliament of the United Kingdom. The essential purpose of Parliamentary privilege is to enable the members to speak their mind without fear or favour. The Members of the Legislature are ensured freedom of speech and to the extent that any person inside or outside threatens to curtail or thwart the exercise of such freedom, a breach of privilege could be said to have ensued. It has been held by the House of Commons that general remarks concerning the conduct of members of the House would not amount to infringement of the privileges of the members, since such remarks do not tend to influence the privilege of the House. Reflections on the parliamentary conduct of members, who are even named, have been held not to be breaches of privilege unless it is proved that such remarks were made for a *mala fide* purpose. It has also been held that the law of parliamentary privileges should not, except in the clearest case, be invoked so as to inhibit or discourage the formation and free expression of opinion outside the House by citizens in relation to the conduct of the affairs of the Nation. Here I will refer to the ruling given by the Speaker of the House of Commons in the United Kingdom in relation to a case of breach of privilege. I quote :

".....however grave the charges and imputations made in that article may be, I do not think it is a case of privilege. It has been the practice of this House to restrain privilege under great limitations and conditions; and these restrictions and limitations have been, in my opinion, very wisely imposed by the House upon itself. The rule is that, when imputations are made, in order to raise a case of privilege, the imputation must refer to the action of Honourable members in the discharge of their duties in the actual transaction of the business of this House. And though I quite understand the honourable Baronet having brought this matter to my notice, I cannot rule that this is a case of privilege. Of course if the honourable members think themselves aggrieved they have a remedy; and they will not be precluded from pursuing their remedy elsewhere than in this House."

This House is no doubt aware of the case of breach of privilege alleged against Shri C. Rajagopalachari for his remarks against the members of the Legislatures... that "they were such people whom any First Class Magistrate could round up". The Lok Sabha declared the statement as not amounting to breach of privilege and the Andhra Pradesh Legislative Assembly also held that the statement had not been proved and is not a breach of privilege. I would also draw the attention of the House to a statement appearing in the Press concerning the statement of our President regarding 'falling standards and lack of decorum and behaviour inside the Legislative Chambers'. The former President of India, Babu Rajendra Prasad, also made some caustic remarks about the functioning of the legislatures in this country.

I am sure the members will realise that we in this House function under public gaze. Our proceedings are open to the visitors and are widely published in the newspapers. The members of the public are entitled to form opinions about our contributions to national life and our conduct as law-makers.

It might be that occasionally public criticisms and remarks are unpalatable to us. But as long as those remarks do not impede or obstruct the course of proceedings in the House and do not reflect upon the personal conduct of members in their capacity as elected representatives, I do not think that it would be fair for this House to stifle public opinion, however strongly expressed. It is better that we avoid being over-sensitive to our privileges. On the other hand it will be conducive to the discharge of our responsibility, if we conduct ourselves as per the dictates of our conscience, uninfluenced by opinions expressed, right or wrong.

In the instant case, the Governor has not spoken with particular reference to the Mysore Legislative Council. I do not therefore think it would be proper for us to take particular notice of his remarks.

I am sure that the Governor in making the aforesaid remarks did not have in mind the Mysore Legislative Council which has been known over decades for its sobriety, dignity and decorum—I am sure the reported remarks of the Governor are totally inapplicable to the facts and conditions obtaining in this House.

In the circumstances, I decline to give my consent to the motion being taken up in this House."

*Alleged intimidation and causing obstruction to a Member in the discharge of his duties by an outsider in the precincts of the House*

*In the Rajasthan Vidhan Sabha*

Shri Rameshwar Lal, Pradhan, Panchayat Samiti, Kuchaman, was alleged to have been involved in an incident in which he was said to have beaten an Assistant Registrar. The matter was raised in the Vidhan Sabha through a calling attention notice by Shri Ram Singh Kuri, a Member.

On August 22, 1969<sup>23</sup> Shri Ram Singh Kuri, raised a question of privilege against Shri Rameshwar Lal, alleging that on the previous day, while he was waiting in the room of the Private Secretary to the Speaker, Shri Rameshwar Lal came there and threatened him for tabling the calling attention notice. The Member also complained that Shri Rameshwar Lal behaved as if he was bent upon beating the Mem-

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<sup>23</sup>Rajasthan Vidhan Sabha Deb., 22-8-1969, (Original in Hindi).  
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ber and that the situation was saved only by the intervention of some persons there. He also apprehended that Shri Rameshwar Lal would beat him any time, he said.

After some discussion, the Deputy Speaker, who was then in the Chair, observed<sup>24</sup> that two courses were open to the House—one, for the House itself to summon the guilty person and punish him; and the other, to refer the matter to the Committee of Privileges—and since, in the present case, the incident complained of did not occur before the House, the matter might be referred to the Committee of Privileges to find out the facts and report so that the House might take a decision thereon.

#### *Reference to Committee of Privileges*

Thereafter, the Speaker (Shri Niranjana Nath Acharya) who had taken the Chair by then, observed *inter alia*, as under:

This House is competent to issue summons and warrants and to direct them (guilty persons) to appear before the House. The House is also competent to fix a date and time and to authorise the Committee (of Privileges) to ask the guilty persons to appear before them. As regards the suggestion that the Committee of Privileges should conduct a preliminary investigation into the matter and present their report to the House, I think that this procedure will be far better than summoning them before the House itself. But before this I would like to have the advice of the Minister of Law, who may state which procedure would be better, since this is a constitutional and legal point.

The Minister of Law (Shri Barkatulla Khan), giving his views, stated:—

.....I think that if a member is threatened for his statement for raising any issue in the House and for giving his vote in favour of any matter, that will clearly constitute a privilege issue and contempt of the House.

....The whole question should be placed before the Privileges Committee.....

The matter was, therefore, referred to the Committee of Privileges by the Speaker with the approval of the House.

The House further decided that the Speaker should issue a warrant for the arrest of Shri Rameshwar Lal for being produced before the

<sup>24</sup>*Ibid.*

House and the Committee of Privileges. The Speaker then informed the House that he was fixing a sitting of the Committee of Privileges on August 25, 1969 to consider the matter.

### *Warrant of Arrest*

The Speaker, accordingly, issued a warrant of arrest in pursuance of which Shri Rameshwar Lal was arrested and produced before the Speaker and the Committee of Privileges on August 25, 1969.<sup>25</sup>

### *Recommendations of the Committee*

The Committee of Privileges, after hearing the oral evidence, among others, of Shri Ram Singh Kuri, the concerned member, and Shri Rameshwar Lal, in their 11th Report presented to the House on August 26, 1969, reported *inter alia* as follows:—

It is clear from the evidence tendered by the witnesses before the Committee that Shri Rameshwar Lal had tried to obstruct Shri Ram Singh Kuri, M.L.A., in the discharge of his duties connected with the Vidhan Sabha. It is also clear from the evidence of the Private Secretary to the Hon'ble Speaker and Shri Harji Ram Burdak, M.L.A., that Shri Rameshwar Lal had insulted Shri Kuri.

The Committee have, accordingly, arrived at the conclusion that the behaviour of Shri Rameshwar Lal, Pradhan, Panchayat Samiti, Kuchaman, towards Shri Ram Singh Kuri, M.L.A., in the room of Private Secretary to the Speaker, on the 21st August, 1969, constitutes a breach of privilege of the Member and the House.

But as Shri Rameshwar Lal has tendered an unconditional apology, the Committee recommends that Shri Rameshwar Lal be pardoned and no further action need be taken in the matter.

<sup>25</sup>The Warrant of Arrest was as follows:—

“Niranjan Nath Acharya

No. 3043/PS/LA/HS/69

Dated the 22nd August, 1969.

### WARRANT

Whereas it has been decided by the House on 22-8-1969 that Shri Rameshwar Lal, Pradhan, Panchayat Samiti, Kuchaman, District Nagaur, be taken into custody and produced before the House on 25-8-1969 before 3 P.M. in connection with a breach of privilege of a member, it is hereby directed that the abovesaid Shri Rameshwar Lal be arrested and produced before the House on or before 25-8-1969.

Given under my hand and seal this 22nd day of August, 1969.

Sd/- N. N. Acharya.

The Inspector General of Police, Rajasthan, Jaipur”.

The House adopted the Report of the Committee of Privileges on August 26, 1969.<sup>26</sup>

**Delay in communicating the arrest of a Member, not sending the communication in the prescribed form, hand-cuffing of Member, and furnishing wrong information about his release on bail**

*In Uttar Pradesh Vidhan Sabha*

On April 3, 1963, the Deputy Speaker (Shri Hoti Lal Agrawal) informed<sup>27</sup> the House that he had received notice of a question of privilege from some members (Sarvashri Krishna Pal Singh, Madho Prasad Tripathi, Rajendra Singh, Visvanath Prasad and Tambreshwari Prasad) regarding the arrest and hand-cuffing of a Member of the House, Shri Baldev Singh. In the notice it had been alleged that Shri Baldev Singh had been wrongly arrested and beaten by the police at Tulsipur Railway Station. On a question from a member, the Deputy Speaker informed the House that the intimation regarding the arrest of Shri Baldev Singh had not been received in the proper form.

After some discussion, the Deputy Speaker, referred the matter to the Committee of Privileges observing *inter alia* as follows:—

I feel that there is no difference of opinion about the seriousness of the matter. I consider it to be a *prima-facie* case of breach of privilege and, therefore, refer it to the Committee of Privileges for examination and report. The Committee may consider all the aspects of the matter after taking the evidence of concerned police officers.

.....The Committee will also consider whether the information which has been received is in the prescribed form and was sent in time or not. The Committee.....may also suggest as to what action should be taken by the House in the matter.

On the next day, the Speaker referred<sup>28</sup> to the Committee of Privileges, another question of privilege, of which he had received notice from Sarvashri Rajendar Singh and Baldev Singh, which alleged that while according to the intimation from the authorities concerned Shri Baldev Singh had been released on bail, actually Shri Baldev Singh had not signed any papers for his release.

<sup>26</sup>Ibid., 26-8-1969 (Original in Hindi).

<sup>27</sup>U.P. Vidhan Sabha Deb., dt. 3-4-1963, (Original in Hindi).

<sup>28</sup>Ibid., Dt. 4-4-1950.

*Findings of the Committee*

The Committee of Privileges, after hearing the evidence of the District Magistrate and Shri Baldev Singh and others, in their Seventh Report<sup>29</sup> presented to the House on September 23, 1963, reported *inter alia*, as follows:—

The two complaints referred to the Committee of Privileges involved the following questions:—

- (1) Was the arrest of Shri Baldev Singh illegal?
- (2) Was there any delay in sending the intimation of the arrest of Shri Baldev Singh and, if so, whether that involved a breach of privilege of the House?
- (3) Whether the intimation of arrest received was in the prescribed form and, if not, whether it involved a breach of privilege of the House;
- (4) Whether the hand-cuffing of Shri Baldev Singh constituted a breach of privilege;
- (5) Whether the reference made in the intimation sent by the District Magistrate and Superintendent of Police, Gonda, that Shri Baldev Singh had been released on bail was wrong and if it was wrong, whether furnishing of this wrong intimation constituted a contempt of the House.

*Only Court can decide legality of arrest*

In so far as the first question, i.e., whether the arrest of Shri Baldev Singh was illegal, is concerned, only a court can decide it. The Committee of Privileges or the House cannot decide whether the arrest was illegal or not. In the case of Shri Narayan Datt Tiwari, the report on which was presented to the House on the 19th September, 1954.....the decision of the Committee of Privileges on this question was that the House or the Committee had no power to give any decision on the legality or illegality of the arrest of Shri Tiwari. But the House or the Committee was fully empowered to decide whether or not such arrest involved a breach of privilege of the House or the Hon. Member.

Shri Baldev Singh was arrested for offences committed under Section 112, Railway Act and Section 332, I.P.C. There is no breach of privilege when a Member is arrested for a criminal offence or on a criminal charge.

*Intimation necessary only in the event of detention, not when released on bail soon after arrest—No breach in present case on account of delay in intimation or its being not in proper form*

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<sup>29</sup>Original in Hindi.

The Committee has particularly considered the question whether or not it is necessary to intimate the fact of arrest of a member to the House in case a member is arrested for a criminal offence or on a criminal charge but where he is not sent to jail and is immediately released on bail. In this connection, the Committee fined that under Rule 84, the responsibility of intimating the fact of arrest is that of the Committing Judge or Magistrate.

In the case of 'detention' the responsibility of sending the intimation is that of the executive authority. But this responsibility arises only when a Member is imprisoned or detained after being arrested. If the member concerned, after being arrested, is released on bail, then there is no need to intimate the fact of arrest or release on bail to the House.

Shri Baldev Singh was arrested at about 11.20 A.M. on the 1st April, 1963 and was released at about 12.40 P.M. the same day. It was, therefore, not necessary to intimate the fact of the arrest, and if the fact was intimated by the District Magistrate, Gonda, or the Superintendent of Police, Gonda, then the question of breach of privilege on account of the delay in sending the intimation or the intimation not being sent in the prescribed form does not arise. In addition to this, Shri Baldev Singh stated in his evidence that he was not coming to the Legislative Assembly at the time of his arrest. Therefore, the question of depriving him of the service of the House also does not arise.

*Hand-cuffing of Member—No breach of privilege involved :*

The Committee also considered the question of the hon. Member being hand-cuffed. In the case of Shri Kansari Halder, it was recommended in the Fourth Report of the Committee of Privileges, Second Lok Sabha, that in case the law regarding arrest in connection with certain offences empowers that a person arrested on the charge of committing any of these offences can be hand-cuffed, then a Member also can be hand-cuffed on being arrested for any of these offences. No breach of privilege will be involved in that.

The Speaker, Lok Sabha, had referred the said Report again to the Committee of Privileges with the order that the Committee might reconsider the fact whether it would be desirable that a Member of Parliament, arrested under a criminal charge, might ordinarily be exempted from being hand-cuffed.

The Committee, in their Fifth Report, observed that the Committee could not find any privilege or legal provision in U.K. under which the Members of Parliament might be specially exempted from being hand-cuffed. But the Committee expressed the opinion that there is provision in the Police Manuals of the various States and the Executive Orders issued by the State Governments, particularly Circular No. F. 2/13/57-P.IV, dated the 26th July, 1957, issued by the Union Home Ministry to all the State Governments and Union Territories that persons under police custody, whether undertrials or convicts, should not be hand-cuffed as a matter of routine and

the use of hand-cuffs should be confined only to cases where the person arrested is desperate or where there is a reasonable ground to believe that he will use force or attempt to run away or where there are such other circumstances.

The Committee urged that the Home Ministry be requested to draw the attention of the State Governments to the contents of its Circular No. F. 2/13/57-IV, dated the 26th July, 1957, again and to emphasize the desirability of its strict implementation particularly in regard to the M.Ps., keeping their high status in view.

The Committee also recommended that the Ministry should also consider, from the view-point of uniformity, that the State Governments be advised to make similar provisions in regard to the members of the Legislatures.

The Committee note that the Chief Minister had made the following announcement in the House in regard to the hand-cuffing of the M.L.As. :—

I have issued orders to my Officers to the effect that any policeman or Inspector of Police or any other Officers may not hand-cuff any member of this House until there is such offence for which, under the law, there is no provision for that person to be released on bail. What I mean is that in case any hon. Member is arrested for a bailable offence, he may not be hand-cuffed, and if some hon. Member is arrested for non-bailable offence such as murder or dacoity, even then the officer will have to take the decision after considering the entire situation and looking into the same'.

The Committee is satisfied with this and hope that these orders would be implemented fully in future and urge that any arrested person should not be hand-cuffed until he is of a desperate type.

*Intimation regarding release on bail cannot be termed wrong—No contempt of House involved.*

In regard to the fifth question, the Committee is of the opinion that intimation regarding the release on bail furnished by the District Magistrate and the Superintendent of Police was based on the information received by him and, therefore, the intimation sent by him could not be termed to be wrong. It appeared to the Committee that the legal formalities which had to be completed regarding the bail were not completed but the Committee did not feel it necessary to look into the legality of the bail. The Committee doubted this also whether Shri Ram Pal Singh, Sub-Inspector, G.R.P. Tulsipur, had power to accept the bail or not, but the Committee does not consider it proper to go into the technicality of this question as this aspect comes under the jurisdiction of the Courts.

The Committee has arrived at the conclusion that both the said questions do not involve any breach of privilege or contempt of the House.

*Incident is serious—Government to take adequate action against persons found guilty.*

Finally, the Committee deem it necessary to opine that the entire incident is very serious but as this matter would go to the Court, the Committee does not feel it necessary to opine on the legal merits of this question. After looking into the matter fully, the Government Department concerned should take adequate action to ensure that the persons found guilty are awarded punishment.

*Action taken by the House.*

On April 14, 1964, the House rejected<sup>30</sup> the following motion moved by a Member of the House (Shri Manager Singh):-

"The Seventh Report of the Committee of Privileges of Third Vidhan Sabha be referred back to the Committee of Privileges to reconsider the following :—

(i) Whether the arrest of Shri Baldev Singh was *mala fide* or illegal;

(ii) Whether any breach of privilege of the House was committed and was there any delay in intimating the arrest of Shri Baldev Singh; and

(iii) Whether any breach of privilege was committed by hand-cuffing of Shri Baldev Singh."

After some discussion, the House adopted<sup>31</sup> the following motion (by 87 votes to 44):—

That this House agrees with the Seventh Report of the Committee of Privileges of Third Vidhan Sabha that no breach of privilege or contempt of the House was involved in the matter of the question of privilege raised on the 1st April, 1963, by Sarvashri Krishna Pal Singh, Madho Prasad Tripathi, Rajendra Singh, Viswanath Prasad, Tambreshwar Prasad and on the 4th April, 1963, by Sarvashri Baldev Singh and Rajendra Singh. This House agrees with the recommendations of the Committee of Privileges that the incident connected with Shri Baldev Singh which took place on the 1st April, 1963, at Tulsipur Railway Station, is a very serious incident. This House hopes that the Government will make a detailed enquiry into this incident and will take necessary action to punish the persons found responsible for it. The Government should also inform the House of the findings of the said inquiry.

<sup>30</sup>U.P. Vidhan Sabha Deb. Dt. 14-4-1964, pp. (918-57) (Original in Hindi).

<sup>31</sup>U.P. Vidhan Sabha Deb., Dt. 14-4-1964, pp. 918-57 (Original in Hindi).

## (c) PROCEDURAL MATTERS

**Motion for leave to introduce an Appropriation Bill cannot be opposed; nor is an Amendment to such Bill in order**

*In Lok Sabha*

Shri Madhu Limaye had tabled an amendment to the Appropriation (Vote on Account) Bill, 1970 for omission of Demand No. 114 relating to "Loans and Advances by the Central Government". On March 18, 1970 the Speaker ruled the amendment out of order on the ground that the Demand had already been voted by the House.<sup>1</sup>

Likewise, motion for leave to introduce an Appropriation Bill cannot be opposed as the Bill is introduced only after the relevant Demands have been voted and the money granted by the House. On March 14, 1969, when Shri Shiva Chandra Jha wanted to oppose the Appropriation (Vote on Account) Bill 1969 at the introduction stage, the Speaker did not permit him to do so.<sup>2</sup>

**Demand for a reduced amount moved subsequent to presentation of the Demands for Grants to the House**

*In Lok Sabha*

During the 10th Session of the Fourth Lok Sabha, Demands for Grants (Railways), 1970-71, were presented on February 23, 1970. On March 12, 1970, the Minister of Railways addressed a letter to the Secretary requesting for Speaker's permission to move Demand No. 18 relating to Appropriation to Development Fund for a reduced amount, i.e. for Rs. 574.59 lakhs, instead of Rs. 187.59 lakhs.

The request of the Minister was acceded to. A statement indicating the reduced amount of Demand No. 18, as proposed by the Minister, was circulated to Members. On March 25, 1970, when the Demands were taken up, the Minister explained the position in the House. The Demands were voted by the House in the modified form on March 28, 1970.<sup>3</sup>

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<sup>1</sup>L.S. Deb., 18-3-1970, c. 261.

<sup>2</sup>L.S. Deb., 14-3-1970, cc. 301-02.

<sup>3</sup>L.S. Deb., 25-3-1970, cc. 357-59; 28-3-1970, c. 135.



**Private Members' Resolutions included in the agenda of a sitting adjourned without transacting any business lapse***In Lok Sabha*

On March 20, 1970, the day allotted for the Private Members' Resolutions the House adjourned without transacting any business on account of the death of a sitting member. The resolutions included in the List of Business for that day were treated as lapsed. The ballot for the next allotted day (April 3, 1970) had already been held on March 18, 1970 and the members securing the first three places had also been asked to table their resolutions. Two resolutions were accordingly received.

Shri N. G. Ranga requested that Shri Viswasrai Uarasimha Rao, whose resolution was included in the List of Business for March 20, 1970, be allowed to move his resolution on the next allotted day, *i.e.*, April 3, 1970. The request was not acceded to and the attention of Shri Ranga was invited to clause (2) of Direction 9 of the Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha, which says: "There shall be a separate ballot for each day allotted for private members' resolutions."

**Procedure in the event of amendment by the other House of a motion for reference of a Bill to Joint Committee from Lok Sabha***In Lok Sabha*

While concurring in the recommendation of Lok Sabha to refer a Bill to Joint Committee if Rajya Sabha makes a recommendation extending the time for the presentation of the Report of the Joint Committee, then such a recommendation is concurred in by Lok Sabha through a motion moved by the Member-in-charge of the Bill. After the motion is adopted, a message to that effect is transmitted to Rajya Sabha.

On December 24, 1969, Lok Sabha adopted a motion to refer the Commissions of Inquiry (Amendment) Bill, 1969 to a Joint Committee with instructions to report by the last day of the first week of the next session (Tenth Session of Fourth Lok Sabha, 1970). Rajya Sabha concurred in the motion of Lok Sabha to refer the Bill to a Joint Committee, on April 2, 1970 (that is, after the expiry of the date appointed by Lok Sabha for presentation of the report by Joint Committee), and made a recommendation to Lok Sabha that Joint Committee be instructed to report in the first week of the Monsoon Session,

1970. On May 7, 1970, the Minister-in-charge of the Bill moved the following motion in Lok Sabha:

That this House do concur in the recommendation of Rajya Sabha that the Joint Committee of the House on the Bill to amend the Commission of Inquiry Act, 1952, be instructed to report in the first week of the Monsoon Session, 1970.

After the motion was adopted, it was communicated to Rajya Sabha through a message.<sup>4</sup>

**A Minister can refute the allegations made in the House against an outsider but not read the statement furnished by the individual concerned.**

In Lok Sabha

On December 4, 1970, the Minister of Parliamentary Affairs while refuting the allegations made by a member (Shri Samar Guha) about an outsider (Chief of West Bengal Ruling Congress), went on to read a statement furnished by the individual concerned in this regard. On a point of order being raised by another Member (Shri Ram Sewak Yadav), the Speaker observed that the Minister should not read anybody else's statement. The Minister then refuted the allegation in his own words.<sup>5</sup>

**In the case of allegations against a person, some details about the allegation should also be given in the notice to the Speaker.**

In Lok Sabha

On December 10, 1970, a Member (Shri Jyotirmoy Bosu) wrote to

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<sup>4</sup>L.S. Deb., 7-5-1970, c. 185.

On an earlier occasion also, this procedure was followed in the case of the Constitution (Tenth Amendment) Bill 1956.—See L.S. Deb., 9-5-1956, cc. 7825-26 and R.S. Deb., 16-5-1956, cc. 2362-63 and L.S. Deb., 17-5-1956, cc. 8671-72.

<sup>5</sup>L.S. Deb., 4-12-1970.

the Speaker that he was giving notice under rule 353<sup>6</sup> that on the Calling Attention Notice admitted for that day, he would mention the name of Shri A. K. Sen, M.P. When the Calling Attention Notice was taken up, the Speaker observed as under<sup>7</sup>:—

Now before I take up the Call Attention Notice, Mr. Jyotirmoy Bosu, I received your chit that you wanted to mention some name under rule 353. Rule 353 is not so simple. You must give some details of it as to what the matter is, who the gentleman is and all that, so that the Speaker could judge the matter beforehand.... And specially when the person is an hon. Member of this House, it is still more serious.

**The Speaker cannot prevent a Minister from laying any document on the Table and at the laying stage, no detailed discussion on the merits permissible**

### *In Lok Sabha*

On December 18, 1970, when Shri K. C. Pant, Minister of State in the Ministry of Home Affairs, laid on the Table a statement of facts relating to the death of the late Prime Minister Shri Lal Bahadur Shastri, some Members objected to the document being laid on the Table on the last day of the session and alleged that the Government had done so to avoid discussion on the subject. One of these Members even went on to comment on the merits of the document and sought certain clarifications. The Speaker observed that he could not prevent a Minister from laying any documents on the Table. At the laying stage, the Speaker said, only questions regarding delay etc. could be asked and no detailed discussion on the merits could be held. Members could always demand a discussion by giving due notice, when time could be fixed therefor.<sup>8</sup>

On the same day, when Shri K. C. Pant sought to lay on the Table a copy of the Report of the Commission on Maharashtra-Mysore-

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<sup>6</sup>Rule 353 of the Rules of Procedure and Conduct of Business in Lok Sabha reads:

"353. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply.

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of the opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation."

<sup>7</sup>L.S. Deb., 10-12-1970.

<sup>8</sup>L.S. Deb., 18-12-1970.

Kerala Boundary Disputes—Vol. I, together with a statement thereon, a Member raised objection to its being laid on the Table on the ground that the item was not there on the Order Paper for that day. Another Member rose on a point of order to point out that under Direction 116 the Speaker could not permit laying of the documents which were not previously entered in the List of Business for that day unless there were special circumstances for the same being permitted to be laid at a short notice. He then proceeded towards the Secretary's Table and sat on the floor of the House between the Table and the first row on the opposition benches, in *dharna* as a protest. Several other Members also joined him and sat in *dharna* on the floor of the House near the Table. The Speaker, however, allowed Shri Pant to lay the aforesaid documents on the Table. After sometime the House was adjourned for lunch. The Members who sat in *dharna* continued to sit there throughout the lunch hour. When the House re-assembled after lunch-break, some Members and the Speaker appealed to the Members sitting in *dharna*, to go back to their seats. In response to these appeals, the Members went back to their seats.<sup>9</sup>

**When the House adjourns to meet again at the fixed usual hour of reassembly, Speaker need not mention specifically every time the exact hour**

*In Lok Sabha . . . . .*

On November 25, 1970 when the House reassembled after lunch break, a Member (Shri Shri Chand Goyal) raised a point of order that the Speaker, while adjourning the House for lunch, had not announced as to when it was to reassemble as required under Rule 15<sup>10</sup> Shri K. N. Tiwari, who was in the Chair, referred to the observation made in this connection by the Speaker on August 14, 1970 and ruled that when the House was adjourned for lunch, it was to meet after one hour and there need be no doubt about it.

<sup>9</sup>L.S. Deb., 18-12-1970.

<sup>10</sup>Rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha says :

"15. The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day, or to an hour or part of the same day :

Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned *sine die*."

In the evening, before adjourning the House for the day, the Speaker made the following observations<sup>11</sup>:—

I have to bring it to the notice of the House that in future, when we adjourn, if I say till tomorrow, it means till 11 a.m. tomorrow, as under the rules. Similarly, when we adjourn for lunch, if I say we adjourn for lunch, it means, we reassemble after one hour. I can do away with saying every time that we adjourn to meet again at such and such time.

**Procedure with respect to allegations on the floor of the House against outsiders**

*In Lok Sabha*

On November 26, 1970, a Member (Shri Shashi Bhushan) made certain allegations against an outsider (Shri Kantibhai Desai), son of a Member of the House and former Deputy Prime Minister (Shri Morarji Desai). On December 11, 1970, Shri Morarji Desai made a statement denying the allegations made by Shri Shashi Bhushan and asking the Member to make amends. Shri Shashi Bhushan expressed regrets for mentioning the name of Shri Morarji Desai but as regards the allegation made against Shri Kantibhai Desai, he wanted the Government to inquire into the matter. Thereupon, the Speaker observed that he would examine as to what procedure should be followed to deal with the allegations made by Members against outsiders. On December 17, 1970, the Speaker gave the following ruling on the subject:—

On December 11, 1970 after Sarvashri Morarji Desai and Shashi Bhushan made statements in connection with certain allegations made by Shri Shashi Bhushan in the House on November 26, 1970, I observed that I had to decide this question: When the names of citizens or officers of Government are brought and allegations made against them on the floor of the House, what procedure should be adopted to enable them to defend themselves.

2. Under article 105 of the Constitution, Members have complete freedom of speech in the House and no action, civil or criminal, can be taken against a Member for anything said by him in the House. This freedom of speech is subject to the other provisions of the Constitution and to the Rules and Standing Orders of the House. Thus it is left to the House to check the misuse of this privilege.

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<sup>11</sup>L.S. Deb., 25-11-1970.

3. Rule 353 of the Rules of Procedure reads as under :

No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member from making any such allegation if he is of opinion to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply :

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

4. The Rules Committee, while considering this rule at its sitting held on December 22, 1953, observed *inter alia* that :

...The House should not be made a forum where the conduct and character of persons should be brought into disrepute as the person against whom allegations were made had no remedy against a speech made on the floor of the House which was privileged. In order to safeguard the honour of the people generally, it was imperative that the members applied voluntary restraint and resorted to making allegations in cases of extreme necessity where there was an element of public interest. Even in such cases, it was necessary that reasonable opportunity should be given to the Minister concerned to investigate the matter and to produce if necessary defence on behalf of the person concerned.....

While a member should be given absolute right to bring to the notice of the House any matter which on proper investigation he feels should be ventilated even though it involves the character or reputation of any person, he should in the inform the Speaker beforehand of his intention to do so and inform the Speaker before-hand of his intention to do so and also the Minister concerned. The Minister will then have an opportunity to look into the matter beforehand and to come prepared with a reply...

5. The point as to what procedure should be followed when allegations are made against individuals who are not members of the House and represent to the Speaker that the allegations are false, has been discussed in the House in the past also. On February 15, 1968, Shri R. Umanath raised a question of privilege against one Shri Ram Krishna Bajaj. At that time the sense of the House was that the individual had a right to clarify his position through a letter to the Speaker or through the Press but he should do so in temperate and proper language. The Speaker on receipt of a proper representation from the aggrieved individual may refer it to the Committee on Petitions for examination and report.

In this connection I may mention an earlier case in 1963 when certain allegations, on the basis of a photostat copy of a letter, were made in the House by a Member (Shri Homi F. Daji) against two outsiders. The Speaker referred to the Committee on

Petitions the representations from the persons concerned. The Committee considered the matter and made a report to the House.

The aggrieved person can also write to the Minister and request that he may explain the position to the House and the Minister may after such investigation as he thinks fit and after satisfying himself make a statement in the House.

Normally letters, representations, petitions etc., relating to the proceedings of the House are not admitted as petitions to the House but in appropriate cases where the petitions or representations are supported by documentary evidence or an affidavit and the Speaker is satisfied *prima facie* that the matter requires to be looked into, he may direct that the representation together with the adduced evidence may be forwarded to the Government for inquiry or placed before the Committee on Petitions for their consideration.

6. The position of Government officers against whom allegations are made on the floor of the House is somewhat different. These officers are bound by their service rules and cannot go direct to the Press or Parliament to refute the allegations. A public servant who feels aggrieved by anything said in the House may, through proper channel, bring to the notice of the Minister concerned (i.e., the Minister in charge of the Ministry under which the officer is working) whatever he has to say in that regard. Thereafter, if the Minister considers it necessary, he may, with the previous permission of the Speaker, make a statement in the House.

7. To sum up, the following procedure shall be followed in dealing with allegations against outsiders:—

- (1) No member shall be allowed to make an allegation against an outsider unless he has obtained the prior permission of the Speaker after giving advance notice thereof to the Speaker and the Minister concerned. Such notice shall give the name of the person concerned, the allegation against him and some evidence to show that there is a *prima facie* case.
- (2) Where a member makes an allegation in the House against an outsider without obtaining the prior permission of the Speaker, the same will not form part of the record of the House.
- (3) In the case of allegations made against Government officers, it will be for the Minister concerned to make a statement in the House, if he so wishes.
- (4) Where a representation from an outsider is substantiated by documentary evidence, the Speaker may in his discretion refer the matter to the Government or Committee on Petitions for enquiry and report.

Upon the above ruling being given, a number of Members made submissions that the ruling had imposed further restrictions on the rights of Members and had gone beyond the provisions of the Rules and demanded that the matter should be reconsidered by the Rules Committee. On December 18, 1970 when a Member (Shri S. Kundu) submitted that the procedure laid down in the ruling would erode the powers and privileges given to the Members under the Constitution, the Speaker observed:—

....There is a lot of misunderstanding about it. At the outset, I must assure you that it is much beyond my intention that it should in any way erode the powers and privileges of members. I assure you about that. This House had laid down a certain procedure and I was asked in this House to give some ruling. I just went into the proceedings of the previous Rules Committee and also Rule 353. I am told there is objection to the words 'permission by the Speaker'. .....I have only referred to Rule 353 and two quotations from the proceedings of the Rules Committee. I would be glad to refer it back to the Rules Committee...

The matter was, however, not considered by the Rules Committee as Lok Sabha was dissolved on December 27, 1970.<sup>12</sup>

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<sup>12</sup>See L.S. Deb., 26-11-1970, 11-12-1970, 17-12-1970 and 18-12-1970.



**LOK SABHA**

**TWELFTH SESSION—FOURTH LOK SABHA<sup>1</sup>**

The Twelfth Session which commenced on November 9, 1970, adjourned *sine die* on December 18, 1970. During the session 28 sittings were held aggregating 180 hours.

Some of the major events that took place during the Session are briefly mentioned below.<sup>2</sup>

**Statehood for Meghalaya**

Making an announcement regarding Government's decision for accepting Meghalaya's demand for Statehood in principle on November 10, 1970, the Prime Minister Shrimati Indira Gandhi observed:

Some time ago we reorganised the State of Assam and constituted the Garo Hills and the Khasi and Jaintia Hills districts into the autonomous State of Meghalaya within Assam. This arrangement took into account the need to provide adequate scope for the political aspirations of the people of this area while preserving the overall unity of the State of Assam. The decision to grant Statehood to Manipur and Tripura however necessitated a fresh look at the status of Meghalaya. The Chief Minister of Meghalaya also urged that in the changed situation, Meghalaya should be made a separate State.....Recently, the Meghalaya Legislative Assembly had passed a Resolution demanding full Statehood.

In regard to the capital for Assam State, she said:

We shall consider with sympathy the request of the Assam Government for assistance in building a new Capital.

Referring to the need for a co-ordinated approach to the problems of the development and security of the north-eastern region which had gained further importance in view of the contemplated constitutional changes, she said:

We are studying these problems to see what further measures are necessary. I propose to have a discussion with the Governor, Lt. Governor and Chief Ministers concerned regarding this and other connected matters in the near future.

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<sup>1</sup>Prepared by the Library, Reference and Information Service of the Lok Sabha Secretariat.

<sup>2</sup>This is only a brief resume. For details of speeches etc., please refer to Lok Sabha Debates.

### Statehood for Delhi

Raising a half-an-hour discussion "on unanimous demand of all parties for Statehood for Delhi" in the House on November 26, 1970, Shri Kanwar Lal Gupta<sup>3</sup> (JS) regretted that the Central Government was not conceding the demand. He did not agree with the Government's plea that there "cannot be two Governments at one place."

Criticising the present administrative set-up, he remarked that there was multiplicity of authorities in Delhi with the New Delhi Municipal Committee, the Delhi Development Authority, the Metropolitan Council, the Cantonment Board, the Lieutenant Governor and the Municipal Corporation in the field. That, he added, was a disease which could not be cured until full Statehood was granted to Delhi. Though the Central Government had granted Statehood to Union Territories of Manipur, Tripura and Himachal Pradesh, with far less population and revenue receipts in comparison to Delhi, the demand in respect of Delhi was not being conceded on political considerations.

Parliament, he said, which was responsible for legislating for Delhi did not have sufficient time to devote to its variegated problems.

Replying to the discussion, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant rejected the demand for Statehood for Delhi, the main hurdle being the fact that Delhi was also the capital of the country.

He argued that Manipur, Tripura and Himachal Pradesh to which the mover had made reference, "did not offer a proper analogy", because in their case it was a question of developing those backward areas.

He also ruled out the economic viability of Delhi as an argument for Statehood, as for that reason Bombay and Calcutta could be made into States.

The Minister stated that the Delhi's population by 1986 would be 80 lakhs. It was, therefore, not only a question of providing for the city today but for its future expansion as well.

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<sup>3</sup>The other Members who took part in the discussion were Sarvashri Frank Anthony, S. Kandappan, Ramavatar Shastri and Janeshwar Misra.

**Mid-term Poll in West Bengal**

A Starred Question (SQ No. 331) regarding "mid-term poll in West Bengal" was asked in the House on November 25, 1970 by Shri S. K. Tapuriah (Swa.).

Replying, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant stated that the question of holding mid-term poll in West Bengal could be considered only when normalcy was restored in the law and order situation and people were able to exercise their franchise freely and fearlessly.

Answering supplementaries, the Prime Minister reiterated that there could be no mid-term poll in the State unless and until normalcy was fully restored and there was a possibility of having fair and free elections without the fear of voters being terrorised.

**Motions seeking repeal of West Bengal (Prevention of Violent Activities) Act and West Bengal Maintenance of Public Order Act**

On December 10, 1970 the House commenced combined discussion on the following two Statutory Resolutions moved by Sarvashri Jyotirmoy Bosu and Ganesh Ghosh respectively:

1. This House resolves that in pursuance of sub-section (4) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, the West Bengal (Prevention of Violent Activities) Act, 1970 laid on the Table on the 23rd November, 1970, be repealed by the President by enacting a repealing Act.
2. This House resolves that in pursuance of sub-section (4) of Section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, the West Bengal Maintenance of Public Order Act, 1970, laid on the Table on the 3rd December, 1970 be repealed by the President by enacting a repealing Act.

Speaking on the Resolutions both Sarvashri Jyotirmoy Bosu and Ganesh Ghosh<sup>4</sup> (CPI-M) criticised the Government for adopting a

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<sup>4</sup>The other Members who participated in the discussion were Shrimati Ila Palchoudhuri, Shrimati Sucheta Kripalani, Shrimati Sharda Mukerjee and Sarvashri Bal Raj Madhok, Randhir Singh, R. D. Bhandare, H. N. Mukerjee, Shiva Chandra Jha, Krishna Kumar Chatterjee, Samar Guha, Raghuvir Singh Shastri, N. K. P. Salve, V. K. Krishna Menon, K. Narayana Rao, Syed Badrudduja, Madhu Limaye, Tridib Chaudhuri and K. N. Tiwari.

backdoor method in bringing in these measures for the State of West Bengal. They held that the measures were intended to crush the people's movement in the State and urged the Government to withdraw them.

Intervening in the discussion, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant on December 15, 1970 said that it was found necessary to have preventive detention law to deal with extraordinary situation prevailing in the State of Bengal.

Referring to the main provisions of the Acts, the Minister observed that they were pointedly directed against the outrageous activities of the Naxalites and other anti-social elements operating with them in West Bengal. Recourse to preventive detention could be had only against persons who were likely to indulge in one or more of the activities enumerated in section 3 of the Act, he added.

He said that the Government had been accused of not enforcing the rule of law. The essential ingredient of the rule of law, he said, was that the people who witnessed incidents should be able to come forward without a sense of insecurity to depose in courts. If this was missing, rule of law could not be enforced as was happening in West Bengal.

He assured the House that all specific allegations of police excesses would be looked into.

Referring to the period for which these Acts would apply, he said that these would be valid for the duration of the President's Rule and for one year thereafter, unless repealed by the State Government.

Concluding, the Minister stated that the basic question was that the people should feel secure and confident before they could be mobilized to resist the forces of evil. He thus felt that the political climate had to be revitalised and there could not be any normal political functioning so long as those wedded to violence, murder and treason were not isolated. He declared that the Government were determined to isolate these lawless elements and put them out of circulation, strictly according to law.

After Sarvashri Jyotirmoy Basu and Ganesh Ghosh spoke by way of reply, both the Resolutions were put to vote and negatived.

**Motion regarding conduct of the Governor of Uttar Pradesh in handling the constitutional crisis in the State**

On November 19, 1970, the following Motion was moved by Shri Prakash Vir Shastri (BKD):—

That this House records its disapproval of the conduct of the Governor of Uttar Pradesh in handling the recent constitutional crisis in that State and recommends that the Governor be recalled.

Initiating the discussion<sup>5</sup>, Shri Prakash Vir Shastri said that never before in the last twenty years had the Constitution passed through such a crisis as it did in U.P. last September. Assailing the role of the Governor, he said that the Governor created a peculiar situation when he declined to dismiss the Congress (R) Ministers in Charan Singh's Ministry against the explicit wish of the Chief Minister. Shri Charan Singh's plea to have his majority tested in the legislature and if necessary, the session for that purpose might be summoned earlier than scheduled were of no avail, he added.

He contended that the Governor's action was against the decision of the Presiding Officers' Conference, the Governors' Conference, and also the recommendations of the Administrative Reforms Commission. Thus the events in U.P., he remarked, had thrown up new challenges. Doubts had arisen whether the writ of a duly elected Chief Minister with majority support would run or that of a Governor nominated by the President on the advice of the ruling party at the Centre.

Referring to the advice<sup>6</sup> given by the Attorney General, he said that it had been condemned by all the leading legal experts of the country. He demanded that the Attorney General be called before the House for interrogation.

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<sup>5</sup>Besides Shri Prakash Vir Shastri, the notice of Motion had also been jointly tabled by Sarvashri Nath Pal, Atal Bihari Vajpayee, Jagannath Rao Joshi, Raghuvir Singh Shastri and Shiv Kumar Shastri. But all these Members had earlier written to the Speaker to allow Shri Prakash Vir Shastri to move the motion.

<sup>6</sup>Before the commencement of discussion on the Motion, Shri Atal Bihari Vajpayee and others demanded laying on the Table a copy of the Attorney General's advice tendered to the Governor of U.P. Rejecting the demand, the Minister of State in the Ministry of Law, Shri Jagannath Rao contended that according to well-established convention, such documents are not laid on the Table of the House.

The discussion on the Motion lasted for more than six hours in which as many as 17 Members took part.

Intervening in the debate, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant observed that the case of U.P. had really no precedent and the situation which the Governor faced there had no parallel. The unique nature of the matter made it all the more necessary to consider seriously and dispassionately the constitutional implications of the various issues that had arisen in U.P., he added.

The basic question thus, before the Governor, he said, "was whether after the break-up of the coalition, Shri Charan Singh could continue as Chief Minister consistent with constitutional propriety and sound principles of Cabinet Government". The well-recognized principles of parliamentary democracy would not warrant that Shri Charan Singh should continue after the majority of Members had left him, he added. In support of his contention, the Minister cited precedents from the British Constitutional history.

Narrating the various developments which took place in the State in September, 1970, the Minister felt that it was quite natural on the part of the Governor to doubt whether the continuance of Shri Charan Singh as Chief Minister was constitutional and whether the Governor was bound to accept his advice that a large number of Ministers should be dismissed. The Governor, in order to satisfy himself, decided to obtain the opinion of the Attorney General. "The Attorney General" he said, "stated categorically that after a coalition had broken, Shri Charan Singh had no right to continue as Chief Minister of a coalition Ministry and that his advice no longer had any binding effect on the Governor."

Referring to the allegations that the "Attorney General's advice was motivated and that his motive was to help the Central Government", the Minister regretted, that "it was extremely unfortunate that attempts had been made to draw the office of the highest Law Officer of the Government of India into a partisan controversy."

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Dr. Ram Subhag Singh, Sarvashri A. K. Sen, J. B. Kripalani, P. K. Deo, R. K. Sinha, Atal Bihari Vajpayee, Sant Bux Singh, Murasoli Maran, R. D. Bhandare, Sarjoo Pandey, Satya Narain Singh, Ram Sewak Yadav, Nath Pai, Tenneti Viswanatham, Abdul Ghani Dar and Shrimati Sushila Rohatgi.

In regard to questioning by certain Members the authority of the Governor in taking advice from the Attorney General, the Minister stated that under Article 355, it was the responsibility of the Centre to see that the functioning of the States was according to the Constitution. It would have been rather improper on the part of the Central Government to have denied any Governor an access to the Attorney General, if he wanted to consult him, he added.

As regards the guidelines for Governors, the Minister reiterated that the then Home Minister, Shri Y. B. Chavan had sometime ago obtained the opinion of the jurists on the matter. Later on, he added, opinions of some opposition parties were also sought, but those opinions were not forthcoming and the matter rested there.

After Shri Prakash Vir Shastri had replied to the discussion, the House was divided. The Motion was negatived by 208 votes to 98 in favour.

#### **Motion for modification of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme.**

On December 16, 1970 the House commenced deliberation on the motions seeking modification of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970.<sup>8</sup>

Initiating the discussion, Shri Tenneti Viswanatham (UIPG) said that all the hopes based on the nationalized banks, which induced the Members to support their take-over whole-heartedly, had somehow not borne fruit. He desired that the Government should issue instructions to see that the benefits emanating from nationalization of banks were brought to the masses.

The discussion continued for two days in which as many as 19 Members<sup>9</sup> took part.

<sup>8</sup>Twelve motions were moved by:—Sarvashri Tenneti Viswanatham, D. N. Patodia, S. M. Banerjee, Murasoli Maran, Samarendra Kundu, S. S. Kothari, Shiva Chandra Jha, Sardar Amjad Ali, J. M. Lobo Prabhu and Ramavatar Shastri.

<sup>9</sup>Sarvashri Tenneti Viswanatham, Meddi Sudarsanam, D. N. Patodia, S. M. Banerjee, Naval Kishore Sharma, S. S. Kothari, Murasoli Maran, N. K. P. Salve, Samarendra Kundu, Kamalnayan Bajaj, Randhir Singh, Shiva Chandra Jha, Sardar Amjad Ali, J. M. Lobo Prabhu, Pattiam Gopalan, K. Narayana Rao, D. K. Kunte, Ramavatar Shastri and Shrimati Sharda Mukerjee.

Replying to the discussion on December 17, 1970, the Minister of State in the Ministry of Finance, Shri Vidya Charan Shukla, at the outset, assured the House that all the suggestions that had been made by the Members would be closely and carefully scrutinized by the Government to see what improvements could be made in the Scheme.

Referring to the criticism that after nationalisation, the functioning of the Reserve Bank had been downgraded and the importance that the Reserve Bank held in the economic sphere had been wittled down, the Minister said that there was no question of ignoring the advice of the Reserve Bank which was entrusted with the responsibility of supervising the entire banking system in the country.

Refuting the allegation that half of the number of Directors on the Banks were from the Government, he remarked that under the Scheme only two Directors were from the Government. He ruled out the suggestion to have a workers' representative on the Board as this practice had not been adopted in the trade union field of the country so far.

He informed the House that the Government was agreeable to consider the suggestions regarding annual declaration of assets by the Custodians or Chairman of the banks and allowing the banks like the State Bank of India to deal with Government business.

Giving account of the achievements after nationalisation, the Minister stated that the banks had branched out into rural areas and the areas without banking facilities at a very fast pace. It had opened 1965 new branches which worked out to an average rate of 135 branches per month, and 67 per cent of these branches were in the rural areas.

Concluding, he conceded the demand for setting up a Committee to review the organisational structure and the internal audit system of the nationalised banks.

The House then negatived all the motions by a voice vote.

### **Ceiling on Income**

Raising a half-an-hour discussion on "ceiling on income" in the House on December 2, 1970, Shri Shiva Chandra Jha (SSP) pleaded for the imposition of ceiling on income in order to remove disparities in incomes. He demanded fixing of the ratio of 1:10 between the minimum and maximum incomes and appointment of an expert committee to go into the question of incomes.



Replying to the discussion, the Minister of Finance, Shri Y. B. Chavan, stated that the Government had accepted the principle of ceiling on income, but the difficulty was in implementing this principle so as to achieve the objective.

Ruling out the suggestion that the ratio between the minimum and maximum incomes be fixed at 1 : 10, the Minister observed that it would be an "over-simplification of the problem."

He pointed out that as the inequality of incomes arose from the basic problem of ownership both of urban and rural properties, the strategy and direction of economic policy lay in achieving control in ownership of property in both these areas. In the case of urban income ceilings, he said, the Government had circulated a draft Bill to the State Governments and some of them were going deep into the matter, as constitutionally this was within the exclusive sphere of the State Governments.

Referring to the rural property, the Minister observed, that the effort to have ceiling on it started quite a long time ago, but regretted that implementation of land legislation was not proper.

In regard to the question of ceiling on expenditure raised by certain Members, the Minister stated that Expenditure Tax was meant to arrest ostentatious expenditure. Besides, some new ideas had also been initiated in the 1970-71 Budget in that direction.

#### **Demand for a New Steel Plant in Orissa during the Fourth Plan**

A Calling Attention notice on "reported demand of the Government and the people of Orissa for a new Steel Plant in the State during the Fourth Five Year Plan," was tabled by Sarvashri Surendranath Dwivedy, P. K. Deo, Hardayal Devgun and Shri Chand Goyal. The matter was raised in the House on November 11, 1970 by Shri Surendranath Dwivedy (PSP).

Replying, the Minister of Steel and Heavy Engineering, Shri B. R. Bhagat stated that Consultants like Destur and Co. and Kuljians as well as certain foreign consultants had occasion to study several sites in Orissa such as Barakote, Sambalpur, Hirakud and Bonaigarh. It was, in fact, on the basis of some of these earlier studies he said, that Government had decided to set up a steel plant at Rourkela. Since then, he added, the advantages of locating a steel plant at one of the other sites in Orissa and also of expanding or duplicating the plant at Rourkela had been under consideration of the Government. In

fact, he said, with the steel programme which Government now envisaged of adding to the steel capacity of the country at the rate of at least 1 million tonnes of ingot steel a year, there would be need both for expansion of the existing steel plants and for erecting new ones.

In this process, which would have to be a continuing one, the Minister stated, the advantages of locating second plant in Orissa either at Rourkela itself to take advantage of the considerable infrastructure that had already been created there or at another site would certainly be considered along with the advantages of alternative sites in other States. This consideration, the Minister said, would have to be accorded during the Fourth Plan itself in order that a decision could be taken in time for creation of additional capacities for steel during the Fifth Plan period.

Replying to a question, he observed that sites had to be selected on technical and economic considerations, and any commitment by the Government at this stage, would mean pre-judging the opinion of the technical committee which would be entrusted with the task of selecting sites.

#### **U.P. Government's Demand for Reconsideration of Fourth Plan**

A Starred Question (SQ No. 181)<sup>10</sup> regarding "demand by U.P. Government for reconsideration of Fourth Plan" was asked in the House on November 18, 1970 by Shri Raghuvir Singh Shastri (BKD).

Replying to the question, the Prime Minister Shrimati Indira Gandhi expressed Centre's inability to accede to U.P. Government's request for additional assistance to the extent of Rs. 181 crores for specific programmes, and special accommodation of Rs. 52.47 crores estimated to cover the shortfall in the State's resources. She said that the entire Central assistance for State Plans had already been distributed among States in accordance with the formula approved by the National Development Council. As such there was no scope for the provision of additional assistance to cover estimated shortfall in the State's own resources. Special accommodation, she added, had been made only to those States which had non-Plan gaps in resources. As U.P. did not have any such deficit, it was not eligible for special accommodation, she said.

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<sup>10</sup>Question received in Hindi.

Replying to a supplementary, the Prime Minister denied that special favour had been shown to Tamil Nadu and Rajasthan in the allocation of funds for fighting famine and drought. She observed that all assistance for famine and drought had been provided according to a formula and according to the needs assessed by Central officials. Where some advance had been given, it would be adjusted against Plan allocations, she added.

### **Backward Areas of U.P.**

A discussion under Rule 193 on a matter of urgent public importance on the "economically backward regions in the country in general and especially the 14 eastern districts of U.P." was raised on December 3, 1970 by Shri Raj Deo Singh (Cong). The motion was tabled jointly by Sarvashri Raj Deo Singh and Chandrika Prasad.

The discussion, lasted nearly 3 hours in which as many as 17 Members<sup>11</sup> took part.

Replying to the discussion, the Minister of State, Shrimati Nandini Satpathy expressed the Government's concern over the continuance of backward pockets within the country even after nearly two decades of planning. She said that the Planning Commission as well as the Central Government were fully aware of the situation and from the very beginning it had been the concern of both to see that the regional imbalances were removed as quickly as possible. Correction of these imbalances was necessarily a long process, but the beginning had already been made in this direction, she added.

Referring to some of the steps taken by the Government, she informed the House that backward States had been given weightage in the allocation of Central assistance, and a separate working group had been set up by the Planning Commission to discuss the problems of backward areas in connection with the formulation of the annual plans of the States for 1971-72.

She added that the States had also been asked to identify their backward areas and incorporate schemes for their accelerated development. Most of the States, she said, had completed the process of identification of backward districts and that U. P. had identified 27

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<sup>11</sup>Sarvashri Raj Deo Singh, Sheo Narain, Shambhu Nath, Ranjeet Singh Janeshwar Misra, K. N. Tiwari, G. Kuchelar, Jharkhande Rai, Nageshwar Dwivedi, Umanath, K. Lakkappa, Shiva Chandika Prasad, Avedya Nath A. Sreedharan, Tulsidas Jadhav and Randhir Singh.

districts as backward areas needing special attention. Besides, four districts had been identified each in Bihar and Mysore States while the proposals from Tamil Nadu and Kerala were under the consideration of the Planning Commission. All these areas, she said, would be eligible for concessional assistance from public financial institutions so that the growth of industries was fostered.

Recognising the need for the development of an infra-structure, the Minister of State said that the Government had put forward an integrated programme for the development of roads, water and power in these areas.

Referring to the charge about the discriminatory policy adopted by Central Government in distributing Central assistance, the Minister observed that the assistance was being disbursed according to set criteria. The charge of giving some States "step-motherly treatment" was wrong, she added.

In regard to the suggestion that there should be a separate board for the development of eastern U.P., she said that this matter primarily fell within the purview of the State Government. The Central Government, however, in its turn had been urging the State Governments to draw up integrated district-wise plans, she added.

#### **Time Bound Scheme for Improvement of Calcutta Slums**

Raising half-an-hour discussion on "Time bound scheme for improvement of Calcutta slums" in the House on December 7, 1970, Shri Samar Guha (SSP) asserted that socio-cultural problems of the 35 lakhs slum dwellers of Calcutta needed immediate attention. Unless that was done, these slums would remain as the breeding ground of not only physical diseases but also mental diseases, he said.

He urged the Planning Commission and the Finance Commission to adopt a special formula for the special development of Calcutta and solution of its problems. He said that besides utilizing P.L. 480 funds, other international sources should also be tapped by the Government for enlisting help to solve the problems of Calcutta.

Replying to the discussion, the Minister of State in the Ministry of Health, Family Planning and Works, Housing and Urban Development, Shri Parimal Ghosh informed the House that an elaborate programme of Rs. 150 crores had been drawn up for different improvements including slum clearance. He said that besides the Plan allocation, the Centre had allocated a sum of Rs. 8 crores to implement a two-year programme of environmental improvement of about 1200 slums

in Calcutta. Of the Rs. 8 crores, a sum of Rs. 3 crores would be made available in 1970-71 and the remaining Rs. 5 crores in 1971-72, he stated.

Referring to the suggestion for tapping foreign sources for the purpose, the Minister stated that certain foreign agencies had shown willingness to help the Government of West Bengal provided certain specific programmes were formulated and put up to them. The Government, he said, had already commenced the work of collecting relevant data for the purpose.

#### **Government participation in Foreign Oil Companies**

A Calling Attention notice on the "reported decision of the Government to have majority participation in the foreign oil companies" was tabled by Sarvashri S. M. Banerjee, Ganesh Ghosh, Tridib Chaudhuri, Yogendra Sharma and V. Viswanatha Menon. The matter was raised in the House on November 25, 1970 by Shri S. M. Banerjee (CPI).

Replying, the Minister of Petroleum and Chemicals and Mines and Metals, Dr. Triguna Sen informed the House that "no decision had been taken by the Government to have majority participation or indeed any participation in the foreign oil companies". The discussions with the Oil Companies, he added, were at an exploratory and tentative stage. While it was true that the foreign Oil Companies had suggested the conversion of their companies to Indian Companies and the participation of public sector in them to assist in the evolution of satisfactory arrangements, no decision had been taken, nor even any of the major details discussed.

Referring to the existing refinery agreements with the Oil Companies, the Minister informed the House that their working was constantly under review by the Government in the background of progress made in developing self-sufficiency in both the refining of oil and the distribution of petroleum products. During the last three months, he said, the Government had been discussing with the Oil Companies as to how far the refinery agreements, certain aspects of which had proved irksome, could be revised in the changed circumstances.

Answering questions, the Minister denied that the private Oil Companies had tried to raise prices of the crude and caused artificial shortage. He stated that the Oil Companies had in fact agreed to the Government's proposed price and the crude was now being imported at that price.

As regards the requirements of the petroleum products during the Fifth Plan period, he informed the House that there was a proposal to have another refinery—the 11th refinery—at a suitable place to meet the demands of north-east India.

### Price of Sugarcane

Raising a half-an-hour discussion regarding the “price of sugarcane” in the House on November 25, 1970, Shri Raghuvir Singh Shastri<sup>12</sup> (BKD) said that the price of sugarcane fixed by the Government at Rs. 7.37 per quintal was on the lower side. He added that most of the State Governments where sugarcane was produced had recommended a higher price, but the Government did not accept their plea.

He desired that the basis or formula on which the price of sugarcane was fixed by the Government should be such as to work as an incentive to the farmers. He complained that arrears of payment to farmers on account of supply of sugarcane had risen to Rs. 35 crores in the last season.

Replying to the discussion, the Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation, Shri Annasahib P. Shinde denied that the Government had taken an arbitrary view of the matter in determining the price of sugarcane and that they had not consulted the State Governments in this behalf. Apart from consultation with the State Governments, by correspondence and at the Chief Ministers’ Conference, the existing price of sugarcane, he said, was fixed in consultation with the Agricultural Prices Commission.

The Minister expressed Government’s concern over the accumulation of arrears to the tune of Rs. 20.82 crores due to cane-growers from the Sugar Mills upto September 30, 1970. In this connection, he informed the House that the Cane Control Order had laid down that the price for the cane should be paid within 14 days. If it was not paid, the State Government could have it recovered as land revenue, he added. The Union Government, he said, had advised the States to ensure that the farmers were paid interest also.

Referring to the demand for nationalisation of Sugar Industry, the Minister stated that an Enquiry Committee had already been set up to go into the issue.

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<sup>12</sup>The other Members who took part in the discussion were Dr. Ram-Subhag Singh, Sarvashri S. Kundu, Prakash Vir Shastri and S. M. Banerjee.

As regards the report of Wage Board on Sugar Industry, the Minister stated that the Government had already accepted the recommendations in regard to workers in the industry and had suggested to the State Governments and the Industry that the Wage Board's Award should be implemented.

#### **Demands for Excess Grants (Railways) 1968-69 and Supplementary Demands for Grants (Railways) 1970-71**

On December 8, 1970, the House commenced combined discussion on (i) Demands for Excess Grants (Railways) 1968-69 and Supplementary Demands for Grants (Railways) 1970-71. The debate continued for three days in which 39 Members<sup>18</sup> participated.

Replying to the discussion on December 10, 1970, the Minister of Railways, Shri Gulzari Lal Nanda conceded that there were deficiencies in the working of the railway administration. He informed the House that the programme of reform undertaken by them was making headway.

Giving some details about the steps taken in this direction, the Minister said that the first plank in the 11-point programme—to step up efficiency, avoid losses, reduce expenditure, increase earnings and effect improvement generally—was put into operation in the Jabalpur Division of the Central Railway. The net saving effect in this division alone was Rs. 10.37 lakhs in the first 100 days. At this rate, he added, the savings during the whole year would be about Rs. 37.4 lakhs. He said that the expenditure on coal was about Rs. 100 crores during the last year. A 10 per cent reduction in total consumption in coal would lead to a saving of Rs. 10 crores. Keeping this end in view, the Jabalpur campaign was being extended to other Divisions.

Reporting improvement in respect of thefts and pilferage in Railways, the Minister informed the House that an experiment recently

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<sup>18</sup>Sarvashri P. D. Himmatsingka, Raghuvir Singh Shastri, J. M. Biswas, Krishna Kumar Chatterjee, K. M. Koushik, Onkarlal Bohra, P. G. Sen, Tavappa Hari Sonavane, B. P. Mandal, V. B. Tarodekar, Murasoli Maran, Randhir Singh, Beni Shankar Sharma, Chandrika Prasad, Mohammad Ismail, S. B. Baswant, Molahu Prasad, Bedabrata Barua, Lakhani Lal Kapur S. N. Mishra, A. Sreedharan, M. Sundarsanam, J. Mohammed Imam, A. G. George Sheo Narain, Kanwarlal Gupta, S. M. Joshi, Ramavatar Shastri, Ram Dhan, Janardhan Jagannath Shinkre, Ghulam Mohammad Bakshi, J. N. Hazarika, Pilo Mody, T. M. Sheth, Ram Charan, E. K. Nayanar, Gunanand Thakur, Shrimati Ila Palchauhuri and Shrimati Sharda Mukerjee.

carried out at Moghalsarai Railway Station—one of the largest marshalling yards in the country dealing with about 7000 wagons a day had met with remarkable success. The second phase would begin with the enlistment of educated unemployed youth drawn from the villages around, a few ex-Servicemen and some social workers.

Referring to the criticism about the top heavy organisation of the Railway Board, the Minister said that this aspect was being looked into and if in the course of examination, it was seen that there was any room for any elimination of posts, certainly it would be done.

At present the major handicap of railways, he said, was that of resources which came in the way of laying new lines, conversion of metre-gauge into broad gauge, removing congestion in the movement of goods and passengers etc. The creation of new facilities which formed part of the Fourth Plan would have to be heavily curtailed because of constraint on resources.

Giving justification for the Supplementary Grants for the current year, he said that largely it was due to the payment of interim relief to the employees as recommended by the Pay Commission. In addition, repairs of flood damages in Gujarat, rise in cost of coal and iron and steel were contributory factors in the depletion of funds provided for in the Budget 1970-71.

The House then voted in full the Demand for Excess Grant and all the Demands for Supplementary Grants (Railways).

### **Probe into Lal Bahadur Shastri's Death**

A Starred Question (S.Q. No. 68) regarding "doubts raised by Smt. Lalita Shastri about the death of her husband in Tashkent" was asked in the House on November 11, 1970 by Sarvashri Ram Charan, S. M. Krishna and Jageshwar Yadav.

In a written reply, the Minister in the Ministry of Home Affairs, Shri K. C. Pant, stated that the Minister for External Affairs, Sardar Swaran Singh and the then Home Minister, Shri Y. B. Chavan had made a statement in the Lok Sabha in 1966 and in 1970 respectively on the circumstances relating to the death of Shri Lal Bahadur Shastri. He added that the Government had seen press reports of a recent interview with Shrimati Lalita Shastri, and proposed to lay on the Table of



the House very shortly a statement setting out the relevant facts in regard to the points raised in this connection.<sup>14</sup> There was, therefore, no justification for any inquiry as suggested, he said.

#### **Appeal to Government by former revolutionaries and freedom fighters**

A Calling Attention Notice on the "reported appeal made repeatedly to the Government by former revolutionaries and freedom fighters to mitigate some aspects of their sufferings" was tabled by Sarvashri K. N. Tiwari, H. N. Mukherjee, Samar Guha, S. M. Joshi and Smt. Sucheta Kripalani. The matter was raised in the House on December 14, 1970 by Shri K. N. Tiwari (Cong).

Replying, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant stated that rehabilitation of the freedom fighters was primarily the responsibility of the State Governments which had formulated their own schemes for relief and assistance to former freedom-fighters in the form of pension, cash grants, loans, and educational concessions to their children. The Centre has also schemes to help in certain deserving cases from the Home Minister's Discretionary Grant, he said, and life-time pensions were sanctioned in 1957 to the descendants of a few prominent leaders of the 1857 freedom struggle, from this Grant. From October 2, 1969, the Centre had also implemented a scheme, he said, for the grant of life-time pension to deserving freedom fighters who had suffered imprisonment for not less than five years, including a period in the Andaman Cellular Jail, and also to families where the freedom fighters themselves were no longer alive.

Besides, he said, the Government were examining the question of extending the scheme to those who had not completed five years of imprisonment including a period in Andaman Cellular Jail and to those who had been jailed outside India as also those who had suffered long imprisonment in jails on the mainland.

Answering questions, the Minister said that the Government had so far received 230 applications from those revolutionaries who had lived in Andaman Jail. Out of these, in 189 cases pension had been sanctioned and the remaining cases were under consideration. If any fresh applications were received, these would also be considered.

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<sup>14</sup>The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant laid on the Table a statement of facts relating to the death of the late Prime Minister Shri Lal Bahadur Shastri on December 18, 1970.

So far as the question of ex-INA people was concerned, a decision had been taken, he said, to give pensions to those who had been in the Indian Army and had joined the I.N.A.

Referring to the suggestions regarding preserving of the Andaman Jail and also for having a proper memorial, the Minister said that a plaque had already been put up in the Jail with the names of the freedom fighters who were in that Jail and added that the question of preservation and beautification of the Jail was under consideration of Government.

#### **Reported strike by Jute Workers in West Bengal**

A Calling Attention Notice on the "reported strike by Jute workers in West Bengal" was tabled by Sarvashri H. N. Mukerjee, Jyotirmoy Bosu, S. K. Tapuriah, Dhireswar Kalita and Shrimati Ila Palchaudhuri. The matter was raised in the House on December 9, 1970 by Shri H. N. Mukerjee (CPI).

Replying, the Minister of State in the Ministry of Labour, Employment and Rehabilitation, Shri Bhagwat Jha Azad informed the House that the workers in the Jute Mills in West Bengal had gone on strike from the 7th December, 1970. The strike had been sponsored jointly by Trade Unions affiliated to various Central Organisations. The strike notice contained a number of demands but the principal issues related to the payment of bonus, introduction of a gratuity scheme and payment of maintenance allowance to "Badli" workers when they were not given work. Efforts were made by the officers of the State Labour Department and the Principal Adviser to the Governor of West Bengal to bring the parties together and evolve a mutually acceptable solution so that there was no work stoppage. Unfortunately, these efforts did not succeed. The Minister of Foreign Trade also held discussions with both the parties but no agreement could be reached, he added.

Answering questions, the Minister said that the Government were trying to see that the parties should be brought to some agreement and that would continue to be their endeavour in future too.

#### **Closure of 'Basumati'**

A Calling Attention Notice on the "reported closure of daily 'Basumati' and its allied publications resulting in the unemployment of a large number of workers" was tabled by Sarvashri Indrajit Gupta, Hardayal Devgun, Jyotirmoy Bosu, Madhu Limaye and Shrimati Sucheta Kripalani. The matter was raised in the House on December 10, 1970 by Shri Indrajit Gupta (CPI).

Replying, the Deputy Minister in the Ministry of Labour, Employment and Rehabilitation, Shri Bishwanath Roy said that according to information made available by the Government of West Bengal, there was a closure of Basumati Group of Papers by the management in Calcutta from November 16, 1970. The number of workers affected by the closure was reported to be approximately 550. Reasons for the closure as stated by the management were indiscipline, acts of insubordination, slow-down and refusal to work on the part of the workers. As the matter fell in the State sphere, the State authorities were seized of it and were continuing their efforts to secure re-opening of the establishment.

Answering supplementaries, Shri Bhagwat Jha Azad, Minister of State, stated that Government were trying to make efforts to call the management and to know their points of view. So far as the Industrial Disputes Act was concerned, it did not say anything about closure, but it said in Section 25 FFF that wherever an undertaking was closed down for any reason whatsoever, every workman who had been in continuous service for not less than one year in that undertaking immediately before such closure would be entitled to notice and compensation in accordance with the provisions of Sec. 25 F. It was Government's desire to talk to the management and bring the parties together to see if a solution was possible.

#### **Reported Refusal by Pilots to Fly Avros**

A Calling Attention Notice on the "reported refusal by Indian Airlines pilots to fly Avros from Bombay despite agreement reached between the management and the Commercial Pilots Association" was tabled by Sarvashri B.K. Daschoudhary, Madhu Limaye, Beni Shanker Sharma, N.K. Sanghi and D.N. Patodia. The matter was raised in the House on December 17, 1970 by Shri B.K. Daschoudhary (UIP-G).

Replying, the Minister of Tourism and Civil Aviation, Dr. Karan Singh informed the House that when an agreement between the Management of Indian Airlines and the Indian Commercial Pilots Association was signed on the night of 2nd December under which the Association withdrew its directive in regard to Boeing training and undertook to restore normalcy in the functioning of the air services with immediate effect, the Management had hoped that the pilots would resume all their duties without delay. The pilots in the Bombay region, however, continued to refuse to fly HS-748 aircraft alleging various deficiencies in them, although pilots in the Madras region were flying these aircraft.

Of the 14 HS-748 aircraft in the fleet of Indian Airlines, 6 were based in Bombay. Pilots of the Bombay region initially picked out two aircraft as having defects but were now refusing to fly any.

Continuing, Dr. Karan Singh said that in consultation with Hindustan Aeronautics Limited, who were the manufacturers of the HS-748 in India, the Management arranged to have the two aircraft in question test flown by HAL's test pilot. The tests were completed on the 5th December and a signed report had been given by the test pilot, countersigned by the General Manager, HAL, Kanpur, saying that the safety standards with regard to the aircraft performance were being met satisfactorily. Subsequently, two more planes were tested and found to meet the specific requirements.

In these circumstances, there seemed to be no valid reason for the pilots in the Bombay region refusing to fly the aircraft. In view of the unequivocal report of the test pilot in regard to safety, the management had issued instructions to the pilots to resume normal operations immediately.

Answering questions, the Minister said that as far as Avros were concerned there were complaints about fuel consumption and other things and certain suggestions with regard to their performance in the air had been received from time to time, and the Government had immediately got in touch with the H.A.L. who were the manufacturers. The Government would do whatever was possible to improve their performance and maintenance.

The Government had brought Civil Aviation within the purview of the Essential Services Maintenance Act so that if there were any strikes, action could be taken against the pilots.

#### **Acute shortage of Truck and Bus Tyres**

A Calling Attention Notice on the "reported acute shortage of truck and bus tyres in the country due to hoarding by dealers" was tabled by Sarvashri N. K. Somani, Shashi Bhushan, Benoy Krishna Daschoudhary, Meetha Lal Meena and N. P. C. Naidu. The matter was raised in the House on December 11, 1970 by Shri Shashi Bhushan (Cong.).

Replying, the Deputy Minister in the Ministry of Industrial Development and Internal Trade, Shri M. R. Krishna admitted that reports and representations received by the Ministry had alleged malpractices and irregularities in the distribution of tyres.

He informed the House that due to strikes in three manufacturing factories, a shortage of 1.5 lakh tyres of various categories was anticipated. In regard to the automobile tyres, the Minister said, the Government had already received an assurance from the manufacturers to the effect that they would make up the fall in production, caused by strikes, in the course of one or two months. For certain sizes of tractor tyres, which were not indigenously manufactured, the Government had permitted their import through the S.T.C. and also through Agro-Industries Corporation of the concerned States.

Referring to the long-term solution to this problem, he felt that it inevitably necessitated a considerable increase in production of tyres, particularly of the heavier categories. It was estimated that demand by the end of the Fourth Plan period would increase to 7.2 million Nos. and against this, the total capacity which had already been installed or was in the process of being installed or had been licensed earlier came to 5.58 million. To cope up with the increased demand, letters of intent for a further capacity of 2.4 million tyres|tubes had recently been approved in 8 new units and with this additional capacity it was expected that the requirements would be adequately met in the coming years. During the intervening period, he remarked it was essential that not only should installed capacity be fully utilised but that the distribution mechanism should function as effectively as possible.

Referring to the various steps taken by Government to check the malpractices, the Deputy Minister said that powers under the Essential Commodities Act, 1955 had been delegated to State Governments and Union Territories to regulate the supply and distribution of tyres and tubes.

Continuing, he assured the House that every effort would be made to ensure that whatever quantity was currently in distribution or under manufacture was distributed as equitably as possible.

Answering questions, the Deputy Minister stated that it had been decided to restrict inter-State movement of tyres to combat "manipulation of market prices." He added that dealers had been instructed to sell the tyres by charging about 7½ per cent commission over the prescribed rate.

#### **Disappearance of S. S. Mahajagamitra**

A Calling Attention Notice on the "reported disappearance of S.S. Mahajagamitra, a cargo vessel, in the Pakistani waters and steps taken to recover the same" was tabled by Sarvashri Nath Pai, Bedabrata

Barua, Jyotirmoy Bosu, Bal Raj Madhok and R. K. Amin. The matter was raised in the House on November 20, 1970 by Shri Nath Pai (PSP).

Making a statement, the Deputy Minister in the Ministry of Shipping and Transport, Shri Iqbal Singh informed the House that the vessel m.v. "Mahajagmitra" owned by the Great Eastern Shipping Company and chartered by the South East Asia Shipping Company proceeded with Cargo from Calcutta for Kuwait and left Sandheads on November 11, 1970. He added that the vessel had 49 persons on board and was proceeding with cargo of 5700 tonnes—comprising jute, tea and other general cargo and steel. It was presumably caught in the cyclonic storm which hit East Pakistan recently and was missing since November 12, 1970.

Referring to the steps taken by the Government, the Deputy Minister stated that immediately on receipt of S.O.S. message, intensive and extensive search for and rescue of the vessel was organised. All the ships in the vicinity were asked to respond to the vessel's S.O.S. The Indian Navy, Air Force and the Calcutta Port Commissioners were alerted and asked to assist and carry out aerial and surface search and rescue. The neighbouring Maritime countries of Pakistan and Burma had also been requested to intimate to the Government if the vessel was found on or near their coasts or if any further information reached them.

Answering questions, the Minister of Parliamentary Affairs, Shipping and Transport, Shri Raghuramaiah said that the Director-General of Shipping was holding an inquiry as to why the ship was allowed to go when the warning of cyclone had been received on the 9th November, 1970.

In reply to another question, the Minister said that the ship was insured and the employees would get the benefits. They would also get the benefits under Workmen's Compensation Act, he added.

#### **Sports Policy of the Government of India**

A discussion under Rule 193 on a matter of urgent public importance on "Sports Policy of the Government of India" was raised in the House on December 8, 1970 by Dr. Karni Singh (UIP-G).

Initiating the discussion<sup>15</sup>, Dr. Karni Singh held policies of the

<sup>15</sup>The other Members who participated in the discussion were Sarvashri H. N. Mukerjee, Kamalnayan Bajaj, K. P. Singh Deo, Bal Raj Madhok, Jyotirmoy Bosu, A. Sreedharan, Randhir Singh and S. M. Banerjee.

Government responsible for low standard of sports in the country. He demanded that there should be a separate Ministry for Sports and the job of that Ministry should be to ensure that sportmen were trained in the country with the sole objective of raising the physical standards of the people and to win prestige and glory for our nation in the international field.

Replying to the discussion, the Minister of State in the Ministry of Education and Youth Services, Shri Bhakt Darshan ruled out the suggestion regarding creation of a separate Ministry of Sports. He felt that the recent designation of Ministry of Education to that of the Ministry of Education and Youth Services, would have partially met the purpose. But at the same time, he maintained that the Government was only promoter of sports and not controller of sports. The policy of the Government, he added, was one of non-interference in the internal matters of all sports organisations.

He admitted that considering the size and population of the country, the Government was not spending sufficient money. He, however, added that there had been a gradual increase in allocations.

The Minister informed the House that with a view to raising the standard of sports in the country, the Government had introduced a new scheme called the "Sports Talent Scholarship Scheme" and a sum of Rs. 16.80 lakhs had been provided for the purpose. Scholarships would be given to students who would show promise in State and national level competition. The Government were also working at a scheme for grants to State Sports Councils, specially for rural sports centres.

In addition to the All India Council of Sports which had been in existence for some years and has done some commendable work, the Government had also decided, he said, to set up a new organisation called the "National Council of Sports and Physical Education" with the Union Education Minister as its Chairman. Under this Council there would be two national standing committees, one for sports and another for physical education.

#### **Arms supply to Pakistan by USA and USSR**

A Calling Attention Notice on "the arms supply to Pakistan by USA and USSR and Pakistan's declaration to use the arms against India" was tabled by Sarvashri Kanwar Lal Gupta. Surendranath

Dwivedy, D. N. Patodia, N. P. C. Naidu and Shrimati Ila Palchaudhuri. The matter was raised in the House by Shri Kanwar Lal Gupta, (JS) on November 9, 1970.<sup>18</sup>

Replying, the Minister of External Affairs, Shri Swaran Singh expressed Government's concern about the latest announcement by U.S. Government regarding arms supply to Pakistan. He felt that "the result of this decision might well be that Pakistan, which was already over-armed, would use this accretion of armed strength to threaten India instead of trying to settle differences peacefully through bilateral discussions."

The Foreign Minister stated that "in 1965 the U.S. Government had imposed a ban on the supply of lethal weapons to Pakistan and India. On September 30, 1970 India was officially informed that the United States Government had decided to make an exception to this ban and to supply to Pakistan some aircraft and armoured vehicles in replacement of losses and natural attrition."

The Government of India lodged protests with U.S. Government against such a move. In reply, he said, the "U.S. Government had tried to justify by saying that no great significance need be attached to this replacement of items of equipment and that this sale was to meet Pakistan's defence requirements". India expressed its inability to accept these arguments in view of Pakistan's repeated utterances that India was her only enemy. India, he added, had, "apart from signing the Tashkent Declaration, made repeated offers of a 'No War Pact' to Pakistan and also taken several initiatives for normalising relations with her. Pakistan had, therefore, no ground to apprehend any threat from India; on the other hand, it was Pakistan that had committed aggression against India thrice since Independence."

Giving details of American military aid to Pakistan, the Minister said that according to reliable estimates, it was of the order of 1.5 to 2 billion dollars from 1954 to 1965. He held that "but for American

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<sup>18</sup>As soon as the Speaker called Shri Kanwar Lal Gupta to raise the matter in the House, Shri S. M. Banerjee (CPI) raising a point of order said that he alongwith certain other Members had given notice of a motion merely on one subject namely the supply of arms by USA to Pakistan as that was of recent occurrence. He pleaded that the said motion be admitted separately. In his contention, he was supported by Sarvashri Indrajit Gupta and H. N. Mukerjee.

Disallowing the point of order, the Speaker observed that as the present motion covered both the countries, all identical motions had been covered.



arms aid to Pakistan, the sub-continent might have been spared more than one destructive war." The Foreign Minister also observed that "past assurances that U.S. arms to Pakistan would not be used against India proved worthless, and this time even such an assurance had been omitted. This showed that U.S. Government itself believed that these arms would be used against India." "Such a step" he said, "would not only increase tension on the sub-continent and lead to an arms race, but would also make Pakistan more intransigent towards India and render normalisation of our relations with Pakistan more difficult."

In regard to supply of arms by USSR to Pakistan the Minister said that India had protested to the Soviet Union too in 1968-69 when it had supplied arms to Pakistan. The Soviet Union had "assured the Government then that their arms supply to Pakistan was not intended to hurt India, but might help in persuading Pakistan to normalise relations with India." He added that though the Government had not accepted this assessment of the Soviet Union, it was glad to note that Russia did not "intend to supply any more military hardware to Pakistan in addition to that already supplied in the past."

#### **Soviet Union's reported resistance to correct Indian maps.**

A Calling Attention Notice on "Soviet Union's reported resistance to correct the Indian maps in the second volume of the Great Soviet Encyclopaedia and its having continued to show therein NEFA as part of Communist China" was tabled by Sarvashri R. K. Amin, Nath Pai, Deven Sen, N. K. Somani and Kanwar Lal Gupta. The matter was raised in the House on December 4, 1970 by Shri Nath Pai (PSP).

Replying, the Minister of External Affairs, Shri Swaran Singh observed that the first volume of the Great Soviet Encyclopaedia which came out in April-May last showed in its political map of Asia, India's northern boundaries with China with a firm line which implied that the boundaries were definite and delimited. In the second volume of the same work which appeared later this year, the Minister added, boundaries between India and China in the Western Sector were shown with broken or interrupted lines implying that the border was regarded as not settled. Besides, the smaller edition of the Atlas Mira which appeared about the same time, also showed all the India-China boundaries with an interrupted or broken line.

To this extent, the Minister contended that there seemed to be an improvement in the Soviet position. But at the same time he felt that this was not still very satisfactory from Indian point of view and the Government had been pressing the Soviet authorities to "take our views into account and effect further rectification of their maps."

Concluding, the Minister invited the attention of the House to the assurance given by the Soviet Ambassador in New Delhi regarding issue of a new map of India. He hoped that the proposed new map would take into account Indian "views more fully".

Answering supplementaries, the Minister stated that there was no question of some other East European countries also following the Soviet stand in this respect. This was, he explained, a legacy of pre-Independence period when the Soviet Union accepted the Chinese stand as against the British stand regarding the extent of the Indian territory. This had continued thereafter, he said.

### **Foreign Bases in the Indian Ocean**

A Calling Attention Notice on the "reported move by the Government of USSR, Britain and USA to secure bases in Indian Ocean" was tabled by Sarvashri Shri Chand Goyal, Tenneti Viswanthan, Kanwar Lal Gupta, N. K. Somani and J. M. Lobo Prabhu. The matter was raised in the House on November 19, 1970 by Shri Shri Chand Goyal (JS).

Replying, the Minister of External Affairs, Shri Swaran Singh expressed Government's concern over the report about the establishment of military bases by outside powers in the Indian Ocean.

The Minister informed the House that the British Government had had certain communications and staging facilities in the Indian Ocean area. The U.K. and U.S. Governments had concluded an agreement in 1966 to create similar facilities on certain islands in the British Indian Ocean Territory. India, he said, had opposed the creation of those facilities and communicated it to the Government of both countries.

Referring to the Lusaka declaration against great powers' rivalries and competition in the Indian Ocean area, the Minister said that it was subscribed by a large majority of the countries of the Indian Ocean area and he felt that it would have a real impact on the super powers.

Replying to a question, the External Affairs Minister emphatically denied the suggestion that India had anything to do with the agreement entered into between Mauritius and the USSR Governments about

certain fishing rights. This was an independent agreement that had been arrived at between the two Governments, he added.

Referring to the suggestion made by various Members that the defence of the country should be sea-oriented, the Minister observed that with a view to strengthening the Navy, steps were being taken both by increasing production of naval equipment and by acquisition from abroad.

#### **Difficulties experienced by Indians in Ceylon**

A Calling Attention Notice on the "reported difficulties experienced, by the Indians in Ceylon and the steps taken by the Government of India thereto" was tabled by Sarvashri S. M. Banerjee, Shashi Bhushan L. Lakappa, N. K. Somani and Raghuvir Singh Shastri. The matter was raised in the House on November 10, 1970 by Shri S. M. Banerjee (CPI).

Replying, the Minister of External Affairs, Shri Swaran Singh informed the House that following the formation of a new Government in Ceylon in May, 1970, the import and export trade there was being progressively taken over by State trading establishments. The import licensing procedure had been changed and the import of certain commodities permitted under the Open General Licence was now on a quota system. It had not extended the residence permits of a number of Indian nationals working in the gem trade. These steps, the Minister added, were part of a general policy which was non-discriminatory and was not directed specially against Indian concerns and nationals. Ceylon citizens and other foreigners were equally effected by it, he said.

The External Affairs Minister conceded that this policy of Ceylon Government would result in a certain number of Indian nationals being displaced from their present employment and it was likely that some of them would seek to return to India. But at the same time, he assured the House that Government had the situation under constant review and would render appropriate assistance to those returning to India, if necessary.

The Minister also affirmed that the implementation of the 1965-Agreement regarding the grant of citizenship to Stateless persons of India origin and the repatriation of those who had to come to India under the Agreement was continuing satisfactorily. The feasibility of streamlining the procedure under the Agreement was, however, at present being discussed between the two Governments, he added.

**Indo-Nepal talks on Trade and Transit**

A Calling Attention Notice on "uncertainty prevailing over the next round of Indo-Nepal talks on trade and transit" was tabled by Sarvashri E. K. Nayanar, Surendra Kumar Tapuriah, Bhogendra Jha, Atal Bibari Vajpayee and Rajendra Nath Barua. The matter was raised in the House on November 12, 1970 by Shri E. K. Nayanar (CPI-M).

Replying, the Minister of Foreign Trade, Shri L. N. Mishra, informed the House that the Treaty of Trade and Transit between India and Nepal, which was concluded in 1960, expired on October 31, 1970; that there had been some frank and friendly exchange of views over the past few months on the arrangements to be made beyond October 31, 1970 and that discussions would be resumed shortly on the details of the new arrangements. Meanwhile, in order to avoid difficulties to the people on either side of the border, owing to any dislocation in mutual trade, existing arrangements for mutual trade and transit have been continued, he said.

He hoped that with the close and friendly relations between India and Nepal, mutually satisfactory arrangements would be evolved expeditiously.

Answering questions, the Minister stated that there were very few points of difference on trade matters with Nepal. He maintained that with the facilities provided over the 60's by India, Nepal was able to secure manifold increase in its trade with third countries.

In respect of mutual trade, he said, India had so far been sharing its goods and services with Nepal on an equal basis. He added that it was not for the Government of Nepal to consider whether they would like this position to end.

**Resumption of trade between India and Pakistan**

Raising a half-an-hour discussion on "resumption of Trade between India and Pakistan" in the House on December 4, 1970, Shri Bhogendra Jha (CPI) suggested that Government should take initiative in restoring trade with Pakistan, as that would be in the interest of both the countries. If necessary, he added, India should extend an invitation to Pakistan for the purpose.

Replying to the discussion, the Minister of External Affairs, Shri Swaran Singh observed that India had always held the view that there should be restoration of trade between India and Pakistan. With this

end in view, he said, India, on May 27, 1966, unilaterally lifted the ban on trade with Pakistan, but Pakistan did not respond. He remarked that trade could not be handled unilaterally; cooperation of the other side was needed.

Referring to the suggestion of using the land routes for trade with Afghanistan and Iran, the Minister informed the House that it could be feasible only if Pakistan, whose area fell in between these countries, agreed to it.

Repudiating the allegation that India was showing lack of interest in reactivating the trade route across Pakistan under the pressure of United States or other capitalist countries, the Minister said that there had been no such pressure, direct or indirect, from the United States.

Concluding, he assured the House that Government would try to pursue a policy which was to the mutual benefit of the people of India and Pakistan, because, he felt, that whatever be the attitude of the Pakistan leaders, the people of both India and Pakistan wanted to live as good neighbours and in peace. Tensions, he added, were created by certain groups who wanted to perpetuate their own stronghold.

#### **Cyclone in East Pakistan**

Making a statement on November 16, 1970 on the recent cyclone in East Pakistan, the Prime Minister Shrimati Indira Gandhi observed:

We are shocked and grieved by the news of the natural calamity which has struck East Pakistan. A cyclone has devastated vast areas and has taken a heavy toll of lives. . . . . As soon as I got the news I sent a message conveying our deep sympathy to the Government and the people of Pakistan. I also announced a contribution of Rs. 5 lakhs as a very small token of our concern.

Joining the Prime Minister, Dr. Ram Subhag Singh (Cong-O) and Shri H. N. Mukerjee (CPI) desired that the quantum of assistance should be considerably increased.

Reacting to the suggestion made by the above Members, the Prime Minister stated:

There was a general wish of the House that we should help to the greatest extent possible. We are in touch with the Pakistan High Commissioner here. We will give all that we can give. This was an initial token grant from the relief fund. It is not Government grant.

Associating himself with the sympathies expressed in the House for the people affected in East Pakistan cyclone, the Speaker observed:

...I will convey to the Pakistan Government and, through them, to the people your sympathies in their distress. Whatever be the political partition, we are the same people and the same race. We speak the same language. We have been brothers for centuries and we will continue to be brothers. In their distress we feel it as our own distress and we will do whatever is possible.

Making a statement regarding Government contribution for relief of East Pakistan Cyclone victims, in the House on November 19, 1970, the Prime Minister stated:

As an expression of friendship and concern for the people of East Pakistan in their hour of distress the Government of India have decided to raise the quantum of relief assistance to Rs. 1 crore. This amount will be utilized broadly for the supply of rice and sugar and essential commodities such as medicines, baby food, clothing and coal. The Government have also decided to send two mobile 50-bed hospitals fitted with X-ray and other facilities. We shall also make available the services of river craft with the requisite strength of crew for operations.

#### **Obituary Reference on the death of Charles De Gaulle**

Paying tributes to General Charles De Gaulle, former President of France, who died on November 10, 1970, the Prime Minister Shrimati Indira Gandhi said in Lok Sabha on November 11 that in his passing away an era of history had come to an end.

Referring to his qualities and the role he played in international affairs, she observed:

...A great soldier and statesman, he exemplified the finest qualities of French and European civilization. His struggle against Fascist tyranny symbolised the indomitable spirit of human freedom; his subsequent role was no less significant. The architect of new France, he came to power at the most difficult time, but he brought stability to his country and gave it a new position in international affairs. In transforming his country's relations with Algeria, he displayed the highest statesmanship and a new awareness of the spirit of the times and of the issues of human freedom and dignity which his own great country had done so much to foster.

Associating himself on behalf of the House with the sentiments expressed by the Prime Minister, the Speaker observed:

...General De Gaulle was not only one of the great leaders of France; he had made really a great place for himself in the

World. His opinions were very much respected in the world and he was always heard with care.....

Thereafter the members stood in silence for a short while.<sup>17</sup>

### **The Question Hour**

During the Twelfth Session of Fourth Lok Sabha, an average of 531 notices of questions per day—with the maximum of 940 notices on October 28, 1970—were received. The following is the break-up of the 14,872 questions received during the Session:—Starred 13,805; Unstarred 596; and Short Notice 471.

#### *Admission of Questions*

Out of the 14,401 notices of Starred and Unstarred Questions, 838 were admitted as Starred and 5,201 as Unstarred, the number of admitted representing about 41.93 per cent of the total number of notices received.

#### *Short Notice Questions*

Out of a total of 471 Short Notice Questions received, 6 were admitted. Of these 6 put down on the Order Paper, 5 were orally answered on the floor of the House. In the case of one Short Notice Question regarding Government Funds to P.T.I., addressed to the Minister of Information and Broadcasting and Communications, the reply was laid on the Table of the House, as both the Members in whose names the question appeared in the Question List, were absent. The admitted Short Notice Questions related to the Ministries of Information and Broadcasting and Communications; Irrigation and Power; Labour, Employment and Rehabilitation, Petroleum, Chemicals, Mines and Metals; and Tourism and Civil Aviation.

#### *Daily average of Questions*

Each Starred List contained 30 questions whereas the average of questions in the Unstarred Lists came to 192 as against the maximum limit of 200 questions. Out of the 30 questions in the Starred List, 5 questions on an average were orally answered in the House daily,—the minimum to be orally answered being 1 on November 9, 1970 and the maximum being 11, on December 11, 1970.

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<sup>17</sup>An obituary reference was also made by the Chairman, Rajya Sabha, in that House on November 11 itself whereafter the Members observed a minute's silence as a mark of respect to the French leader.

*Half-an-Hour Discussions*

Of the 529 notices of Half-an-Hour Discussions received during the Session, 16 were put down in the List of Business and discussion could be held only on the following ten:—

- (1) Industrial Production in Fourth Plan;
- (2) Role of Zoos in Educational, Conservational and Preservative aspects of wild life;
- (3) Views of State Governments for fixing minimum price of sugarcane;
- (4) Shifting of Industries from West Bengal to Uttar Pradesh;
- (5) Ceiling on Income;
- (6) Resumption of Trade between India and Pakistan;
- (7) Time-bound Schemes for improvement of Calcutta slums;
- (8) Production of India Tobacco Company beyond installed capacity;
- (9) Winding up of Central Fisheries Corporation;
- (10) Complaints by Members of Parliament about late running of trains.

The admitted notices concerned the Ministries of Defence; External Affairs; Finance; Food and Agriculture; Health, Family Planning, Works, Housing and Urban Development; Industrial Development and Internal Trade; Petroleum and Chemicals, Mines and Metals; and Railways.

*Statement laid on the Table in reply to Half-an-Hour Discussion*

An half-an-hour discussion regarding the impact of the Drugs (Prices Control) Order on the prices of drugs, which had been fixed for November 16, 1970, could not be concluded on that day for want of quorum. The Minister of Petroleum, Chemicals, Mines and Metals, laid on the Table of the House, on December 2, 1970, a statement in reply to the discussion held, following the procedure laid down in Direction 19 by the Speaker.

*Discussion lapsed due to absence of Member*

Another half-an-hour discussion, relating to the recommendations of the Seminar on Nuclearisation, fixed for December 14, 1970 could



not be taken up on that day as the Member in whose name it appeared in the List of Business was not present in the House.

*Ballot to determine list of Speakers*

Members, as usual, evinced keen interest in participating in the Half-an-Hour Discussions. As requests from the Members for participation in the Discussions far exceeded the prescribed limit of 4, the names of Members were balloted on the dates of Discussions in order to determine the first four Members who might be permitted to ask a question each during the Discussion. The results of the ballots, which were held in the presence of Members, were displayed on Notice Boards in the Lobby for the information of Members.

**RAJYA SABHA**  
**SEVENTY-FOURTH SESSION<sup>18</sup>**

The Seventy-fourth Session of the Rajya Sabha which commenced on November 9, 1970 adjourned *sine die* on December 18, 1970. During the Session, the House held 28 sittings aggregating 167 hours and 28 minutes. Some of the important discussions held and other business transacted by the House during the Session are briefly mentioned below:—

**Decision of the Government of the United States of America to resume supply of arms to Pakistan<sup>19</sup>**

On November 9, 1970, Shri A. G. Kulkarni called the attention of the Minister of External Affairs to the decision of the Government of the United States of America to resume supply of arms and military equipment to Pakistan. The Deputy Minister in the Ministry of External Affairs, Shri Surendra Pal Singh, making a statement on the subject, said, *inter alia*, that the Government appreciated and shared the concern of all parties in Parliament about the latest announcement by the United States Government regarding American supply of arms to Pakistan. The result of this decision might well be that Pakistan, which was already over-armed, would use this accretion of armed strength to threaten India instead of trying to settle differences peacefully through bilateral discussions.

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<sup>18</sup>Prepared by the Research Unit, Rajya Sabha Secretariat.

<sup>19</sup>For an account of the discussion in Lok Sabha, See pp. 151—53 *supra*

Replying to the points raised by hon. Members, the Deputy Minister said that it was very difficult to say how much of the aid was actual grant and how much of it was actually transaction on a commercial basis.

He further said that the Government had made it very clear to the U.S. authorities that their decision had harmed India's interests and a protest had already been lodged in Washington as well as with the U.S. Embassy in New Delhi.

### **Statehood for Meghalaya**

In a statement made in the Rajya Sabha on November 11, 1970, the Prime Minister, Shrimati Indira Gandhi said that the decision to grant statehood to Manipur and Tripura necessitated a fresh look at the status of Meghalaya<sup>20</sup>. The Meghalaya Legislative Assembly passed a resolution demanding full statehood. The Prime Minister said that, taking these factors into account, the Government decided to accept in principle Meghalaya's demand for statehood.

Replying to the points raised by hon. Members, the Prime Minister said:

As far as the Article in the Constitution is concerned, naturally, the last word is with Parliament. All these matters are always brought to Parliament and the Members have the full opportunity to discuss all these problems here. Though economic questions have to be considered, of equal importance are human questions. And in this strategic area equally important is the fact that all the people should have a sense of belonging and of working together. That is why when we brought forward the earlier Bill, and now also in my statement, I laid special stress on the same integrated approach to this area with regard to development as well as security.

### **Deteriorating law and order situation in West Bengal**

A discussion under Rule 176 on the deteriorating law and order situation in West Bengal was raised by Shri M. K. Mohta<sup>21</sup> on November 16, 1970. Initiating the discussion, Shri Mohta said that it was

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<sup>20</sup>For the statement in Lok Sabha, see p. 129 *supra*.

<sup>21</sup>The other Members who participated were Smt. Purabi Mukhopadhyay, Dr. Debiprasad Chattopadhyaya, Dr. Bhai Mahavir, Sarvashri R. S. Doogar, S. G. Sardesai, P. C. Mitra, Niren Ghosh, N. G. Goray, A. D. Mani, Pranab Kumar Mukherjee, M. N. Kaul and K. P. Mallikarjunudu.

well known that the law and order situation in the State of West Bengal had deteriorated to such an extent that the State seemed to be sitting on the top of a volcano, a volcano which was so powerful that it could erupt at any moment and it could engulf the whole nation. He said that the Central Government could not escape responsibility for the state of affairs that was prevailing in that part of the country.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, replying to the discussion, said that the Government had taken many steps to re-activate the administration and to restore conditions of normalcy in West Bengal, and there had been a significant decline in agrarian lawlessness, mass violence, industrial unrest, and so on. He also said that the food procurement and rationing had been maintained and vast relief operations following the disastrous floods in September were successfully organised and carried out. Communal harmony had not been allowed to be disturbed notwithstanding the difficult situation created by the larger influx of refugees from East Pakistan. He added that suitable steps had been taken to streamline the Intelligence machinery and to achieve better co-ordination of operations at all levels and the Government was quite confident of handling the situation in an effective manner.

The Minister further said that the Government had been trying to see that the developmental problems of West Bengal were tackled in such a manner that the resources were distributed more or less in all the sectors that required financing at this moment. And as far as the development of Calcutta was concerned, the Calcutta Metropolitan Development Authority had been constituted. The Minister hoped that it would now function smoothly and speedily and with the co-operation of all concerned, so that the problems of Calcutta could be tackled effectively.

#### **Ruling of the Chair challenged in Delhi High Court**

On the 16th November, 1970, Shri Lokanath Misra drew the attention of the House to a news-item published in almost all the dailies that one of the Members of the Rajya Sabha had gone to the Delhi High Court against the ruling given by the Chairman in connection with the motion for the consideration of the Constitution (Twenty Fourth Amendment) Bill, 1970. The Member said that the Chair was the custodian of the House and all through these twenty years the convention had been that the Chair's ruling had never been challenged anywhere. The Member requested the Chair and the House that when the notice was

received by the Chair, the House should immediately respond to it in such a way that the Chairman might not have to represent before a court of law.

Mr. Deputy Chairman said: "This morning I had a discussion with the Chairman and he told me that he has not received the summons or any kind of notice so far<sup>22</sup>. When the notice of summons is received by our Chairman, the House will be informed of it and perhaps at that time we can see what can be done, not at this moment."

#### **Issue of Letter of Intent for the Manufacture of Small Car**

On November 17, 1970, Shri Sasanka Sekhar Sanyal, initiating a discussion<sup>23</sup> regarding the letter of intent for the manufacture of small car, said that the letter of intent granted to the Prime Minister's son was a favour shown to her son. There were so many other indigenous entrepreneurs. The whole scheme was a shady and shabby deal, the Member added.

The Minister of Industrial Development and Internal Trade, Shri Dinesh Singh, replying to the discussion, asserted that the letter of intent had been granted within the four corners of the existing procedures and there was no impropriety or irregularity involved in it. He made it clear that the decision to grant the letter of intent was taken by the Licensing Committee. The Chairman of the Licensing Committee was the Secretary of the Ministry of Industrial Development, not the Prime Minister.

Replying to the points raised by hon. Members, the Minister said that Mr. Sanjay Gandhi did have training in the United Kingdom in the Rolls Royce factory and he had considerable experience in this line.

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<sup>22</sup>The petition was dismissed by the Delhi High Court on 19-11-1970 on the ground that the Chairman's ruling related to the internal proceedings of the Rajya Sabha and did not, affect any fundamental rights of the petitioner and as such could not be interfered with by the High Court.

<sup>23</sup>Half-an-hour discussion on points arising out of the Answers to Starred Question Nos. 4 and 24 given in the Rajya Sabha on the 9th November, 1970.

### **Role Played by the Governor of U.P. in the Matter of Issue of Proclamation by the President under Article 356**

A discussion\* under Rule 176 on the role played by the Governor of U.P. in the matter of issue of proclamation by the President was raised by Shri Shyam Lal Yadav on November 24, 1970. Initiating the discussion<sup>24</sup>, Shri Shyam Lal Yadav said that the role of the Governor of U.P. in this matter was unconstitutional. The Government took decisions according to its own convenience. While the coalition Governments were not dismissed in Punjab and West Bengal, the coalition Government in U.P. was dismissed under the same conditions.

During the debate several members, criticising the imposition of President's rule in U.P., argued that what had happened in Uttar Pradesh, nobody could approve of. The Governor had not used his discretion in a fair manner. Mr. Charan Singh should have resigned once the coalition partner had withdrawn its support. But if Mr. Charan Singh thought that he had majority support, the proper course for the Governor should have been to ask the Chief Minister to test his strength on the floor of the Assembly. The Governor in Uttar Pradesh had acted in utter violation of the constitutional provisions, in utter disregard of the resolution passed by the Speaker's Conference and the recommendations of the Governors' Conference and the Administrative Reforms Commission, all of whom had unequivocally stated that the majority commanded by the Chief Minister in the Assembly should be decided on the floor of the House.

An hon. Member felt that there should be guidelines for the President rather than for Governors in respect of Article 356. So far as the promulgation of the President's rule in the States was concerned, it was the President who took the decision, not the Governors.

It was also argued that there was no legal impropriety when the Chief Minister advised the Governor to dismiss a few ministers. If they could be appointed on the advice of the Chief Minister, they could also be dismissed on his advice.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, replying to the discussion, said that it would be clear from the Governor's report that, in the opinion of the Attorney-General, in the situation that had arisen, the Chief Minister had no constitutional right

<sup>24</sup>Those who participated in the discussion were Sarvashri A. P. Jain, L. K. Advani, Nawal Kishore, Triloki Singh, Rajnarain, Hayatullah Ansari, Mulka Govinda Reddy, K. P. Subramania Menon, V. B. Raju, Chitta Basu, M. N. Kaul, Pitamber Das, Dr. Z. A. Ahmad and Km. Shanta Vasisht.

For discussion on the subject in Lok Sabha, See pp. 133—65 *supra*.

to advise the Governor to dismiss the fourteen Ministers, and that the Governor had no constitutional obligation to act on such advice of the Chief Minister. The Attorney-General had further advised that the Governor should not permit the Chief Minister or any Minister of the Coalition Ministry to continue in office and should ask all the Ministers of the Coalition Ministry including the Chief Minister to resign. Continuing, the Minister said that the Governor also came to the conclusion that the formation of an alternative Ministry was not possible. Therefore, on 29th September, 1970, he reported to the President that a situation had arisen in the State in which the Government could not be carried on in accordance with the Constitution. The Governor did not recommend that the Assembly be dissolved. And this was because, in case an alternative Government could be formed, the Governor was not interested in keeping that Government out of power.

So far as the basic question of the Governor's exercise of his discretionary functions was concerned, the Governor had to exercise and he did exercise his discretionary functions by himself and not under the direction of the Central Government.

#### **News Broadcasts by the All India Radio**

On November 25, 1970, Shri Rajnarain moved the following motion<sup>26</sup>:—

That this House takes into consideration the policy of the All India Radio in the matter of news broadcasts in the context of allegations made in some quarters that it broadcasts perverted Government versions of various matters and indulges in false propaganda against the parties opposed to the Government and the demand for appointment of a committee to inquire into such allegations.

Regarding allotment of time, Shri Rajnarain said that if 12 minutes were allotted for the Prime Minister and her supporters, only 2 minutes were allotted for others.

The member continued that without a multi-channel transmission arrangement, radio broadcasting programme during the Fourth Plan would remain incomplete and defective. There should be a decentralisation of the broadcasting system. The A.I.R. broadcasting centres

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<sup>26</sup>Two amendments were moved by Shri Ghupesh Gupta and Shri Shyam Nandan Mishra. The amendment of Shri Bhupesh Gupta was withdrawn by leave of the House and the other amendment of Shri Shyam Nandan Mishra was negatived.

should be spread throughout the country in such a way that every region and its culture could develop. There was no broadcasting system in the tribal and backward areas. The A.I.R. should have a frequency modulation system.

The member further said that the A.I.R. should be converted into a Corporation and there should not be any favouritism or nepotism in the selection of artistes.

Intervening in the debate, the Minister of Information and Broadcasting and Communications, Shri Satya Narain Sinha, said that the proportion of national news coverage in the two media of news, i.e., Newspapers and the radio, appeared to be equal. It was striking to note that within the category of political news, the attention given to news concerning political parties and Government activities was almost equal in the two media. Nearly ninety per cent or more of all political news covered the activities of political parties and those of the Central and State Governments. Among the political parties, the Congress Party, both Congress organisations, got nearly 2/3rds of such news in newspapers and about 55 per cent of such news on the AIR. Newspapers also gave somewhat greater attention than the AIR to the CPI and the CPM. On the other hand, the AIR English bulletins gave somewhat greater coverage than the newspapers to the Jan Sangh, the SSP, the PSP and the Swatantra Party.

So far as the question of converting the AIR into a Corporation was concerned, the Minister said that the Government had examined all recommendations made by the Chanda Committee, most carefully. Many of them had been accepted. The Government could not, however, agree to the Committee's conclusion about the AIR's alleged failures and the remedy which was prescribed.

The Minister further said that the House would appreciate that the greatest safeguard of the AIR's impartiality and objectivity was that the Government was accountable to this august body for its functioning. That would not be the case once AIR was converted into a Corporation.

The Minister of State in the Ministry of Information and Broadcasting and in the Department of Communications, Shri I. K. Gujral, assured the House that the All India Radio would continue to keep the

basic policies of the nation before it, would always follow them, and would not be bullied by anybody<sup>26</sup>.

**Theft of Important documents on the International Boundary by two Pakistani women spies**

On December 9, 1970, Shri N. G. Goray called the attention of the Minister of Home Affairs to the reported theft of important documents on the international boundary including McMahon Line, by two Pakistani women spies, from the office of the Survey of India, Shillong.

The Minister of State in the Ministry of Home Affairs and Department of Personnel in the Cabinet Secretariat, Shri Ram Niwas Mirdha, said that on receipt of some complaints against the conduct of an officer in charge of a survey party, the Surveyor General of India had instituted inquiries which were in progress. According to information received from the State Government, it was alleged that the officer had spent the night of November 21, 1970 in his office chamber with two ladies. The ladies involved in the complaints had been identified and were residents of Shillong. There was no information that they had escaped to Pakistan or that any classified maps of the Survey of India were missing.

The Minister of State in the Ministry of Education and Youth Services, Shri Bhakt Darshan said that as Survey of India was under the Ministry of Education, that Ministry had passed orders for the immediate suspension of the officer concerned.

Shri Ram Niwas Mirdha, replying to the points raised by hon. Members, said that no classified maps of the Survey of India had been found missing.

Shri Ram Niwas Mirdha further said that the Government was very vigilant so far as the security of the country was concerned. The Minister assured the House that all possible steps would be taken to still further tighten the security methods and procedures, so that there might be neither the question of foreign agents infiltrating into the Government machinery nor doing anything of an espionage nature.

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<sup>26</sup>Those who took part in discussion were Sarvashri M. M. Dharia, M. S. Gurupadaswamy, Krishan Kant, Niranjan Varma, Dahyabhai V. Patel, P. C. Mitra, Bhupesh Gupta, A. P. Chatterjee, Sheel Bhadra Yajee, Shyam Nandan Mishra.



### Demand for Full Statehood for Delhi

A discussion under Rule 176 on the demand for full Statehood for Delhi was raised by Shri L. K. Advani<sup>77</sup> on December 9, 1970. Shri L. K. Advani, initiating the discussion, said that it was the well-considered and definite opinion of the people that permanent solution of various administrative problems faced by Delhi lay in the grant of full statehood to Delhi.

He further said that the multiplicity of authorities was at the root of all the problems of the Delhi territory. Nobody knew as to who should be approached to get his problems solved. Every authority passed the buck to others. As a result, the people of Delhi were facing great difficulties and a sense of frustration was developing among them.

He added that Delhi was the only Union territory which was financially viable, and it could run its administration with its own resources. If population was made the main basis, then also the population of Delhi was much bigger than that of Manipur, Tripura or Himachal Pradesh which were to be given full statehood. He said that the case of Delhi had become stronger after the declaration that statehood would be granted to Manipur and Tripura.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, replying to the debate, said that whether Delhi should or should not be given a Legislature, in line with the conferment of legislatures to other Union territories, was considered in 1963 and both the Government and Parliament came to a deliberate decision that Delhi should not have a Legislature, whereas they agreed that the other Union territories should have Legislatures. In 1966, the Metropolitan Council was set up in Delhi. Delhi represented the culture of many races, many religions and many streams which had flowed into Delhi over the ages and which had produced a composite culture of which we could well be proud today. The growth of Delhi had been a phenomenal one. They had to realise that Delhi had been built up by people coming in from all over the country. So, the Minister thought, the cosmopolitan character of Delhi should be retained. The capital of the country administered by the Central Government and administered by Parliament directly was in a unique position, and

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<sup>77</sup>The other members who participated were Kumari Shanta Vashist, Dr. (Mrs.) Mangla Devi Talwar, Sarvashri Nageshwar Prasad Shashi, Lokanath Misra, A. D. Mani, Sheel Bhadra Yajee, V. B. Raju, Pranab Kumar Mukherjee and K. P. Subramania Menon.

For discussion in Lok Sabha, See, p. 130 supra.

it was a position of which the people in Delhi could well be proud. The entire country had elected this Parliament, and they were administering Delhi, and everybody should have faith in them.

Regarding the future set-up of Delhi, the Minister said that the ARC's recommendations were before the Government. The Minister had held discussions later with the Lt. Governor, the Chief Executive Councillor, the Mayor, the President and Vice-President of the NDMC and he proposed to hold discussions later perhaps with the M.Ps. of Delhi as also with other political parties so that a specific and long-term solution could be worked out.

#### **Situation arising out of the Decision of the Supreme Court regarding the Presidential Order derecognising the Rulers**

On 16th December, 1970, Shri Bhupesh Gupta called the attention of the Minister of Home Affairs to the situation arising out of the decision of the Supreme Court on the writ petitions challenging the Presidential Order de-recognising the rulers.

The Minister of State in the Ministry of Home Affairs and Department of Personnel in the Cabinet Secretariat, Shri Ram Niwas Mirdha said that the Government had taken a decision to abolish the Privy Purses but, along with that, an assurance was also given that some transitional arrangements would be made. In the context of these decisions, any suggestions coming from any quarters which would help in implementing them, would be welcome.

The first step was to study the judgment and whatever next was needed to be done, whether legally or administratively, would be done after a proper study of the judgment. The Minister stated further that the Government was not opposed to property rights as such. But it did feel that there should be reasonable limits over these rights, so that the general social welfare was maintained.

The Prime Minister, Shrimati Indira Gandhi, replying to some other points, said that the Supreme Court judgment was a very lengthy document. They had received the judgment only that morning. Therefore, it was very difficult to give a time or date by which they could study it.

The Prime Minister did not consider this to be any predicament or any defeat. She had said very clearly in the speech which she made while introducing the Bill in the House: "We expect obstacles

at every step in our march towards progress, towards bringing about a better life for our people, towards bringing about greater equality among the people."

Replying to the point raised by Shri N. G. Goray whether the power of Parliament to legislate on any issue of public importance without any hindrance from the Supreme Court would be restored to Parliament, when the Government would think of new measures in the light of the Supreme Court judgment, the Prime Minister said:

I do not think, Sir, that it is right to use the word 'hindrance'. The Constitution is very clear on this and I think we can proceed according to the Constitution but the Constitution, as we have said and as other Members have said on various occasions, is not a static thing. The Constitution has been changed in other countries; it has been changed in our country too and if it is necessary to change it certainly we should do so and Government will think about it.

#### **Demand for Repeal of the West Bengal (Prevention of Violent Activities) Act, 1970 and the West Bengal Maintenance of Public Order Act, 1970**

On December 16, 1970, the Rajya Sabha considered two Statutory Resolutions<sup>28</sup> regarding Repeal of the West Bengal (Prevention of Violent Activities) Act, 1970 and the West Bengal Maintenance of Public Order Act, 1970<sup>29</sup>.

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"Shri Bhupesh Gupta moved the following Resolution:

"This House resolves that in pursuance of sub-section (4) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, the West Bengal (Prevention of Violent Activities) Act, 1970, (President's Act No. 19 of 1970), laid before the House on the 23rd November, 1970, be repealed by the President by an enactment.

This House recommends to Lok Sabha that Lok Sabha do concur in this resolution."

Shri Chitta Basu moved the following Resolution:

"This House resolves that in pursuance of sub-section (4) of section 3 of West Bengal State Legislature (Delegation of Powers) Act, 1970, the West Bengal Maintenance of Public Order Act 1970, (President's Act No. 20 of 1970), laid before the House on the 2nd December, 1970, be repealed by the President by an enactment

This House recommends to Lok Sabha that Lok Sabha do concur in this Resolution."

<sup>28</sup>For the discussion on the subject in Lok Sabha see. pp. 131—35 *Supra*.

Shri Bhupesh Gupta, speaking on his Resolution, said that the two Acts which were before the House for consideration were regarded as black laws in the country. This House did not, and Parliament as a whole did not, renew the Preventive Detention Act which had continued for twenty years and more. Last year, in December, when the matter came up for renewal, the Government decided to drop it. But now West Bengal was under President's rule. The Member could not understand why West Bengal should be singled out by the Central Government for the imposition of a Preventive Detention Act.

Shri Chitta Basu, speaking on his Resolution, said that these two atrocious, reprehensible and despicable Acts should be repealed. The Acts gave the police officers the right to arrest any person at any time at any place they liked, and that also without a warrant. This was not in tune with the democratic practice and the normal democratic life.

The Member appealed to the House that in the name of democracy, in the interest of helping the process of restoration of normal political climate in West Bengal, Parliament should, in its wisdom, repeal these two Draconian Acts and really create new possibilities for the restoration of normal life in that part of the country<sup>30</sup>.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, intervening in the debate, said that it was a small minority which was holding the majority of citizens, who would have a peaceful life, to ransom in West Bengal. That was what was happening in West Bengal and they must fight this. The Minister was confident that the House would reject these Resolutions, because while rejecting these Resolutions, the House would give a mandate (as the other House had given) that the Government had the support of all sections of Parliament for taking the firmest measures against those who indulged in murders and murderous violence.

Both the resolutions were negatived on December 17, 1970.

### Legislative Business

The legislative business of the Rajya Sabha during the Session consisted, *inter alia*, of the following important measures:

<sup>30</sup>Those who took part in the discussion were Sarvashri M. M. Dharla, R. S. Doogar, B. N. Antani, Dr. Debiprasad Chattopadhyay, Sundar Singh Bhandari, Balkrishna Gupta, Bipin Pal Das, Mahitosh Purakayastha, A. P. Chatterjee, N. G. Goray, Rajnarain, Dr. (Mrs.) Mangla Devi Talwar, Shyam Lal Yadav, Kalyan Roy and Naval Kishore.

*The Air Corporations (Amendment) Bill, 1970*

The Minister of Tourism and Civil Aviation, Dr. Karan Singh, moving<sup>31</sup> the motion for consideration of the Bill, said that there were four main objects of the Bill. The first was to allow the expansion of the Boards of Directors of the Corporations so that, if necessary, functional directors could also be appointed therein. This was in keeping with the recommendations of the Administrative Reforms Commission and also enlightened management principles the world over. It was sometimes important that people, who were working on the Corporations, should also be on the Board, and therefore, one important aspect was that the Government was expanding to the maximum permissible number, the number of Directors—from 9 to 15. The second was to enable the Air Corporations to enter the hotel business. Aviation and hoteliering were now very close to each other, and there were about 30 or 35 international airlines which were involved directly or indirectly in hoteliering. The Government, therefore, wanted to enable Air India in particular, also Indian Airlines, if necessary, at a later date, to enter the hotel business. Thirdly, in keeping with the Government's policy that the autonomy of public sector corporations should be encouraged in every way, the Government wanted to increase the amount of expenditure that the Corporation could incur without going to Government for sanction. This also had been looked into carefully as a part of the general policy of the Government of India, and the Government wanted to increase it from fifteen lakhs to forty lakhs of rupees. And finally, there was the question of the Advisory Committees. The Government felt that with the very vigorous and vigilant Consultative Committee attached to the Ministry, the Advisory Committees perhaps were not really very necessary, because Members of Parliament were fully represented on the Consultative Committees<sup>32</sup>.

Replying to the debate, the Minister said that it was not actually the lowness of the wage that resulted in the labour unrest in the two Corporations. Firstly, it was due to the general atmosphere of labour unrest that was sweeping across the country and, secondly, there had been a good deal of rivalry both within the Corporations and between the Corporations. The Minister hoped that the situation would improve.

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<sup>31</sup>The motion for the consideration of the Bill was moved on December 16, 1970.

<sup>32</sup>Clause 9 of the Bill seeks to omit sub-section (1) of S. 41 of the Air Corporations Act, 1953, which empowers the Central Government to appoint Advisory Committees.

Referring to the demands made for new routes and new airports, the Minister assured the members that it was the intention and desire of the Government to improve, extend and expand the services wherever it was possible.

The Minister pleaded guilty to the charge that since he became Minister he had not taken any personal interest in the question of air hostesses. He assured the House that he would bring to the notice of the Corporations the remarks made by some hon. Members with regard to the question of air hostesses.

Referring to the question of donations, the Minister said that Air India and Indian Airlines had several functions to perform in India and throughout the world. If there was a calamity somewhere, where for public relations purposes it was necessary for the Corporation to make a small donation, it should not be grudged. No political contribution would be given, and if an amendment was given to say that these donations should be made only in the interests of the Corporation, the Minister would be prepared to accept the amendment.

The Minister told the House that on more than one occasion he had written personally to the Chairmen of the two Corporations urging upon them the necessity of giving greater representation to the Scheduled Castes and the Scheduled Tribes.

The motion for consideration of the Bill was adopted on the 17th November, 1960 and the Bill as amended was passed on the same date.

*The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 1970*

The Minister of Parliamentary Affairs, and Shipping and Transport Shri K. Raghuramaiah, moving<sup>83</sup> the motion for consideration of the Bill, said that this was a very simple piece of legislation. It affected only the officers of Parliament as defined in the Act, viz., the Chairman of Rajya Sabha and the Speaker and the Deputy Speaker of the Lok Sabha. It only extended to them a facility which had already been extended to Ministers. In the case of Ministers, in the event of demission of office by a Minister, he was allowed to stay there for a month. In the case of death of any Minister, his family was allowed to stay for two months. For the first month, there would be no charges, but for the second month charges were payable. But in the

<sup>83</sup>The motion for the consideration of the Bill was moved on December 9, 1970.

case of officers of Parliament, at the present moment, that facility was not there. At the present moment, they were entitled in the case of demission for fifteen days and in the case of death the family was entitled for one month only. The object of this legislation was to put them on a par with the Ministers. There was also one clause giving retrospective effect so that the benefit of this Bill might accrue to the family of Smt. Violet Alva, and that was the only reason why this retrospective operation had been given.

The motion for the consideration of the Bill was adopted on December 9, 1970, and the Bill was passed on the same date.

#### *The State of Himachal Pradesh Bill, 1970*

The State of Himachal Pradesh Bill, 1970 sought to establish a new State of Himachal Pradesh comprising the territories of the existing Union Territory of Himachal Pradesh and made the necessary supplemental, incidental and consequential provisions in relation to the establishment of the new State, including representation in Parliament and in the State Legislative Assembly.

Shri K. C. Pant, replying to the debate on the motion for the consideration of the Bill, said that it was a red-letter day in the history of Himachal Pradesh, and it was the privilege of the Minister to have piloted the Bill. The Government was sympathetic to Himachal Pradesh's requirements and needs. Himachal Pradesh was a symbol of India's ageless culture, a receptacle of matchless beauty and, as Mr. Chandra Shekhar said, it was also a sentinel on our borders, and so these considerations must weigh with the Government, as also the fact that there was a large tribal population. That was the reason why during the Fourth Plan period the Government was continuing with the assistance it was giving to Himachal Pradesh which was Rs. 134 *per capita*. When Himachal Pradesh becomes a State, its grant-in-aid would have to be normally determined by the Finance Commission, as in the case of the other States. But as a transitional measure the Central Government could determine the grant until the next Finance Commission makes its recommendations. Beyond that the Central Government could not make any commitment at this stage, the Minister said.

So far as the question of future Plan assistance was concerned, the Minister added that as in the case of other States, the National Development Council would make these allocations.

Felicitations to the new State from all sides of the House marked the passage of the Bill. Members who participated in the two-hour

debate wished the new State well and expressed the hope that it would become self-reliant and viable. The motion for the consideration of the Bill was moved and adopted on December, 17, 1970 and the Bill was passed on the same date.

## STATES

### Meghalaya

The Second Session of the Meghalaya Legislative Assembly commenced on Monday, September 21, 1970 in the Meghalaya Assembly Chamber, Shillong. The House met for 9 days and was prorogued on October 5, 1970. Attendance of Members was ninety-nine per cent.

#### *Obituary references*

During the Session, obituary references were made to the passing away of Shri P. Govinda Menon, Union Law Minister and Shri D. Ering, Union Deputy Minister of Food and Agriculture. The House also made a reference to the demise of President G. A. Nasser of the U.A.R.

#### *Questions*

Notices of 148 questions, out of which 60 were starred and 88 unstarred, were received during the Session. Out of this, 57 starred questions and 75 Unstarred questions were admitted. The number of questions answered was 52 starred and 55 unstarred.

#### *Financial Business*

The Meghalaya Budget for the year 1970-71 inclusive of the amount expended from and out of the authorisations made under the orders issued by the Governor under Section 57 of the Assam Re-organisation (Meghalaya) Act, 1969, was presented to the House by the Minister of Finance on September 21, 1970, and adopted after discussion lasting six days.

As many as 23 Members took part in the general discussion on the Budget which lasted for three days. The other three days were devoted to the voting on the various Demands for Grants.

#### *Legislative Business*

The following three Bills were introduced, considered and passed during the Session.

- (1) The Meghalaya Appropriation (No. 1) Bill, 1970;



- (2) The Meghalaya Interpretation and General Clauses Bill, 1970; and
- (3) The Meghalaya Prevention of Gambling Bill, 1970.

#### *Government Resolution*

One Government Resolution urging the Union Government to convert the Autonomous State of Meghalaya into a full-fledged State was moved and adopted unanimously.

#### *Oath/Affirmation by new Members*

Members nominated by the Central Government in pursuance of Sub-section (3) of Section 62 of the Assam Re-organisation (Meghalaya) Act, 1969 took their oath on the 30th September, 1970.

#### **Nagaland**

The Sixth Session of the Second Nagaland Legislative Assembly commenced on Thursday, August 27, 1970. The Session, which was held for six days, was adjourned *sine die* on September 3, 1970.

#### *Questions*

Notices of 152 starred, 137 unstarred and one short notice questions had been received from Members. Out of this, 124 starred, 121 unstarred and one short notice questions were admitted and answered.

#### *Legislative Business*

The only Government Bill passed during the Session was the Nagaland Appropriation (No. 4) Bill, 1970. Another Bill *viz.*, the Nagaland Village Area and Regional Councils Bill, 1970 introduced on August 27, 1970, was discussed on August 31. On September 3, the Bill was referred to a Select Committee consisting of 16 Members including the Chief Minister, with directions to submit its report during the next session of the Assembly.

#### *Government Resolutions*

A Government resolution regarding provision of vehicles to Secretaries and Joint Secretaries of the Government of Nagaland was moved on August 29, 1970 by the Minister for Transport and was unanimously adopted by the House.

*Private Members' Business*

In all, five private members' resolutions came up before the House during the Session. Three of them concerning exemption of sales tax, amendments to the Nagaland Sales Tax Act, and sales tax on Goods Tax, moved by Shri Tajen Ao, were taken up together for discussion on August 28, and were negatived. Discussion on another resolution regarding Royalty on the Extraction of Timber, Stones, Sand etc., moved by Shri I. Marachiba, was inconclusive and was adjourned for the next session. The fifth resolution, moved by Shri T. A. Nagullie and fourteen other members, on the integration of contiguous areas inhabited by Nagas within Nagaland was unanimously adopted by the House.

*Discussion on matters of public importance*

On a motion tabled by Sarvashri Wetzulo Naro, I. L. Chingmak and I Arienba, the House had a discussion on September 1, 1970 on a matter of urgent public importance, that relating to the observance of cease-fire. The Chief Minister made a reply to the discussion.

*Half-an-Hour Discussions*

Three half-an-hour discussions arising out of the replies given to questions were held during the session. One on Tractors in Tuensang PWD on September 1; another on issue of works on K-2 Forms on September 3 and a third on matters relating to Unstarred Question 1647.

*Supplementary Demands*

On September 1, 1970, the House discussed and passed by voice vote the Supplementary Demands for Grants (First Batch) for the year 1970-71; the demands had been presented to the House earlier, on August 29, by the Finance Minister.

*Committee Reports*

During the Session, two Reports of the PAC (10th and 11th), three Reports of the Estimates Committee (11th, 12th and 13th) and one Report of the Assurance Committee (10th) were presented to the House.

*Pondicherry . .*

The Legislative Assembly of Pondicherry met for four days from October, 5, 1970 and adjourned *sine die* on October 8, 1970.

Six Bills, namely, the Pondicherry Land Enforcement Bill, the Pondicherry Cultivating Tenants (Payment of Fair Rent) Bill, the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Bill, the Pondicherry Cultivating Tenants Protection Bill, the Karaikal Pannaiyal Protection (Amendment) Bill and the Pondicherry General Sales Tax (Fourth Amendment) Bill were passed.

Condolence resolutions were carried *nem con* on the passing away of Thiru Omandur P. Ramaswamy Reddiar, former Chief Minister of Madras, Thiru P. Govinda Menon, Union Law Minister and Thiru Gamal Abdel Nasser, President of the U.A.R.

The Hon. Speaker referred the matter regarding the publication of an article entitled 'To Voters Second Series' in a bi-monthly to the Committee of Privileges for examination, investigation and report.

*If our democracy is to flourish, it must have criticism, if our government is to function it must have dissent. Only totalitarian governments insist upon conformity and they do so at their peril. Without criticism abuses will go unrebuked; without dissent our dynamic system will become static.*

—H. S. COMMAGER

## POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN STATES

(September 1—December 31, 1970)

### Andhra Pradesh

#### *Telengana issue—New Moves and Recent Trends*

A memorandum signed by 250 Members of Parliament demanding a statutory executive mechanism for implementation of the recommendations of the Telengana Regional Committee (T.R.C.) was submitted to the Prime Minister, Smt. Indira Gandhi on September 3, 1970 by a deputation of Telengana M.Ps. The new proposal envisaged, *inter alia*, that in regard to the subjects in respect of which the Telengana Regional Committee enjoyed autonomy; a separate department would be created in the appropriate Ministry to ensure implementation of the recommendations of the said Committee. The proposed executive mechanism, it was further stated, might even take the shape of a committee of the Ministers from Telengana in the Andhra Cabinet which would be responsible to the T.R.C. for the implementation of its decisions. It may be recalled that only a few days earlier, on August 31, in partial fulfilment of the Prime Minister's eight-point programme aimed at accelerating the pace of development of Telengana, the powers of the T.R.C., were enlarged by bringing within its purview some additional subjects like University education, medium and heavy industries, principles and methods of recruitment to subordinate services and adequate opportunities of employment to the Telengana people. The signatories to the Memorandum claimed that short of break-up of Andhra the solution suggested by them was the minimum that was acceptable to the people of Telengana.\*

The Prime Minister, it was reported, promised the deputation that she would have the memorandum examined, but it was later reported that on a scrutiny of the new proposals the Union Home Ministry was of the view that the creation of a "mini" Assembly within the legislature and a "mini" Cabinet might lead to friction by creating misunderstanding between the two regions. On November 24, in the course of a meeting with a deputation of Congress (N) M.Ps. from Telengana, the Prime Minister was stated to have made it clear that the

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\**Hindustan Times*, September 1 and 4, 1970.

existing arrangements in regard to Telengana would continue and that there was no question of Andhra Pradesh being bifurcated. She was hopeful that her eight-point formula would go a long way towards meeting the grievances of the Telengana people.\*

Meanwhile, in the Siddipet by-election, result of which was announced on Nov. 16, 1970, Shri A. Madan Mohan of the Telengana Praja Samiti was declared elected to the Assembly defeating his nearest rival Shri P. V. Rajeshwar Rao of Congress (N) by about 20,000 votes. Commenting on the election result, Dr. Chenna Reddy, the Chairman of the Telengana Praja Samiti, claimed that the 'massive victory' of the Samiti showed the very strong conviction of the people of Telengana for a separate State and urged the Prime Minister to act immediately so as to meet their wishes.\*\*

Towards the end of December, in a fresh attempt to find a solution to the Telengana problem, the Prime Minister initiated a series of talks with the Andhra Chief Minister, Shri Brahmananda Reddy and the Telengana Praja Samiti Chief, Dr. Chenna Reddy. At these talks, the Prime Minister was reported to have mooted a new formula according to which a two-thirds majority among the Telengana members of the State Assembly would have a deciding voice on the future status of their region after a five year watch on the progress made by the eight-point programme.†

#### *Government defeated on a snap vote*

For the first time, the Andhra Pradesh Government headed by Shri Brahmananda Reddy was defeated in a snap vote in the Assembly on November 28, 1970. The occasion was the first reading of the Andhra Pradesh Agricultural Pests and Diseases (Amendment) Bill 1970, which provided for the conscription of labour to fight pests and agricultural diseases. The motion, moved by the Agriculture Minister, was lost by a voice vote.††

The snap vote came as a complete surprise to the Ruling Congress which had a comfortable majority in the Assembly-177 members in a

\**Ibid.*, November 24 and 25, 1970.

\*\**Ibid.*, November 19, 1970.

†*Ibid.*, January 1, 1971. However, the talks ended in a deadlock and on January 4, 1971, the executive of the Telegana Praja Samiti formally announced its rejection of the Prime Minister's proposal.

See—*Ibid.*, January 5 and 6, 1971.

††*Ibid.*, Hindu, November, 29, 1970.

House of 288. Immediately after the Bill was turned down the Leader of the Opposition, Shri N. Ramachandra Reddi, rose to demand the resignation of the Government. Official sources, however, maintained that the question of the Government's resignation did not arise as the Bill was not a money Bill. Later, the Deputy Speaker, Shri Vasudev Naik, adjourned the House for the rest of the day.\*

#### *Election of Speaker*

In the Andhra Pradesh Assembly, on December 3, 1970, Shri B. V. Subba Reddy was declared elected Speaker of the Assembly in a contest to the office in which the Opposition nominee, Shri P. Narsing Rao, was defeated by 178 votes to 49. Shri Subba Reddy was sponsored by the Ruling Congress and supported by the Jana Congress, the Peoples' Democratic Party and some Independents.

With this election Shri Reddy returned to the Chair after a lapse of four months. Shri Reddy, it may be recalled, had resigned as Speaker on July 31, 1970, following the rejection by the House of his opinion that the inordinate delay in placing on the table of the House statutory reports and papers by the Government constituted "contempt" of the House.\*\*

#### **Assam**

*Choudhury takes over as Chief Minister:* On October 30, 1970, Shri B. P. Chaliha who had been ailing for some time resigned from the Chief Ministership of the State—an office which he had held for a period of 13 years. The same day, Shri Mahendra Mohan Choudhury was unanimously elected leader of the Assam Congress Legislature Party. Later, on November 6, a new 26-member Ministry—the largest Assam has ever had since Independence,—was sworn in by the Governor.†

#### *No-Confidence Motions*

The State Assembly met on November 9 for its winter session. Two motions expressing want of confidence in the new Ministry were admitted in the Assembly on the opening day of the Session and were ultimately rejected by the House on November 12 by 61 votes to 38.††

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\**Ibid.*

\*\**The Hindu*, December 4, 1970.

†*Hindustan Times*, October 31 and November 7, 1970.

††*Ibid.*, November 10 and 13, 1970.

*Deputy Speaker Elected*

The Congress (R) nominee, Shri Jogen Saikia, was elected Deputy Speaker of the Assam Assembly on November 13, his only rival, Shri Lakhyadhar Choudhury (SSP) losing by a margin of 12 votes. The election was necessitated by the appointment of the earlier incumbent, Shri Ataur Rehman, as a Cabinet Minister in the newly formed Choudhury Ministry.\*

*New Capital for Assam*

The promotion of Meghalaya to full statehood will necessitate the building of a new capital for Assam for which the Government of India would give assistance. On November 18, 1970, the Assam Government set up a Cabinet Sub-Committee to go into various aspects of constructing a new capital for the State in the Brahmaputra Valley.\*\*

**Bihar***Land Reform Ordinance*

On September 10, the Governor promulgated an ordinance to prevent transfers of land with the intention of defeating the purposes of the parent statute—the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. The Ordinance provides that no transfer of land in excess of the ceiling can be made without the permission of the Collector concerned, who has been authorised to refuse such permission if he is satisfied that the proposed transfer was not *bonafide*.†

*Retention of Upper House*

The Bihar Legislative Assembly adopted on December 4, 1970 a non-official resolution seeking postponement of the Legislative Council's abolition to May 7, 1974. An earlier resolution adopted by the House during the last Budget Session had recommended the abolition of the Council with immediate effect. The present resolution, piloted by Shri Vidyakar Kavi, dissident Congress (N) leader, was passed by 186 votes to 55, thus securing the required two-thirds' majority of the

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\*Hindusthan Standard, November 14, 1970.

\*\*Hindustan Times, November 20, 1970.

†Hindustan Standard, September 13, 1970.

members present. The CPI, a partner of the ruling eight-party coalition, and the SSP voted against the resolution, while the Congress (O), Jan Sangh and Swatantra voted with Congress (N) and its other coalition partners in favour of the motion.\*

#### *Exit of Daroga Rai Ministry*

The ten-month old Daroga Rai Government was voted out of office in the State Assembly on December 18, 1970 when the House passed by 164 votes to 146 a no-confidence motion expressing lack of faith in the Congress (N)-led coalition Government. The parties which voted for the motion included the SSP, the Jan Sangh, the Congress (O), the Swatantra, the Janata, the rebel PSP, the BKD, the Soshit Dal group led by Shri B. P. Mandal, the All India Jharkhand group led by Shri Bagun Sumbrui and some Independents. Five Congress (N) members, who had left the coalition and crossed the floor earlier, also voted with the Opposition. Among the parties that lined up against the motion were the Congress (N), the CPI, the PSP and some splinter groups and Independents. Soon after the Assembly verdict, the Chief Minister met the Governor and submitted the resignation of his Ministry. The Governor asked him to continue in office till alternative arrangements were made.\*

#### *Formation of New SVD Ministry*

An 11-member SVD Ministry, headed by Shri Karpoori Thakur, Chairman of the Samyukta Socialist Party, was sworn in on December 22, 1970. The new Ministry—the eighth in the State since the 1967 General Election and the fourth since the mid-term poll in 1969—was formed with the support of the SSP, the Congress (O), the Jan Sangh, the Swatantra, the Janata Party, the B.K.D., the Soshit Dal, the Jharkhand, the rebel PSP, the Justin Richard faction of the Hul Jharkhand and an eight-member independent group, led by Shri Shatrurmadan Sahi, besides some independents.†

### **Gujarat**

#### *Change of Party Affiliations*

The Gujarat Praja Parishad, formed by a break-away group of Swatantra legislators in August 1970, disintegrated in October with fifteen of its MLAs crossing over to the Congress (O) and ten joining

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\**Hindustan Times*, December 5, 1970.

\*\**Ibid.*, December 19, 1970.

†*Ibid.*, December 23, 1970 and *Indian Express*, December 24, 1970.



the Congress (N). With these changes in party affiliations the respective strengths of the Congress (O) and the Congress (N) in the State Assembly rose to 107 and 25 respectively. With this Congress (N) replaced the Swatantra as the main Opposition in the Assembly and on November 16, the opening day of the winter session, the leader of the Congress (N) group in the Assembly, Shri Kantilal Ghia, occupied the seat as the Leader of the Opposition.\*

#### *Resignation of 2 Ministers*

On December 10, 1970, the Gujrat Governor accepted the resignations of the Finance Minister, Shri Jashwant Mehta and the Parliamentary Affairs Minister Shri Chimanbhai Patel on the advice of the Chief Minister. The two Ministers had resigned from the Cabinet in protest against the All India Congress Committee (O)'s resolution to forge electoral adjustments with "parties opposed to basic policies of the Congress (O)."

### **Jammu and Kashmir**

#### *Ordinance to curb Communalism*

With a view to curb communalism in the State and also to facilitate implementation of the recommendations of the National Integration Council regarding steps to deal effectively with the problem of communalism, the Governor of Jammu and Kashmir promulgated on September 3, 1970 an Ordinance amending the Jammu and Kashmir Ranbir Penal Code, the Code of Criminal Procedure and the Representation of People Act, 1957†

Under the Ordinance, conviction by a Court for objectionable communal activities, irrespective of the punishment awarded, would constitute a disqualification for election under the Jammu & Kashmir Representation of the People Act, 1957.

### **Kerala**

#### *Mid-term Elections*

In the elections to the State Legislative Assembly held on September 17, over 70 per cent of the 10 million voters of the State were reported to have exercised their franchise. The 21 parties and groups

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\**Hindustan Times*, October 4 and November 17, 1970, *Times of India*, October 18, 1970 and *Statesman*, November 18, 1970.

\*\**Hindustan Times*, December 11, 1970.

†*Hindustan Times*, September 4, 1970.

which contested the elections were broadly split into three "fronts"—the CPI-led Front, which had entered into an electoral understanding with the Congress (N); the CPM-led front in association with the Indian Socialist Party; and the Democratic Front of the Congress (O) and the Kerala Congress.\*

The alliance between the Congress (N) and the CPI-led mini-front, which includes the Muslim League, the Revolutionary Socialist Party and the Praja Socialist Party, gained an absolute majority in the newly elected State Assembly, winning 68 seats in a House of 133 (excluding one nominated); the seats secured by each of the alliance partners being: Congress (N)—32; CPI—16, Muslim League—11; RSP—6; and PSP—3. The seats won by the other parties were: CPM—28; SSP—6; Indian Socialist Party—3; Kerala Socialist Party—2; Kerala Tozhilali Party—2; Kerala Congress—12; and Unattached Independents—12.\*\*

#### *New Ministry*

A nine-member Ministry of a United Front comprising CPI, Muslim League, PSP and RSP, headed by CPI leader Shri Chelat Achuta Menon, was sworn-in by the Governor on October 4, ending the two-month old President's Rule in the State. The 32-member Congress (N) group in the Assembly supported the new Ministry from outside.†

The swearing in marked the beginning of Shri Achuta Menon's second term as Chief Minister. The first CPI-led coalition Ministry, headed by him, it would be recalled, had resigned after nine months in office, on August 1, 1970, to seek a fresh mandate from the electorate.‡

#### *Speaker and Deputy Speaker Elected*

Shri K. Moideen Kutty (Muslim League) was elected Speaker of the Kerala Assembly on October 22. Shri Kutty whose candidature was sponsored by the Congress (N)—United Front alliance defeated the Opposition candidate, Shri A. C. Chacko (Kerala Congress) by a margin of 6 votes.††

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\**Hindustan Times*, September 18, 1970.

\*\**Ibid.*, September 19, 1970 and *Indian Express*, September 20, 1970.

†*Hindustan Times*, October 4 and 5, 1970.

‡*Ibid.*, October 4, 1970 and *Free Press Journal*, October 7, 1970.

††*Hindustan Times*, October 23, 1970.

On October 30, the House elected Shri R. S. Unni (Revolutionary Socialist Party), nominee of the ruling United Front, as the Deputy Speaker, the Opposition candidate, Shri V. K. Gopinatham (SSP), losing by a margin of 6 votes\*

*Opposition Walk-out in protest against Speaker's Ruling*

The entire opposition in the Kerala Assembly staged a walk-out on October 30, 1970 to protest against the Speaker's ruling in allowing the Home Minister, Shri C. H. Mohammed Koya, to make a statement on police lathi-charge on students at Alleppey and Kozhikode and thus depriving the Opposition of the opportunity to raise the issue in the House.\*\*

Soon after the question-hour, the Home Minister rose to make a statement on the circumstances under which police had to use force in those places and also to announce that an inquiry had already been ordered. The Opposition, however, urged that the adjournment motions tabled by Members on the lathi charges should be taken up first as otherwise their version of the incident would go unheard. The Minister argued that he had a right to make such a statement under the rules of procedure of the Assembly. The Speaker upheld this view. After the Home Minister had made the statement, the Speaker withheld permission for moving the adjournment motions in view of the statement made by the Home Minister and an opportunity which Members would get to raise the issue during the debate on the motion of thanks to the Governor's address. In protest, the Opposition Members walked out after short statements had been made by leaders of their parties.†

*Assembly calls for amendment of the Constitution*

The Kerala Assembly unanimously adopted on November 6 a non-official resolution urging the Union Government to take necessary steps for amending the Constitution in such a way as to facilitate proper legislation on land, private property and security for teachers in private educational institutions.

Replying to the debate on the resolution, the Chief Minister, Shri C. Achuta Menon, said that he was not opposed to the idea of

\*Ibid., October 31, 1970.

\*\*Free Press Journal and Statesman, October 31, 1970.

†Ibid.

calling a Constituent Assembly to draft a new Constitution. However, new Constitution would have to be framed only if the existing one could not be amended properly to suit the changing needs of Indian society, he added.\*

### **Meghalaya**

#### *Statehood for Meghalaya*

The Prime Minister, Smt. Indira Gandhi, announced in Lok Sabha on November 10, 1970 that Meghalaya, which was formed as an autonomous State within Assam on April 2, 1970, would be granted full Statehood.

Earlier, on September 30, 1970, the Meghalaya Legislative Assembly had unanimously passed a resolution demanding full Statehood for Meghalaya. The Government resolution, moved by the Chief Minister, Captain Williamson Sangma, referred to the difficulties which had already arisen and which were bound to increasingly confront the Government in implementing the complicated scheme embodied in the Assam Reorganization (Meghalaya) Act, 1969.\*\*

### **Mysore**

#### *New Chairman of Legislative Council passes away*

Shri R. B. Naik (Congress O), who was unanimously elected Chairman of the Mysore Legislative Council on September 26, 1970, passed away on November 26, following a heart attack†

### **Orissa**

#### *Unsuccessful Bid to Censure Government*

A motion tabled by the CPI leader, Shri Gangadhar Paikray and three other members expressing lack of confidence in the Swatantra-Jana Congress coalition Government headed by Shri R. N. Singh Deo was admitted by the Speaker on September 14. During the debate on the motion Shri Paikray alleged police repression and failure on the part of Government to implement land reforms.

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\**Times of India*, November 7, 1970.

\*\**Hindustan Times*, October 1 and November 11, 1970 and *Hindustan Standard*, November 12, 1970.

†*Indian Express*, November 27, 1970.

The motion was negated by the House by a margin of 20 votes the following day—73 members voting against the motion and 53 for it.\*

#### *Change of Affiliations*

Earlier, on September 14, 1970, 23 MLAs—18 Congress (N), 3 Jana Congress and 2 Independents—had informed the Speaker in writing that they had formed the Utkal Congress Legislature Party under the leadership of Shri Gangadhar Mahapatra who till recently was the deputy leader of the Congress (N) party in the House. With these defections the strength of the Congress (N) party was reduced from 25 to 7 and that of Jana Congress from 25 to 22. Later, on September 15, 1970, the Speaker recognised Shri Gangadhar Mahapatra, leader of the newly formed Utkal Congress Legislature Party as the new Leader of the Opposition in the Assembly in place of Shri Binayak Acharya of Congress (N).\*\*

#### *Abolition of Land Revenue Bill*

An official Bill to give statutory effect to the abolition of land revenue permanently in respect of agricultural and certain other categories of land in Orissa was passed by the State Assembly on October 26. Earlier, the State Government had stayed the collection of land revenue in respect of certain types of lands by an executive order. The Bill seeks to give statutory effect to abolition of land revenue retrospectively from April 1, 1967†

#### *Lok Pal Bill Passed‡*

The State Assembly, on October 28, passed an official Bill, providing for a permanent body—'Lok Pal' and 'Lokayukta'—to inquire into public complaints against public servants except the Chief Minister. Commending the Bill, the Deputy Chief Minister, Shri Pabitra Mohan Pradhan pointed out that the Bill had been framed on the basis of the recommendations of Administrative Reforms Commission Report which excluded the Prime Minister from the jurisdiction of the Lokpals and the Lokayuktas.‡

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\**Hindustan Times*, September 15 and September 16, 1970.

\*\**Ibid.*, September 15 and 16, 1970 and *Free Press Journal*, September 15, 1970.

†*Conparlist*, November 1970, p. 6.

‡*Statesman*, October 20, 1970.

### *Jana Congress withdraws from Coalition*

On December 31, 1970, the Jana Congress announced its decision to withdraw from the Swatantra-led coalition Government. According to the Jana Congress Secretary and Irrigation Minister, Shri S. N. Patnaik, the withdrawal was on account of the "shady Kendu leaf deal" of the departments held by the Swatantra Party Ministers. Shri Patnaik said that all the Ministers and Deputy Ministers of his party would collectively submit their resignation to the Chief Minister, Shri R. N. Singh Deo, through the party leader and Deputy Chief Minister, Shri Pabitra Mohan Pradhan, any time before January 4, 1970 when the State level committee and the legislature party would meet to take a "formal decision" on withdrawal. He further said that his party wanted the Assembly to be dissolved.\*

### **Punjab**

#### *Absolute majority for Akali Dal*

The ruling Akali Dal (Sant Group) regained absolute majority on account of its strength having risen from 40 to 55 in the 104-member State Assembly, following the decision of the break-away Gurnam Singh Akali Group to merge with the parent body on November 26. Shri Gurnam Singh was reported to have said that the unity decision had been taken in the interest of the Sikhs as well as of Punjab as a whole and to strengthen the administration.\*\*

#### *Changes in Ministry*

On December 5, the strength of the State Council of Ministers was raised from 25 to 27 by inclusion of two more Ministers—Shri Atma Singh and Shri Ravel Singh, both of whom belonged to the erstwhile Akali Dal (Gurnam Singh) group. Earlier, on November 19, 1970, Shri Balbir Singh, Parliamentary Secretary, had resigned from the Government in protest against "extra interest being taken by some Ministers in his constituency to his detriment."†

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\**Hindustan Times*, January 1, 1971. Later on January 5, 1971, the Jana Congress formally quit the Coalition Government. See *Ibid.*, January 6, 1971.

\*\**Hindustan Times*, November 27, 1970.

†*Ibid.*, November 20 and December 6, 1970.

### Rajasthan

#### *Preventive Detention Bill adopted*

In the face of bitter criticism from Opposition benches, the Rajasthan Preventive Detention Bill was passed in the State Assembly, after a 10-hour debate on November 22. The Bill empowers the State Government to detain a person for a maximum period of three months with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order or the maintenance of supplies and services essential to the community.\*

### Tamil Nadu

#### *MLA cannot refuse to speak*

The Speaker of the Tamil Nadu Assembly held on September 8, 1970, that when the Speaker called upon a Member to speak, it should be taken as a direction so that refusal on the part of the Member to speak would amount to an 'affront' to the Chair and 'insult' to the House.

The ruling was given when a Congress (O) Member, Shri T. Martin, refused to speak on his party's no-confidence motion when called upon by the Speaker. Shri Martin wanted more time than stipulated for each Member participating in the discussion. The issue was finally resolved and Shri Martin was allowed to speak after the Leader of the Opposition, Shri P. G. Karuthiruman Congress (O) had expressed regret on behalf of his party.\*\*

#### *No-Trust Motion Rejected*

The Tamil Nadu Assembly, on September 9, rejected the no-confidence motion, sponsored by Shri P. G. Karuthiruman Congress (O) against the DMK Ministry headed by Shri M. Karunanidhi by 133 votes to 29. During the debate on the motion the Opposition had come out with charges of favouritism and irregularities in administration, which were vehemently denied by the Chief Minister. Besides the DMK members, the Forward Bloc, Muslim League and the Tamil Arasu Kazhagam MLAs voted against the motion. However, the DMK's 1967 poll allies, Swatantra, CPM, PSP, SSP, CPI, the lone

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\*Hindustan Times, November 23, 1970.

\*\*Free Press Journal, September 9, 1970.

Republican member and one independent remained neutral. The Congress (N) group was not present at the time of the voting.\*

#### *Resignation of Three Ministers Accepted*

The Tamil Nadu Chief Minister, Shri M. Karunanidhi, forwarded to the Governor on September 9, 1970 the resignations of three Ministers—Shri K. A. Mathialagan (Finance), Shri M. Muthuswami (Co-operation) and Shri Vezhavandan (Labour). The resignations were accepted the same day. According to reports, the Ministers were apparently dropped following the directive from the Party Executive to the Chief Minister on August 23, 1970 to reconstitute the Cabinet by releasing some senior Ministers for party work.\*\*

#### *Swatantra Party breaks away from DMK*

On November 17, 1970 the Swatantra Party broke away from the electoral alliance it had entered into with the Dravida Munnetra Kazhagam at the time of the last general elections. Shri C. Rajagopalachari, founder-leader of the Swatantra Party stated that the break was on account of the DMK's resolve to support the "Indira Congress-cum-Communist regime."†

#### *Seven Party Joint Front*

The formation of a "progressive front" of seven parties, including the ruling DMK, was decided at a meeting of State leaders of these parties at Madras, on November 25. The seven parties are the DMK, CPI, Congress (N), Muslim League, Forward Bloc, Tamil Arasu Kazhagam and the PSP. According to an agreement reached, the representatives of the DMK would preside over further meetings of the front.††

### **Uttar Pradesh**

#### *Exit of Charan Singh Ministry and Imposition of President's rule*

Differences of opinion between the two partners of the BKD—Congress (N) coalition Ministry, which had come into being in the State on February 17, 1970 came to ahead on September 24, 1970 with the Chief Minister, Shri Charan Singh, asking the Governor

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\**Hindustan Times* and *Economic Times*, September 10, 1970.

\*\**Hindustan Times*, September 10, 1970.

†*Hindu*, November 18, 1970.

††*Hindustan Times*, November 20, 1970.



to "remove" 13 out of 26 Congress (N) Ministers, if they did not resign, and the Congress (N) withdrawing its support to the Government and urging the Governor to demand Shri Charan Singh's resignation on the ground that after the withdrawal of Congress (N) support, his Government was in a minority.

On September 27, the Governor, on the advice of the Chief Minister, divested all the 13 Congress (N) Ministers of their portfolios and allotted them to Shri Charan Singh. On the following day, however, the Governor wrote to Shri Charan Singh asking him to resign from the office of the Chief Minister "as the coalition in which the Congress (N) was a major partner no longer exists" and "as it is unconstitutional in the present circumstances for you to continue as Chief Minister." The propriety of the Governor's action in asking him to resign was questioned by Shri Charan Singh who maintained that the question whether he had lost the confidence of the Assembly had to be tested in the Assembly which was scheduled to meet "hardly a week away" on October 6 and could be summoned even earlier if the Governor so desired.\*

On September 29, the Governor sent a report to the President stating that the constitutional machinery had broken down in the State and recommending the imposition of President's rule in the State. Eventually, the State was brought under President's rule on October 2, 1970, the necessary proclamation having been signed by the President in Keiv in the Soviet Union on the previous day. With the promulgation of President's rule, the Governor assumed in the name of the President all the powers of the State Government and Shri Charan Singh ceased to be the Chief Minister. The proclamation suspended the State Assembly but did not dissolve it to keep open the chances of formation of a new Government.\*\*

On October 6, 1970, the Allahabad High Court rejected a Writ petition questioning the President's proclamation imposing Central Rule in U.P. The petitioners had, *inter alia*, contended (i) that the recommendation of the Governor for imposition of President's rule was *mala fide* and against the provisions of Constitution and (ii) that the President did not apply his mind nor was he acquainted with the facts of the situation and the proclamation, therefore, was nothing but an abuse of power. Recording the reasons for rejecting the petition, the Court held on October 19, 1970 that it was not open to it to go

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\**Hindustan Times*, September 25, 28, 29 & 30, 1970.

\*\**Ibid.*, September 30, October 2 and 3, 1970.

into the validity of a Proclamation issued by the President because of the provisions of Article 361 of the Constitution, which lay down that the President shall not be answerable to any court for the exercise and performance of the powers of his office.\*

#### *Installation of T. N. Singh Ministry*

A new Samyukta Vidhayak Dal (SVD), comprising BKD, Congress (O), Jana Sangh, SSP and Swatantra parties, which together claimed the support of 257 MLAs in a House of 426, unanimously elected Shri T. N. Singh, Congress (O) Member of the Rajya Sabha and a former Union Minister of Iron and Steel, as leader on October 9, 1970.†

A three-man SVD Ministry headed by Shri T. N. Singh was sworn in on October 18, 1970. Simultaneously, the 15-day old President's rule in the State was revoked. The new Ministry was expanded in stages and by November 18, 1970, it comprised 53 members: 17 representatives of the Congress (O), 21 of the BKD, 7 each of Jana Sangh and SSP and 1 of Swatantra Party.@

#### *Speaker's Ruling on T. N. Singh's status as Leader of the House*

When the State Assembly met for the first time after the formation of the new SVD Ministry headed by Shri T. N. Singh on December 7, the Congress (N) Opposition raised an objection to the Chief Minister, Shri T. N. Singh's functioning as Leader of the House without being its member. After a 70-minute discussion, the Speaker, Shri A. G. Kher, reserved his ruling and adjourned the House. In his ruling on the next day, he held that in accordance with the past practice and conventions in the State, Shri T. N. Singh could act as Leader of the House without being its member. He pointed out that Lok Sabha rule\*\*, on which the Opposition Members had mainly relied, was not binding on the House which, being a sovereign body, was free to lay down its own rules and conventions.††

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\*Ibid., October 7, & 20, 1970.

†Hindustan Times, October 10, 1970; @Ibid., October 19, November 13, 15 & 19, 1970. Indian Express, November 19, 1970 & Asian Recorder, December 24—31, 1970, p. 9972.

\*\*Rule 2 of the Rules of Procedure and Conduct of Business in Lok Sabha says "Leader of the House means the Prime Minister, if he is a member of the House, or a Minister who is a member of the House and is nominated by the Prime Minister to function as the Leader of the House". This definition was incorporated in the Rules in 1966.

††Hindustan Times, December 8 & 9, 1970.

## West Bengal

### *Presidential Acts to curb violent activities*

President V. V. Giri, on November 22, 1970, gave his assent to the West Bengal Prevention of Violent Activities Bill, vesting certain special powers in the State administration to curb the extremist activities in the State which has been under President's rule since March 19, 1970. The Bill was earlier generally endorsed by the Parliamentary Consultative Committee for West Bengal.

The Presidential Act provides for preventive detention in the case of certain specified activities. Under it, anyone indulging in or instigating violence to promote an ideology or to overthrow or overcome the Government established by law or to bring about a change in the Constitution, will be liable to be taken into custody for a period not exceeding one year.\*

On November 30, 1970, the President gave his assent to another measure recommended by the Parliamentary Consultative Committee on West Bengal—the West Bengal Maintenance of Public Order Bill, conferring additional powers on the West Bengal administration and the police to take stringent measures against persons indulging in arson, looting and other crimes.\*\*

Subsequently, resolutions seeking to repeal the aforementioned Presidential Acts, moved in both the Houses of Parliament, were rejected—by the Lok Sabha on December 15 and by the Rajya Sabha on December 17.†

## Union Territories Delhi

### Delhi

#### *Statehood for Delhi Rejected*

At a meeting of the Consultative Committee of Members of Parliament for the Ministry of Home Affairs on October 31, 1970, Prime Minister Smt. Indira Gandhi firmly rejected the demand for statehood for the Union Territory of Delhi, maintaining that there was no scope for two Governments to function in Delhi. She, however, promised

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\**Hindustan Times*, November 23, 1970.

@*Ibid.*, December 1, 1970.

†*Hindustan Times*, December 16, 1970 and *Indian Express*, December 18, 1970.

to consider steps to give more powers to the local administration as recommended by the Administrative Reforms Commission.

On November 15, 1970 Shri L. K. Advani, President of the Delhi Pradesh Jan Sangh, called upon his partymen to be prepared for a mass agitation against what he characterised as the Central Government's "unjust behaviour" towards Delhi's demand for statehood. On December 7, 1970, several Jan Sangh Members of Parliament, the Mayor and the Deputy Mayor of Delhi, representatives of Congress (O), Members of the Delhi Metropolitan Council and the Municipal Corporation went in a deputation to submit a memorandum to the Prime Minister to reconsider the demand for Statehood for Delhi. The Prime Minister, rejecting the demand, made it clear to the deputationists that any kind of agitation for statehood would not change the decision on the issue.\*

#### *Enhanced salary and allowances for legislators*

The Union Government decided on December 2, 1970 to raise the salary and allowances of the legislators and councillors of the Delhi Metropolitan Council with retrospective effect from January, 1970. With this decision, the salary of the Executive Councillors has been increased from Rs. 850|- to Rs. 1000|- per month and the daily allowance from Rs. 25 to Rs. 30. The Chief Executive Councillor would now be entitled to a sumptuary allowance of Rs. 200|- per month in addition to his salary. The Deputy Chairman of the Council becomes entitled to the use of an official car and government residence.\*\*

### **Himachal Pradesh**

#### *Statehood for Himachal Pradesh*

A Bill conferring statehood on Himachal Pradesh was passed by the Lok Sabha on December 15, 1970 and by the Rajya Sabha on December 17, 1970. The Bill provides that the new State will comprise the territories of the existing Union Territory of Himachal Pradesh and makes the necessary supplemental, incidental and consequential provisions in relation to the establishment of the State including representation in Parliament and in the State Assembly.†

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\**Hindustan Times*, November 1, 16, and December 8, 1970.

\*\**Comparlist*, December 1970, p. 5.

†*Hindustan Times*, December 16 and 18, 1970. The new State was since inaugurated by the Prime Minister on January 25, 1971.

**Manipur***Extension of President's Rule*

By an order issued on October 15, 1970 President's Rule was extended in Manipur by another six months. It may be recalled that President's Rule was proclaimed in the Union Territory a year ago and was due to expire on October 15.\*

**Tripura***Formation of New Party*

The Congress (N) Party in the Tripura Assembly split up on September 16, 1970 when eight of the party members decided to form a separate party called the Congress Legislative Party (Socialist). Shri Sunil Chandra Dutta and Shri Promode Dasgupta were elected leader and deputy leader respectively of the new group. After the split, the strength of Congress (N) in the 33-member House was reduced to 19, including the Speakers.†

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\**Hindustan Times*, October 16, 1970.

†*Hindustan Times*, September 17, 1970.

## BOOK REVIEW

**GOVERNMENT IN ACTION IN THE UNITED KINGDOM** by  
**PROF. G. W. KEETON**: Published by Ernest Benn Ltd., London:  
Price £ 2.50: Pages 271.

"Government in Action in the United Kingdom" by Professor G. W. Keeton, author of many books including the now-famous "The Passing of Parliament", is a scholarly and comprehensive account of the forces of evolution that have contributed to the stabilisation of parliamentary democracy in the United Kingdom. Prof. Keeton's book under review is a historical document with ample quotations and references to various writers. He does not consider the absence of a written Constitution in the country which all the modern States of the world have, as a weakness of Britain's constitutional position.

Besides the "Introduction" which is fairly long and substantial, Prof. Keeton has divided the book into fifteen chapters which deal succinctly with the various political institutions that have contributed to the parliamentary system of Government in the United Kingdom. The political parties like the Conservatives and Labour do not have any constitutional sanction, and yet then, they exist. England has built up conventions which have crystallised into a political system in the country.

Before the emergence of British Parliament, there was some amount of a strife with the monarchy regarding sovereignty. After the Revolution of 1688, the process of sovereignty for Parliament started and this sovereignty led to the ultimate centralisation of power in the hands of Government. This centralisation of power is a fact which Prof. Keeton does not like. This can be pointed out in the words of the learned professor as follows:

The citizen of the United Kingdom is exposed to a greater degree because of the lack of any formal constitutional document. As a direct result, invasion of personal liberty, the growth of bureaucracy, and an increasing authoritarianism in government have proceeded a good deal further.

The King of England rules; he does not govern. It is the Parliament that governs. This fact has been settled after a long-drawn strife. Prof. Keeton is not blind to the economic issues that plague

England today. In this connection, speaking about recent times, he says:

Still more recently, the situation in the United Kingdom has been aggravated further by repeated financial crises, devaluation, and a stubborn balance of payments problem, necessitating rigid control of many aspects of economic life, where the classic nineteenth-century conception of freedom of contract has been, for many purposes, replaced by governmental planning of the economy involving also a control of incomes and prices, unknown in England since the Middle Ages, and to which trade unions, industry and commerce must conform.

There is a variety of conflicts within the Commonwealth itself. Particular mention may be made in this connection of the White domination in Rhodesia. This has led to the abandonment of the old concept of the Commonwealth. The Commonwealth idea has undergone a change because of the tremendous change in the outside world. No society can be static, and the British political institutions have responded to this change in social thought and outlook adequately. To say in the words of Prof. Keeton:

What is of interest is that these far-reaching changes in the national outlook have taken place without protest, and almost without comment.

Even the British decision to ultimately end its influence in the east of the Suez had not evoked any protest. The British Parliament reigns supreme, and whatever conventions it has built up have matured into a tradition. In the absence of a written Constitution, it is tradition that has a social sanction in England.

Prof. Keeton quotes approvingly Trevelyan in his book thus:

...A sacrosanct written constitution was necessary to achieve the federal union of the States of North America after they had cut themselves adrift from the old Empire. For England it was not at all necessary, and it would certainly have proved inconvenient.....

Prof. Keeton has adequately dealt with the separatist movements now growing in certain parts of the United Kingdom, particularly Wales and Scotland. He dismisses this idea of separation as "emotional" adventure. The educated middle-class wants to constitute itself into a ruling elite, and that is why this idea of separation germinates.

Over-administration in the country has led to the erosion of personal liberty. Prof. Keeton condemns violence, for, "it is a direct threat, not only to personal liberty but also to the security of the

state itself." Prof. Keeton referring to violence says further: "Whilst the suppression of these extravagances may call for tact and restraint, there can be no question that they must be suppressed. One of the chief functions that a government is required to discharge is the preservation of public order. Failure to do so will bring about its collapse sooner than anything else."

Professor Keeton's book "Government in Action in the United Kingdom" is a mine of information. It projects the mind of an objective analyst in a clear and lucid way. Anybody who is interested in the working of parliamentary democracy and the various political institutions that contribute to its growth and development, would find the book immensely rewarding.

—HEM BARUA, Ex—M.P.



**THE ADMINISTRATION OF AGRICULTURAL DEVELOPMENT: LESSONS FROM INDIA** by GUY HUNTER  
[Oxford University Press; London, 1970]

This book by a member of the Overseas Development Institute, London, is concerned with the current system of agricultural development in India. Its object is not only to consider in detail the object of change, namely, the rural society, but also to suggest tools which can be expected to work effectively in changing it.

The book is divided into three Parts. The first Part entitled 'Organization' gives a structural description of Indian agriculture, touching upon such topics as abolition of the Zamindari system, land reforms, the machinery of community development and panchayati raj, the credit structure and minor irrigation.

Part Two examines the administrative machinery through which the Indian agricultural development programme is sought to be implemented. The author speaks of five main tasks faced by the administrative machine of any developing country engaged in the improvement of small-holder agriculture:

First, to choose and plan both the scale and the distribution of effort; second to implement the physical investment programme and, directly or indirectly, the investment in research; third, to administer a large bureaucracy of Extension and allied services; fourth, to arrange for the supply of credit, tools, and inputs, and to assist in the off-take and marketing of produce; fifth, to reconcile the production programme both with national economic requirements and with an improvement in the incomes of individual farmers.

Surveying the progress made in the achievement of the above objectives, the author draws attention to the deficiencies in the present system in each of these directions.

*Planning and Targets*

Some of the agricultural development plans have gone awry, in the author's view, owing to partial neglect of the planning stage, often resulting in a series of emergencies and failures in agricultural development—in the form of shortages of fertilizer or spraying equipment for the new crop, of transport to market it, of power supply to energize irrigation pumps, of staff to demonstrate new methods and the

like—some of which are wrongly attributed to failure by the Extension Service or to the obstinacy of farmers. Such situations could arise from failures in a single sector to meet what were reasonably planned deliveries, but perhaps most frequently is the result of an over-ambitious programme, which allows effort on a country-wide scale with resources equal only to two-thirds of the country, or engages simultaneously on half a dozen schemes which all compete for the same administrative resources.

The author is not unaware of the very real difficulties inherent in agricultural planning. Planning involves setting certain 'targets' to be achieved over a certain time. It is not only that the weather can totally disrupt the programme. Apart from those elements of the plan which government itself can control, the achievement of final results depends on the voluntary, unplannable choices and activities of millions of individual farmers. In this situation, the author suggests that—

The best that can be hoped is that planners will content themselves with estimates on subjects where government cannot control results; that State and District development organizations will be told how much finance they will get and what is the maximum supply of fertilizer (or power or tractors) likely to be available; and that targetry can be banned at the level of field Extension staff, except where it springs from their own initiative and from local farmers.

This is no small thing to suggest, the author points out, for, in his view, 'at present the whole agricultural effort in India is half mesmerized by targets of every kind.'

#### *Investment*

What to grow and how and where to grow it is naturally the centrepiece of agricultural change and of Extension work. The changes which farmers are supposed to make at a single stroke, the author feels, are seldom sufficiently allowed for. Both the farmer's effort and skill and the administrative environment have to be much improved also. It would involve, probably, accelerating harvesting procedures, to get one crop more quickly off the ground to make room for the next, which may mean mechanization; entail harder work by the farmer, often in what used to be a slack season employed for visits and marriages; and quite clearly also mean more accurate and timely delivery of supplies of all kinds and much more cash in hand, or credit in good time to buy them. Pointing to the complexity of the situation, the author observes:

It is clearly one of the dangers of the 'package' philosophy, involving several simultaneous changes in the farmer's methods,

his credit position, his marketing, even his family arrangements, that the agency which urges him to change may not itself be capable of effecting the needed environmental changes smoothly and of giving the needed services punctually. It is the farmer who pays the price, often in hard cash, for mistakes which are made by officials of foreign advisers, and he is naturally not willing to risk too much. His experience of government efficiency is not, after all, so favourable.

### *Bureaucracy*

Turning to the administrative machinery managing the programme, the author feels that perhaps more attention would be paid to the problem of running the very large field force, if the difficulties of the task were more openly recognised. An Indian State of 30 million population will have 3,000 to 4,000 V.L.W.s in the field, almost evenly dispersed over about 20,000 villages, and another 2,000 officers only slightly less dispersed in about 300 Blocks. Many of the Blocks may not even have a telephone and many of the villages may not be even accessible except on foot or possibly on a bicycle from the nearest hard road. The staff are poorly paid and their prospects not good. There is little material reward for good work under hot and trying conditions, whereas failure may be penalized. There is the problem of supervision, and the difficulty of servicing this dispersed force is also great. Supplies to them are often irregular or late. So much so, the author feels—

There are many reasons beyond the Extension man's control why his programme is frustrated, and this diminishes his standing with the farmer and spoils his target performance. It is no wonder that some become first fatalistic and then lazy—the remarkable fact is that so many keep up their effort year after year.

There are no simple answers to this problem, but, he points out, there are ways of diminishing it. He lists them as follows:

Career structure, pay and training are one. Another may well be to restructure the service, wherever possible, so that the lowest grade of Extension Officer is employed by the farmers whom he serves—a Cooperative, a Village Panchayat, or a Farmers' Association.

Other possible improvements would be to substitute tasks for targets, to see that the officer is fairly frequently brought to meeting with his colleagues, and to ensure that he has a chance to talk over his problems with them and with his supervisors.

Another obvious improvement would be to give the V.L.W. a less impossible task, in terms of the number of farmers he is supposed to look after and the number of masters he is supposed to serve.

*The Business Side—Supplies, Credit, Selling*

Analysing the supplies, credit and selling position, the author sums up the situation thus: The small farmer is economically weak and is simply not capable of commercial farming in a modern sense unless supplies and services and credit are brought virtually to his door. At the present stage his marketing is subject to gross exploitation. At present when he needs some help, the choice lies between help from a Government bureaucracy and help from more powerful neighbours, on their terms.

What is needed on the part of government is a direct administration of credit and supply, direct assistance to marketing, and a concentration on productivity. This would make for growing resources and knowledge among farmers; growing political self-confidence among 'new men' elected to local councils; and growing strength of the private sector matching increased purchasing power. Greater autonomy can grow from this.

*National Economics and Farm Economics*

Dealing with national economics *vis-a-vis* farm economics, the author observes that all sorts of factors influence national agricultural policy—food shortages, shortage of foreign exchange, international marketing quotas, and many more; even as, at the other extreme of the sale, again, all sorts of factors influence the farmers—perhaps the most important being his own farm income, the level of work required to make it, and his security. The national issues tend to dominate thinking, and rightly, says the author, who, however, feels that they have dominated so much that the economics of the individual farm have been perilously neglected.

The most difficult item to handle in farm management, in the author's view, is the future level of prices—the level at harvest—time which must be guessed at sowing time. 'What are prices to us? We have to fill our bellies' is the typical reaction of an ordinary Indian farmer whose concern is to grow enough food and to sell any extras simply for what he can get. But it is a factor which becomes more and more crucial as capital and current investment in farm crops or animals becomes higher. But, the author points out, the need for price control and support is already strongly felt in all those areas of Indian farming where high-yield and high-input costs are involved, particularly because the price of food grains is tending to fall and the price of inputs to rise. The Indian farmer needs a firm guarantee of at least minimum prices at the time when crops have to be sown. The Government is well aware of this, and has made considerable efforts to meet it.

The author also gives in this book an evaluation of the Intensive Agricultural District Programme (I.A.D.P.), in the course of which he observes that the task of raising the whole level of Indian agriculture, with some sixty million farm families, is so enormous that it may well seem ridiculous to point out all that remains to be done. The I.A.D.P. and successor programmes have their value in that they have given a sense of the modern organisation needed for the task, a trial run in selected areas, and a boost to morale wherever water is easily available. The Ford Foundation deserves, according to the author, particular credit for fitting its very large financial support right into the Indian administrative system and for working so closely with it. Great progress has been achieved despite many faults and within a system capable of all-India application. The author suggests that in future, both the Extension and, prior to it, the technical research and investment, have got to be strengthened and reshaped before a viable programme for the less favoured areas and the less favoured farmers of India could be designed and executed.

In the Chapter dealing with the working of the panchayat system at different levels, expressing his views on local participation, the author says:

For real consultation and participation, the elected village committee is critical. It is here that the government staff really face the facts of farming, of village culture and relationships, of the actual impact of credit applications, cooperative inefficiency, failure of canal irrigation at critical moments, shortage of supplies, price-falls in the primary markets, blight, storage, rats, flooded roads, tenancy, indebtedness, caste, faction, and all uncharitableness. It is here that the village leaders meet officials face to face and have to work out a means of living with them. It is here, in the panchayat election, in the success of progressive farmers, in new economic and technical activities, that new classes and attitudes emerge and find means of expression.

Finally in most States, the District representative system does not seem a vital part of the development procedure, and may even be a dangerous one. The D. C. is (actually) the real link between State planning and the coordination which should issue from Block level; he is able to see the organizational and policy changes which are needed, from a wide range of evidence in fifteen or twenty Blocks. He has, at District, fully competent technical advice on agriculture, irrigation, credit, supply; and he has authority. For development purposes this power at District must be single-minded and its chief obligation is efficiency. The dynamic and radical changes of the agricultural economy needs, from this level, decisive coordinating action as free as possible from political influences, which have their opening to affect the balance of policy higher up, in the State Parliament.

Emphasising the need for an efficient and equitable administration for agricultural development and the Governments' role in it, the author, in conclusion, observes:

Perhaps the most constantly recurring theme of this book has been the need for adoption of policy and structures to the movement and change in society, as it passes at quite local levels from poverty, and a traditional adaption to poverty, towards greater individual prosperity and a stronger cash economy. It is seen as a transition from necessary and multiple intervention by Government to break the circle of dependence and powerlessness to a condition where the farmer, in his greater security, can choose among the richer variety of services which a richer economy can offer, and thus 'coordinate' his own farm-management by himself. The most difficult part of the transition, as an administrative problem, is the earliest stage, where government, possibly weak in personnel and in a poor society, has to assume the maximum task. For in these early stages even the agencies which later on will share that task—co-operative, Local Government—are composed largely either of the weak and poor for whom the help is needed, or of the rich and powerful whose position often stands in the way of a wider progress.

The Indian Government has tried to shoulder this task of intervention. But, in seeing it as a task of prescription rather than of enablement, and in setting detailed targets, beyond what it has the real power to achieve, it has created an administrative system so complex, that it is constantly tripped up in its own tangle, and so rigid that the highly local needs of farmers and the discretions of the Extension staff are excluded. It is a system which cannot easily reach more than a small proportion of beneficiaries; indeed, only this small proportion have the means and power to exploit. Finally, in an intention to move at once to what may be a second stage of the transition, it has endeavoured to use co-operative and democratic agencies prematurely, before either their staff or the political environment in which they work is good enough to give a fair chance of success.

**INDUSTRY AND TRADE IN SOME DEVELOPING COUNTRIES:  
A COMPARATIVE STUDY** by IAN LITTLE, TIBOR  
SCITOVSKY AND MAURICE SCOTT

[Oxford University Press; London; 1970]

This volume contains an analysis of the results of studies conducted over the last three years on problems of industrial development in seven countries, namely: Argentina, Brazil, Mexico, India, Pakistan, the Philippines and Taiwan, all of which have made substantial progress towards industrialization. The main thesis of the book is that, especially since the second world war, industry was over-encouraged relative to agriculture and that it was done in a manner which unnecessarily discouraged both industrial and agricultural exports, and which

made it too easy to earn high profits. The result was a high-cost inward-looking development. There are, nevertheless, good reasons for promoting industry, and the authors believe that alternative policies, parts of which have been adopted by several countries in the 1960s, could achieve greater efficiency, higher employment in both industry and agriculture, and a fairer distribution of wealth.

A summary of the authors' findings, based on independent but simultaneously commissioned studies of the above countries, is given below:

### *Industrialization Policies*

During the great depression and the second world war the ability of these and other developing countries to import manufactured goods was reduced by the fall in the value of their exports of primary commodities, and the increased real burden of servicing their foreign debt; and then, during the war, by the inability of the developed countries to supply manufactured goods. These experiences, together with the developing countries' accumulation of reserves after the war, induced a strong desire for self-sufficiency and economic independence, and hence for industrialization. Other arguments put forward for industrialization were the existence of external economies, for example the benefits to be derived from the technical progress and innovation associated with industrialization; and the observation that industrialization historically accompanied rises in standards of living, since with higher incomes more manufactured goods are consumed.

Deliberate economic policies were adopted to encourage industrialization, involving greater government intervention than in most Western industrialized countries. The main device used was the restriction of imports of manufactured goods. Most governments adopted large public investment programmes. Some, in particular in India and Pakistan, established comprehensive central planning machinery, and attempted to control the allocation of both public and private investment.

The home market for manufactured goods was protected through tariffs, controls, and multiple exchange rates. Until the end of the 1950s, very little encouragement was provided for exports. The prices of many manufactured products in developing countries are equal to, or just below, the prices at which imports are locally available; and since protection is high, prices are also high. Domestic competition has often failed to change this situation and has frequently led to a proliferation of firms with under-utilized capacity instead of a reduction in prices. Rates of protection are much higher than those current in developed countries, and in fact very few developed countries ever had the degree of protection now existing in most of the seven countries.

These high rates of protection can be explained in part by the desire of large countries, such as India and Brazil, for a high degree of self-sufficiency. They can also be explained by the desire to ban

non-essential imports, but the result of this policy, in some cases, has been that high profits were made in producing non-essentials domestically; in other cases, inefficiency has been encouraged.

Deliberate government policies to promote industrialization have involved a proliferation of administrative controls, and drastic intervention in the economy, whose costs may be considerable. It is true that prices should sometimes be overruled, since they do not always pull in the right direction. But such intervention can itself pull in the wrong direction, and it can be inefficient, oppressive, or cause excessive delays. Furthermore, controls can operate only by curbing private initiative.

Excessive government intervention creates uncertainty, as policies change with new governments, and tends to dampen initiative. Delays caused by administrative regulations usually increase the capital ratio since manufacturers either hold excessively large stocks of imported inputs as a precautionary measure, or are prevented from fully using industrial capacity by delays in obtaining foreign exchange for such inputs.

Investment decisions are also regulated, either directly or through the need to obtain licences for importing capital equipment; postponement of such decisions can create havoc with business planning. India is the country where such delays are probably greatest. . . . Foreign firms are sometimes diverted to other countries, and domestic investors to speculation. Investors sometimes apply in advance for investment licences and then fail to use them: since the allocation of licences is based on the number of licences granted, rather than on those used, actual investment may be restricted to below the planned capacity targets.

#### *Effect of Industrialization Policies on Domestic Economy*

Industrialization policies have aggravated inequalities in the distribution of income. The extra profits made in industry are not a net gain to the community. People in other sectors, of which agriculture is the most important, suffer. In several developing countries, including India, inequalities have almost certainly been increasing in the late 1950s and 1960s. There is evidence that standards of living in some rural areas have been declining, although average *per capita* income in the country concerned may have been increasing.

The pursuit of industrialization has also aggravated the problem of unemployment. Industry has provided employment. But it has also helped to stimulate migration from rural areas to the cities; employment has not kept pace with the increase in the urban population, and unemployment in the cities is a more serious social problem than under-employment in rural areas.

Agricultural output is also affected by the politics favouring industry. There has been a neglect of agriculture in the allocation of investment. A concomitant of over-investment in manufacturing



industry has been inadequate investment not only in agriculture but also, at least in some countries, in the transport, power, and communication industries which provide essential services not only to manufacturing but also to all other sectors.

#### *Protection to Industry*

Protection is in fact a roundabout way of compensating industry for the disadvantages which have been suggested as reasons for its special encouragement. These disadvantages could be reduced or eliminated by more direct methods: by subsidizing the use of labour, by providing training facilities and other services, by improving the institutions through which savings are channelled to industry, and by rewarding industry directly for any "external" benefits which it may confer. Such policies are 'promotional' as opposed to merely protective.

Intermediate policies may combine protection with export subsidies, as in India and Pakistan; and multiple exchange rates can be used with similar effect. These policies are superior to mere protection, in that they give some encouragement to exports, but inferior to promotion in that they do not remedy the basic distortions which make it desirable to provide special encouragement for industry.

#### *Developing Countries Scope for Increasing their Exports*

It is true that for small countries dependent on the export of one or two primary products, the problem of increasing exports is a severe one, as is the problem of securing any efficient increase in output. It is also true that for some commodities, such as coffee and tea, increased exports by one developing country are at the expense of others, so that all could benefit from an agreement to limit exports and so raise their price. But for the seven countries we believe there is plenty of scope for increasing exports, especially of manufactures, despite the restrictions imposed by developed countries.

Individual countries may lose heavily by neglecting their export opportunities, and gain by exploiting them. But what if a large number of developing countries were to follow the example of the leading exporters? Is there not a danger, in that case, that they would cut each other's throats. For some important commodities this clearly is a danger. The most obvious examples are coffee, tea, and cocoa, where the developing countries supply almost all of world exports and production, and where there are no close substitutes, synthetic or otherwise, produced in the developed countries. Developing countries stand to gain if suitable commodity agreements can be devised and enforced for commodities like these.

For many primary products and almost all manufactures, however, the developing countries' chief competitors are the developed countries. If a large number of developing countries were to attempt to expand their exports of these products much faster than hitherto, the danger is not that they would cut each others' throats but that they would provoke counter-measures by the

developed countries whose markets are being invaded. It is worth noting that, whatever the danger may be, in the absence of collective action by developing countries, the individual country still stands to lose if it neglects its export opportunities and to gain if it exploits them.

From 1961 to 1966, India's attempts to increase exports were not particularly successful for a variety of reasons. However, the devaluation of the rupee in 1966 and the accompanying measures sparked of a rapid increase in non-traditional exports, followed later by textiles and other agricultural based goods when agricultural output recovered in 1967-68 and 1968-69.

#### *Need for more decentralization by developing countries*

Given the disadvantages of present policies, including the distortions caused by import restrictions, the inefficiency of government intervention and controls, and the bias against agriculture and exports, we believe that developing countries would benefit from adopting, in general, a more decentralized approach with greater use of the price mechanism; and, in particular, given that there are good prospects for exports, a more open approach to foreign trade with less protection and use of controls. We believe that such an approach is both consistent with sufficient industrialization, and conducive to much more efficient industrialization.

#### *The Role of Government*

In spite of these suggestions for more decentralized policies, a major role for government remains. First, the taxes and subsidies have to be administered; but the revenue departments could be considerably strengthened, without extra costs, as a result of the reduction in administration consequent on abandoning, or minimizing direct controls. Secondly, the Government can improve the domestic capital market by ensuring that interest rates are high enough to attract savings, especially in inflationary countries, and by providing suitable institutions to channel these savings to industry; the government can use its control of access to capital, both domestic and foreign, in order to influence the choice of investments, and it should base its influence on methods of project selection using identical criteria of social profitability, whether the projects are in the public or private sector. Quite often a developing country cannot economically support more than one plant for a particular product: monopolistic practices should be avoided not by encouraging a proliferation of industries operating on an inadequate scale, but by competition from imports, through public ownership or even by price control. Thirdly, governments can do much to overcome the initial difficulties of entering export markets: by providing information on markets, and arranging trade fairs; by ensuring the provision of adequate credit and insurance arrangements; and in some cases by providing public export marketing services, possibly through arrangements with foreign merchants where there is lack of domestic experience.

In addition, the government must provide those services, electricity, roads, and so on, which, for reasons of scale, cannot be provided by the industries themselves, or by the private sector. These

should usually be made to pay for themselves; in many countries the infrastructure is inadequate, and it is usually preferable for industry to pay higher rates and be assured of the services it needs. Governments could also provide training facilities for industry; this is important partly because industries are reluctant to train workers whom they may subsequently lose. For some important industries a public institute might be set up to provide training, research, and advice on industrial matters; and to ensure that the government is able to negotiate from an informed basis with foreign firms.

#### *Problems of transition*

The transition to a more open economy may not be easy, and the speed at which it can be made depends partly on external factors over which the countries concerned have no control. The slump of the thirties and the war largely explain why the desire to be independent of foreign trade has been so powerful in many developing countries. Yet the post-war world is very different from what it was before 1946. Developed countries have made a more open economy worth striving for by reducing the risks associated with it. They have done much and they can do more; by maintaining high levels of economic activity, by providing developing countries with short-term finance to meet temporary fluctuations in their balances of payments, and by opening their own economies to imports from developing countries. They can also encourage a more balanced development by making foreign finance more readily available for agricultural projects. Not only will this encourage semi-industrialized countries to overcome the problems of transition but also it may induce those smaller countries just embarking on industrialization to avoid the route of high protection, which is most unlikely to be in their long-run interest.

Reviewing the above findings, Andre Philip, President of the Development Centre of the Organization for Economic Co-operation and Development, Paris, which sponsored the studies in the seven countries, recommends the following policy:—

It is important to remember that the agricultural transformation of Europe in the eighteenth century preceded the Industrial Revolution by nearly half a century. The countries of the Third World are essentially made up of farmers. With the new techniques which have recently been developed, an agricultural revolution can be achieved. However, the producer must be able to derive a direct profit from the result of his labours and must be freed from the domination of the landowner and the moneylender. For this to happen there must be, in Latin America, a change in the agrarian structure and, in South-East Asia, a public or co-operative organization of credit and internal trade to reduce the costs of financing agricultural production.

But the progress in agriculture is likely to free part of the population from work on the land and to encourage the exodus to

the towns. This labour can be absorbed by light industries established in small country towns and in medium-sized towns. The creation of these industries will generate increased demands for agricultural products. Without industrial growth there will be unemployment and low wages; these would reduce the demand for agricultural products and depress the rate of growth of agriculture well below what is technically feasible.

It is necessary to encourage industry to provide employment; but this encouragement should be direct, and not through his levels of indiscriminate customs protection. The authors (of the studies) recommended retaining a revenue tariff of about 10 per cent on all imports. In addition there would be consumption taxes, levied on imports and domestic production of manufactures alike; but the part levied on domestic production would be used partly to make direct grants to encourage industries in various ways, especially those which create employment. This pool of funds could also be used to support new industries in the public sector.

Emphasis should be placed on the development of exports so as to earn the foreign currency required to pay for essential imports, whether of machines, materials, or food, which cannot be economically produced at home. Administrative controls should be replaced by a better use of the price mechanism; and high-cost internal production be replaced by a reorganized agriculture and industry, capable of gradually becoming competitive and assuming their place on the world market.

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## APPENDIX I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE TWELFTH SESSION OF FOURTH LOK SABHA

1. PERIOD OF THE SESSION . . . . .	9th November to 18th December, 1970
2. NUMBER OF MEETING HELD . . . . .	28
3. TOTAL NUMBER OF SITTING HELD . . . . .	180 hours.
4. NUMBER OF DIVISION HELD . . . . .	19
5. GOVERNMENT BILLS :	
(i) Pending at the commencement of the session . . . . .	36
(ii) Introduced . . . . .	10
(iii) Laid on the Table as passed by Rajya Sabha . . . . .	4
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table . . . . .	NIL
(v) Referred to Select Committee . . . . .	NIL
(vi) Referred to Joint Committee . . . . .	NIL
(vii) Reported by Select Committee . . . . .	NIL
(viii) Reported by Joint Committee . . . . .	2
(ix) Discussed . . . . .	18
(x) Passed . . . . .	15
(xi) Withdrawn . . . . .	1
(xii) Negatived . . . . .	NIL
(xiii) Part-discussed . . . . .	NIL
(xiv) Discussion postponed . . . . .	1
(xv) Returned by Rajya Sabha without any recommendation . . . . .	7
(xvi) Pending at the end of the session . . . . .	34
6. PRIVATE MEMBERS' BILLS :	
(i) Pending at the commencement of the session . . . . .	277
(ii) Introduced . . . . .	30
(iii) Laid on the Table as passed by Rajya Sabha . . . . .	NIL
(iv) Returned by Rajya Sabha with any amendment and laid on the Table . . . . .	NIL
(v) Reported by Select Committee . . . . .	1
(vi) Discussed . . . . .	3
(vii) Passed . . . . .	NIL
(viii) Withdrawn . . . . .	NIL
(ix) Negatived . . . . .	2
(x) Circulated for eliciting opinion . . . . .	NIL
(xi) Part-discussed . . . . .	1
(xii) Discussion postponed . . . . .	NIL
(xiii) Motion for circulation of Bill negatived . . . . .	NIL
(xiv) Referred to Select Committee . . . . .	NIL

(xv) Removed from the Register of Pending Bills . . . . .	1
(xvi) Pending at the end of the session . . . . .	304
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULES 193 :</b>	
<b>(Matters of Urgent Public Importance)</b>	
(i) Notices received . . . . .	147
(ii) Admitted . . . . .	6
(iii) Discussion held . . . . .	*8
	(*Including two part-discussed)
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 197 :</b>	
<b>(Calling-attention to matters of urgent Public importance)</b>	
Statements made by Ministers . . . . .	25
<b>9. HALF-AN-HOUR-DISCUSSIONS HELD . . . . .</b>	<b>10</b>
<b>10. STATUTORY RESOLUTIONS :</b>	
(i) Notices received . . . . .	16
(ii) Admitted . . . . .	4
(iii) Moved . . . . .	3
(iv) Adopted . . . . .	NIL
(v) Negatived . . . . .	3
(vi) Withdrawn . . . . .	NIL
<b>11. GOVERNMENT RESOLUTIONS :</b>	
(i) Notices received . . . . .	} NIL
(ii) Admitted . . . . .	
(iii) Moved . . . . .	
(iv) Adopted . . . . .	
<b>12. PRIVATE MEMBERS' RESOLUTIONS :</b>	
(i) Received . . . . .	7
(ii) Admitted . . . . .	7
(iii) Discussed . . . . .	2
(iv) Withdrawn . . . . .	NIL
(v) Negatived . . . . .	1
(vi) Adopted . . . . .	NIL
(vii) Part-discussed . . . . .	1
(viii) Discussion postponed . . . . .	NIL
<b>13. GOVERNMENT MOTIONS :</b>	
(i) Notices received . . . . .	4
(ii) Admitted . . . . .	4
(iii) Moved . . . . .	} NIL
(iv) Adopted . . . . .	
(v) Discussed . . . . .	
<b>14. PRIVATE MEMBERS' MOTIONS :</b>	
(i) Received . . . . .	238
(ii) Admitted . . . . .	100
(iii) Adopted . . . . .	NIL

(iv) Discussed . . . . .	(Includ- ing two parts- discussed)	
(v) Negatived . . . . .		2
(vi) Part-discussed . . . . .		1
(vii) Withdrawn . . . . .		1
<b>15. MOTIONS RE : MODIFICATION OF STATUTORY RULE :</b>		
(i) Received . . . . .		14
(ii) Admitted . . . . .		14
(iii) Moved . . . . .		12
(iv) Adopted . . . . .		NIL
(v) Negatived . . . . .		12
(vi) Withdrawn . . . . .		NIL
(vii) Part-discussed . . . . .		NIL
<b>16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED IF ANY, DURING THE SESSION . . . . .</b>		
		<b>ONE</b>
<b>17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION . . . . .</b>		
		<b>42013</b>
<b>18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED . . . . .</b>		
		<b>2502 on 17-12-1970</b>
<b>19. NUMBER OF ADJOURNMENT MOTIONS :</b>		
(i) Brought before the House . . . . .	}	<b>NIL</b>
(ii) Admitted and discussed . . . . .		
(iii) Barred in view of adjournment Motion admitted on the subject . . . . .		
(iv) Consent withheld by Speaker . . . . .		
(v) Consent given by Speaker but leave not granted by House . . . . .		
<b>20. TOTAL NUMBER OF QUESTIONS ADMITTED :</b>		
(i) Starred . . . . .		<b>838</b>
(ii) Unstarred (including Starred Questions converted as Unstarred Question) . . . . .		<b>5,201</b>
(iii) Short-notice Questions . . . . .		<b>6</b>
<b>21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO THE LOU SABHA</b>		
(i) Estimates Committee . . . . .		<b>2</b>
(ii) Public Accounts Committee . . . . .		<b>2</b>
(iii) Committee on Public Undertakings . . . . .		<b>NIL</b>
(iv) Business Advisory Committee . . . . .		<b>2</b>
(v) Committee on Absence of Members from the sittings of the House . . . . .		<b>1</b>
(vi) Committee on Subordinate Legislation . . . . .		<b>1</b>
(vii) Committee on Petitions . . . . .		<b>1</b>
(viii) Committee of Privileges . . . . .		<b>1</b>
(ix) Committee on Private Members Bill and Resolutions . . . . .		<b>4</b>
(x) Committee on Government Assurances . . . . .		<b>1</b>

(xi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	11
(xii) Joint Committee on Offices of Profit . . . . .	1
(xiii) Rules Committee . . . . .	1
22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . .	6
23. PETITIONS PRESENTED . . . . .	7
24. NUMBER OF NEW MEMBERS SWORN WITH DATES & CONSTITUENCIES . . . . .	

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<i>S.No.</i>	<i>Name of Members Sworn</i>	<i>Date on which Sworn</i>	<i>Constituency</i>
1.	Shri Chow Chandret Gohain	9-11-1970	NEFT of Assam
2.	Shri A.C. George	9-11-1970	Mukandapuram, Kerala
3.	Shri Prabodh Chandra	9-11-1970	Gurdaspur, Punjab.

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APPENDIX II

Statement showing the work transacted during the 74th Session of  
Rajya Sabha

1. PERIOD OF THE SESSION . . . . .	9TH NOVEMBER TO 18TH DECEMBER, 1970	
2. NUMBER OF MEETINGS HELD . . . . .		28
3. TOTAL NUMBER OF SITTING HOURS . . . . .	167 HOURS, 28 MINUTES.	
4. NUMBER OF DIVISIONS HELD . . . . .		3
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session . . . . .		9
(ii) Introduced . . . . .		4
(iii) Laid on the Table as passed by Lok Sabha . . . . .		13
(iv) Returned by Lok Sabha with any amendment/recommendation and laid on the Table . . . . .		1
(v) Referred to Select Committee . . . . .		Nil
(vi) Referred to Joint Committee . . . . .		1
(vii) Reported to Select Committee . . . . .		Nil
(viii) Reported by Joint Committee . . . . .		1
(ix) Discussed . . . . .		18
(x) Passed . . . . .		16
(xi) Withdrawn . . . . .		Nil
(xii) Negatived . . . . .		Nil
(xiii) Part-discussed . . . . .		Nil
(xiv) Returned by Rajya Sabha without any recommendation . . . . .		7
(xv) Discussion postponed . . . . .		Nil
(xvi) Pending at the end of the session . . . . .		10
6. PRIVATE MEMBERS' BILLS		
(i) Pending at the commencement of the Session . . . . .		51
(ii) Introduced . . . . .		8
(iii) Laid on the Table as passed by Lok Sabha . . . . .		Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table . . . . .		Nil
(v) Reported by Joint Committee . . . . .		Nil
(vi) Discussed . . . . .		2
(vii) Passed . . . . .		Nil
(viii) Withdrawn . . . . .		Nil
(ix) Negatived . . . . .		1
(x) Circulated for eliciting opinion . . . . .		Nil
(xi) Part-discussed . . . . .		1
(xii) Discussion postponed . . . . .		Nil
(xiii) Motion for circulation of Bill negatived . . . . .		Nil
(xiv) Referred to Select Committee . . . . .		Nil
(xv) Pending at the end of the Session . . . . .		58

<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 :</b>	
(Matters of Urgent Public Importance)	
(i) Notices received . . . . .	57
(ii) Admitted . . . . .	5
(iii) Discussion held . . . . .	5
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 180 :</b>	
(Calling-attention to matters of urgent public importance)	
Statements made by Ministers . . . . .	26
<b>9. HALF-AN-HOUR DISCUSSIONS HELD . . . . .</b>	
	4
<b>10. STATUTORY RESOLUTIONS :</b>	
(i) Notices received . . . . .	11
(ii) Admitted . . . . .	3
(iii) Moved . . . . .	3
(iv) Adopted . . . . .	Nil
(v) Negatived . . . . .	3
(vi) Withdrawn . . . . .	Nil
<b>11. GOVERNMENT RESOLUTIONS :</b>	
(i) Notices received . . . . .	Nil
(ii) Admitted . . . . .	Nil
(iii) Moved . . . . .	Nil
(iv) Adopted . . . . .	Nil
<b>12. PRIVATE MEMBERS' RESOLUTIONS :</b>	
(i) Received . . . . .	11
(ii) Admitted . . . . .	10
(iii) Discussed . . . . .	1
	(Not concluded)
(iv) Withdrawn . . . . .	Nil
(v) Negatived . . . . .	Nil
(vi) Adopted . . . . .	Nil
(vii) Part-discussed . . . . .	Nil
(viii) Discussion postponed . . . . .	Nil
<b>13. GOVERNMENT MOTIONS :</b>	
(i) Notices received . . . . .	3
(ii) Admitted . . . . .	3
(iii) Moved . . . . .	2
(iv) Adopted . . . . .	—
(v) Part-discussed . . . . .	Nil
<b>14. PRIVATE MEMBERS' MOTIONS :</b>	
(i) Received . . . . .	109
(ii) Admitted ; . . . . .	96



(iii) Moved . . . . .	1
(iv) Adopted . . . . .	Nil
(v) Part-discussed . . . . .	1
(vi) Negat'ved . . . . .	N.1
(vii) Withdraw . . . . .	Nil
<b>15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE :</b>	
(i) Received . . . . .	5
(ii) Admitted . . . . .	5
(iii) Moved . . . . .	5
(iv) Adopted . . . . .	Nil
(v) Negatived . . . . .	5
(vi) Withdrawn . . . . .	Nil
(vii) Part-discussed . . . . .	Nil
<b>16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION . . . . .</b>	
	1
<b>17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION . . . . .</b>	
	4531
<b>18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED . . . . .</b>	
	350 (18-12-1970)
<b>19. NUMBER OF MOTIONS FOR PAPERS UNDER RULE 175 :</b>	
(i) Brought before the House . . . . .	Nil
(ii) Admitted and discussed . . . . .	Nil
<b>20. TOTAL NUMBER OF QUESTIONS ADMITTED :</b>	
(i) Starred . . . . .	831
(ii) Unstarred (including Starred Questions converted as Unstarred Questions) . . . . .	1673
(iii) Short Notice Questions . . . . .	3
<b>21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO/LAID ON THE TABLE OF THE RAJYA SABHA</b>	
(i) Public Accounts Committee . . . . .	Nil
(ii) Committee on Public Undertakings . . . . .	Nil
(iii) Business Advisory Committee . . . . .	..
(iv) Committee on Subordinate Legislation . . . . .	Nil
(v) Committee on Petitions . . . . .	Nil
(vi) Committee on Privileges . . . . .	Nil
(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	11
(viii) Joint Committee on Offices of Profit . . . . .	Nil
(ix) Rules Committee . . . . .	Nil
<b>22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . .</b>	
	3

23. PETITIONS PRESENTED . . . . . 2

24. NUMBER OF NEW MEMBERS SWORN WITH DATES :

S. No.	Name of Member sworn	Date on which sworn
1.	Shri Narayana Kalliyana Krishnan . . . . .	18-11-70

## APPENDIX III

Statement showing the activities of the State Legislatures\* during the period 1st August to 31st October, 1970.

Sessions held	No. of Questions										Committees at work	
	Bills Passed		Starred		Unstarred		Short Notice		Names of the Committee		Sittings held	No of reports pre-sented
	Govt.	Private Mem-bers	Reed.	Admtd.	Reed.	Admtd.	Reed.	Admtd.	Reed.	Admtd.		
1	2	3	4	5	6	7	8	9	10	11	12	
Andhra Pradesh Legislative Council												
Part of the 17th Session : 4 days	2		237	187	..	..	..	..	..	Committee on Govern-ment Assurances	3	
Andhra Pradesh Legislative Assembly.												
One : 1st August to 5th August, 1970]	1	..	629	102†	9	6	5	@	Committee on Privileges	2		
									Joint/Select Committee on the Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill 1970.	4	..	
									Joint/Select Committee on the Andhra Pradesh Industrial Relations Commission Bill 1970.	24	..	

Gujarat Legislative Assembly		Haryana Vidhan Sabha				
Nil . . . . .	..	300	126	Public Accounts Committee	5	..
	..			Estimates Committee	9	..
	..			Committee on Public Undertakings	2	..
	..			Committee on Government Assurances	4	..
	..			Committee on Privileges	6	..
	..			Committee on Subordinate Legislation	2	..
	..					
@@One : (4 days) (25th August to 14th August 1970)	355	316	18 14 1	Public Accounts Committee	15	..
				Estimates Committee	12	1
				Business Advisory Committee	4	4
				Committee on Government Assurances	13	..

\* During the period under review, the Legislatures of Gujarat, Punjab, Rajasthan and Uttar Pradesh were not in Session. Data regarding the working of the committees in the Legislatures of these States received from the concerned Legislature Secretariats have been included in the Statement. No information was received from the Legislature Secretariats of Assam and Bihar. The Statement does not include any statistics pertaining to West Bengal which continued to be under President's Rule during the period under review.

166 Starred Questions admitted as starred.

@1 Starred Notice Question admitted as Starred.

@@The sitting which commenced on 28th August 1970 lasted up to 1 A.M. on 29th August, 1970.



Committee on Subordinate Legislation. 3 ..

Kerala Legislative Assembly

One : (22nd Oct. to 13th November 1970) .. 1347\* 1055\* 3 2 Business Advisory Committee 1 1

Mandhya Pradesh Vidhan Sabha

One : 7 Sittings (14th September to 11 22nd September, 1970) 661 361 315 228 17 3 Public Accounts Committee 6 2  
Estimates Committee 4 1  
Business Advisory Committee 1 1

Committee on Government Assurances 2 ..

Committee on Petitions 3 1

Committee on Private Members' Bills and Resolutions. 1 1

Committee on Privileges 6 1

Committee on Delegated Legislation. 4 1

House Committee/Members Accommodation Committee 1

Library Committee 1 ..

\*Starred & Unstarred Questions.

1	2	3	4	5	6	7	8	9	10	11	12						
									Rules Committee	1	1						
									Select Committee on the Madhya Pradesh Vishwavidyalaya Bill, 1968 (No. 35 of 1968).	5	..						
									Select Committee on the Madhya Pradesh Gramdan Bill, 1969 (No. 34 of 1969)	2							
									Select Committee on the Madhya Pradesh Kri-ashi Utpaj Mandi Bill, 1970 (No. 18 of 1970).	2	..						
<b>Maharashtra Legislative Council</b>																	
									One : 14 Sittings (3rd August to 27th August, 1970)	5*	402	189	21	28	13	3	3
									Business Advisory Committee	3	..						
									Committee on Government Assurances	3	..						
									Committee on Private Members' Bills and Resolutions.	4	4						

Maharashtra Legislative Assembly

One : 15 Sittings (3rd August to 27th August, 1970)	7	2773	1553	69	53	88	32	Public Accounts Committee.	1
								Estimates Committee	11
								Committee on Public Undertakings.	12
								Business Advisory Committee	5
								Committee on Government Assurances.	5
								Committee on Private Members' Bills and Resolutions.	4
								Committee on Subordinate Legislation.	2
								Library Committee	2
								Catering Committee	3
								Joint Committee on L.C. Bill No. VII of 1970—The Bombay Public Trusts (Amendment) Bill, 1970.	..
									1

Mizoram Legislative Assembly

One : 9 days (21st Sept., 70 to 5th October, 70)	3	60	57	88	75	3	3	
--	---	----	----	----	----	---	---	--

\*This includes two Bills passed in Legislative Assembly and transmitted to Council.



1	2	3	4	5	6	7	8	9	10	11	12
<b>Mysore Legislative Assembly</b>											
	5		411	335	46	31	43	19	Public Accounts Committee	9	1
									Estimates Committee	14	1
									Committee on Public Undertakings	2	
									Business Advisory Committee.	2	2
									Committee on Government Assurances	2	1
									Committee on Petitions	3	1
									Committee on Subordinate Legislation	4	1
									Committee on Welfare of Scheduled Castes and Scheduled Tribes.	5	
<b>Nagaland Legislative Assembly</b>											
	1		152	124	137	121	1	1	Public Accounts Committee.	2	2
									Estimates Committee	5	2

One : 15 Sittings  
[21st Sept. to 29th Sept.  
1970 and 12th October  
to 19th October, 1970]

One : (6 days)

**Orissa Legislative Assembly**

17 Sittings. (14th Sept. to 27th One Oct. 1970)	20	1172	1047	121	110	247	62	Public Accounts Com- mittee.	7
								Estimates Committee	8
								Committee on Public Undertakings	7
								Business Advisory Com- mittee	2
								Committee on Govern- ment Assurances.	3
								Committee on Peti- tions	4
								Committee on Subordi- nate Legislation	4
								House Committee/ Members Accommo- dation Committee	1
								Library Committee	1
								Public Accounts Com- mittee	7
								Estimates Committee	15
								Committee on Govern- ment Assurances	21
								Committee on Privileges	2

No Session

	1	2	3	4	5	6	7	8	9	10	11	12
											4	..
											1	
											11	..
											23	
											30	
											10	
											27	
											17	
											11	
											30	..
											3	..

## Rajasthan Legislative Assembly

No Session





*Appendices*

Committee on Government Assurances	10	—
Committee on Petitions	4	—
Committee on Privileges	9	—
Committee on Delegated Legislation	16	—

*Gos, Dumas and Dis Legislative Assembly*

One (2 sittings)

—Nil—

3

1

Public Accounts Committee

2

Estimates Committee

6

Committee on Government Assurances

6

Committee on Delegated Legislation

6

Select Committee

4

\*Admitted as starred and unstarred.

\*\*Short Notice Question admitted as Starred Questions.

†Short Notice Questions admitted as unstarred Questions.



Tripara Legislative Assembly									
One : 4 sittings [15th Sept. to 18th Sept. 1970].	1	266	227	8	7	10	2	Public Accounts Committee	3
		+4‡		+1@				Estimates Committee	3
								Business Advisory Committee	1
								Committee on Petitions	2
								Committee on Privileges	4

\*Two Short Notice Questions admitted as Unstarred.

\*\*Excluding Two admitted as Unstarred.

†Includes 3 notices received for Starred Questions converted into Unstarred Questions.

‡Short Notice Questions admitted as Starred Questions.

@Short Notice Questions admitted as Unstarred Questions.



*Journal of Parliamentary Information*

A P P E N D I X IV

■ *List of Bills passed by the Houses of Parliament and assented to by the President during the period 16th August to 18th December, 1970*

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S. No.	Title of Bill	Date of Assent by the President
1.	The Dock Workers (Regulation of Employment) Amendment Bill, 1970	28-8-1970
2.	The West Bengal Appropriation (No. 2) Bill, 1970	29-8-1970
3.	The Delhi Shops and Establishments (Amendment) Bill, 1970	29-8-1970
4.	The Indian Post Office (Amendment) Bill, 1970	29-8-1970
5.	The Delhi University (Amendment) Bill, 1970	4-9-1970
6.	The Appropriation (No. 3) Bill, 1970	5-9-1970
7.	The Contract Labour (Regulation and Abolition) Bill, 1970	5-9-1970
8.	The Appropriation (Railways) Bill, 1970	5-9-1970
9.	The Patents Bill, 1970	19-9-1970
10.	The Agricultural Produce Cess (Amendment) Bill, 1970	1-12-1970
11.	The Iron Ore Mines Labour Welfare Cess (Amendment) Bill, 1970	2-12-1970
12.	The Taxation Laws (Amendment) Bill, 1970	12-12-1970
13.	The Foreign Exchange Regulation (Amendment) Bill, 1970	18-12-1970

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## APPENDIX V

*List of Bills passed by the State Legislatures during the period 1st August to 31st October, 1970.*

### **Andhra Pradesh**

1. The Andhra Pradesh Gram Panchayats and Andhra Pradesh Panchayat Samitis and Zilla Parishads Act (Amendment) Bill, 1970\*.
2. The Andhra Pradesh Rickshaw Drivers' Licence Fee (Abolition) Bill, 1970.
3. The Andhra Pradesh Appropriation (No. 4) Bill, 1970.

### **Haryana**

1. The Haryana Appropriation (No. 3) Bill, 1970
2. The Haryana Appropriation (No. 4) Bill, 1970.
3. The Haryana Appropriation (No. 5) Bill, 1970.
4. The Punjab Urban Immovable Property Tax (Haryana Amendment) Bill, 1970.
5. The Punjab Sugarcane (Regulation of Purchase and Supply) Haryana Amendment Bill, 1970.
6. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1970.
7. The East Punjab War Awards (Haryana Amendment) Bill, 1970.
8. The Punjab Shops and Commercial Establishments (Haryana Amendment) Bill, 1970.
9. The Punjab Legislative Assembly Speaker's and Deputy Speaker's Salaries (Haryana Second Amendment) Bill, 1970.
10. The Punjab Legislative Assembly (Allowances of Members) Haryana Second Amendment Bill, 1970.
11. The Punjab Ayurvedic and Unani Practitioners (Haryana Amendment) Bill, 1970.
12. The Punjab Commercial Crops Cess (Haryana Amendment) Bill, 1970.

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\*The Bill was moved on the 31st July, 1970 and was passed on 3rd August, 1970.

13. The Haryana Government Electrical Undertakings (Dues Recovery) Bill, 1970.
14. The Haryana Cattle Fairs Bill, 1970.

#### **Jammu and Kashmir**

1. A Bill to amend the Public Gambling Act Samvat 1977.
2. A Bill to amend the Jammu and Kashmir Houses and Shops Rent Control Act 1966.
3. A Bill further to amend the Constitution of Jammu and Kashmir.
4. A Bill to amend the Jammu and Kashmir Prevention of Specified Trees Act 1962.
5. A Bill further to amend the Jammu and Kashmir State Ranbir Penal Code Act 1998, the Code of Criminal Procedure Act and the Representation of the Peoples Act.
6. A Bill further to amend the Prevention of Ribbon Development Act Samvat 2007.
7. A Bill further to amend the Jammu and Kashmir Land Revenue Act Samvat 1996.
8. A Bill to amend the Jammu and Kashmir Co-operative Societies Act 1960.
9. A Bill further to amend the Jammu and Kashmir General Sales Tax Act.
10. A Bill to amend the Jammu and Kashmir Anatomy Act 1959.
11. A Bill to provide for the Development of the State according to the Plan and for matters ancillary thereto.
12. A Bill to provide for the care, protection, maintenance, welfare training, education of neglected or delinquent children and for the trial of delinquent children in the State.

#### **Madhya Pradesh**

1. The Madhya Pradesh Panchayat (Amendment) Bill, 1970.
2. The Madhya Pradesh Krishi Upaj Mandi (Amendment and Validation) Bill, 1970.

3. The Madhya Pradesh Sahayata Upkram (Special Provision) Amendment Bill, 1970.
4. The Madhya Pradesh Gramon Main Ki Dakhal-Rahit Boomi (Special Provision) Bill, 1970.
5. The Sagar Vishwavidyalaya (Amendment) Bill, 1970.
6. The Madhya Pradesh Vishwavidyalaya Vidhi (Amendment) Bill, 1970.
7. The Bhopal Vishwavidyalaya Bill, 1970.
8. The Madhya Pradesh Prachin Smarak and Puratatviya Sthal and Avshesh (Amendment) Bill, 1970.
9. The Madhya Pradesh Viniyog (No. 3) Bill, 1970.
10. The Madhya Pradesh Viniyog (No. 4) Bill, 1970.
11. The Madhya Pradesh Viniyog (No. 5) Bill, 1970.

#### **Maharashtra**

1. The Bombay Village Panchayat (Amendment) Bill, 1970.
2. The Bombay Khar Lands (Amendment) Bill, 1970.
3. The Maharashtra Agricultural Produce Marketing (Amendment) Bill, 1970.
4. The Identification of Prisoners (Maharashtra Provision) for Uniform Application and Amendment Bill, 1970.
5. The Maharashtra Appropriation (Second Supplementary) Bill, 1970.

#### **Meghalaya**

1. The Meghalaya Appropriation Bill No. 1 of 1970.
2. The Meghalaya Prevention of Gambling Bill, 1970.
3. The Meghalaya Interpretation and General Clauses Bill, 1970.

#### **Mysore**

1. The City of Bangalore Municipal Corporation (Amendment) Bill, 1970.
2. The Mysore Excise (Second Amendment) Bill, 1970.
3. The Mysore Sales Tax (Second Amendment) Bill, 1970.

4. **The Mysore Rent Control (Amendment) Bill, 1970.**
5. **The Mysore Appropriation (No. 4) Bill, 1970.**

#### **Nagaland**

1. **The Nagaland Appropriation (No. 4) Bill, 1970.**

#### **Orissa**

1. **The Orissa Express High Way (Amendment) Bill, 1970.**
2. **The Orissa Famine Relief Fund (Amendment) Bill, 1970.**
3. **The Orissa Land Reforms (Amendment) Bill, 1970.**
4. **The Orissa Prevention of Land Encroachment (Amendment) Bill, 1970.**
5. **The Bihar and Orissa Excise (Orissa Amendment) Bill, 1970.**
6. **The Orissa Cooperative Societies (Second Amendment) Bill, 1970.**
7. **The Orissa Cess (Amendment) Bill, 1970.**
8. **The Orissa Ayurvedic Medicine (Amendment) Bill, 1970.**
9. **Shri Jagannath Temple (Amendment) Bill, 1970.**
10. **The Orissa Electricity (Duty) (Second Amendment) Bill, 1970.**
11. **The Orissa Estates Abolition (Amendment) Bill, 1970.**
12. **The Orissa Lokpal and Lokayuktas Bill, 1969.**
13. **The Orissa Bhoodan and Gramdan Bill, 1970.**
14. **The Orissa Panchayat Samiti (2nd Amendment) Bill, 1970.**
15. **The Orissa Appropriation (No. 5) Bill, 1970.**
16. **The Orissa Additional Stamp Duty Bill, 1970.**
17. **The Orissa Panchayat Samiti (Amendment) Bill, 1970.**
18. **The Orissa Sales Tax (Amendment) Bill, 1970.**

19. **The Orissa Land Revenue (Abolition) Bill, 1970.**
20. **The Orissa Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1970.**

#### **Tamil Nadu**

1. **The Tamil Nadu Additional Assessment and Additional Water Cess (Amendment) Bill, 1970 (L.A. Bill No. 17 of 1970).**
2. **The Tamil Nadu Buildings (Lease and Rent Control) Amendment Bill, 1970 (L.A. Bill No. 18 of 1970).**
3. **The Tamil Nadu Electricity Duty (Validation) Bill, 1970 (L.A. Bill No. 19 of 1970).**
4. **The Tamil Nadu Panchayats (Second Amendment and Validation) Bill, 1970 (L.A. Bill No. 20 of 1970).**
5. **The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1970 (L.A. Bill No. 21 of 1970).**
6. **The Tamil Nadu General Sales Tax (Fourth Amendment) Bill, 1970 (L.A. Bill No. 22 of 1970).**
7. **The Tamil Nadu Appropriation (No. 4) Bill, 1970 (L.A. Bill No. 24 of 1970).**
8. **The Tamil Nadu Appropriation (No. 5) Bill, 1970 (L.A. Bill No. 25 of 1970).**
9. **The Tamil Nadu Payment of Salaries (Amendment) Bill, 1970 (L.A. Bill No. 28 of 1970).**
10. **The Tamil Nadu Agricultural Produce Markets (Amendment and Validation of Cess) Bill, 1970 (L.A. Bill No. 29 of 1970).**
11. **The Tamil Nadu Agricultural Produce Markets (Second Amendment) Bill, 1970 (L.A. Bill No. 30 of 1970).**
12. **The Tamil Nadu Requisitioning of Motor Vehicles Bill, 1970, (L.A. Bill No. 32 of 1970).**

#### **Himachal Pradesh**

1. **The Himachal Pradesh Essential Services (Maintenance) Bill, 1970 (Bill No. 5 of 1970).**

**Pondicherry**

1. The Pondicherry Land Encroachment Bill, 1970 (Bill No. 26 of 1970).
2. The Pondicherry General Sales Tax (Fourth Amendment) Bill, 1970 (Bill No. 27 of 1970).
3. The Pondicherry Cultivating Tenants (Payment of Fair Rent) Bill, 1970 (Bill No. 28 of 1970).
4. The Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1970 (Bill No. 29 of 1970).
5. The Pondicherry Cultivating Tenants Protection Bill, 1970 (Bill No. 30 of 1970).
6. The Karikal Pannaiyal Protection (Amendment) Bill, 1970 (Bill No. 31 of 1970).

**Tripura**

1. The Appropriation (No. 5) Bill, 1970 (Bill No. 10 of 1970).

**APPENDIX VI**

*Ordinances issued during the period 1st August to 31st October, 1970.*

Title of Ordinance	Date of promulgation	Date(s) on which laid before the House(s) of Legislature	Date of Cessation	Remarks (Whether subsequently withdrawn or disapproved or replaced by Legislation ; and in the last case, title of the Bill introduced)
1	2	3	5	4
<b>Centre</b>				
The Foreign Exchange Regulation (Amendment) Ordinance, 1970	20-9-70	9-11-70		Replaced by Legislation.
<b>Andhra Pradesh</b>				
1. The Andhra Pradesh (Agricultural Produce and Livestock) Markets (Amendment and Validation) Ordinance, 1970.	3-10-70			
2. The Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970.	6-10-70			
<b>Gujarat</b>				
1. Ordinance No. 1 of 1970—The Gujarat Contingency Fund (Amendment) Ordinance, 1970.	23-9-70		Will be laid in the Ninth Session.	
2. Ordinance No. 2 of 1970—The Pharmacy (Gujarat Amendment) Ordinance, 1970.	7-10-70		Do.	
<b>Haryana</b>				
1. The Punjab Urban Immovable Property Tax (Haryana Amendment) Ordinance, 1970.	19-6-70	25-8-70		The Punjab Urban Immovable Property Tax (Haryana Amendment) Bill, 1970.



1	2	3	4	5
2. The Punjab Sugarcane (Regulation of Purchase and Supply) Haryana Amendment Ordinance, 1970	31-3-70	25-8-70	..	The Punjab Sugarcane (Regulation of Purchase and Supply) Haryana Amendment Bill, 1970.
3 The Punjab Agricultural Produce Markets (Haryana Amendment) Ordinance, 1970.	7-5-70	25-8-70		The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1970.
<b>Jammu &amp; Kashmir</b>				
1 The Jammu and Kashmir Criminal and Election Law (Amendment) Ordinance, 1970 (Ordinance No. I of 1970.)		30-9-70(A) <u>3-10-70(C)</u>	— — ..	A Bill further to amend the J&K State Ranbir Penal Code, Svt. 1989, the Code of Criminal Procedure Svt. 1989 and the J & K Representation of the People Act, 1957.
2. The Jammu & Kashmir General Sales Tax (Amendment Validation) Ordinance, 1970. (Ordinance No. II of 1970.)		30-9-70.		A Bill to amend the J & K General Sales Tax Act, 1962 (Amendment and Validation ) Act, 1970
3. The Jammu & Kashmir General Sales Tax (Second Amendment) Ordinance, 1970.(Ordinance No. III of 1970.)		30-9-70(A) <u>3-10-70(C)</u>		A Bill to provide for the development of the State according to Plan and for matters ancillary thereto.
4. The Jammu & Kashmir Development Ordinance, 1970. (Ordinance No. IV. of 1970.)	31-7-70	30-9-70(A) <u>3-10-70(C)</u>		A Bill further to amend the J&K Land Revenue Act, Svt. 1996.
5. The Jammu & Kashmir Land Revenue (Amendment) Ordinance, 1970. (Ordinance No. V of 1970.)	10-8-70	30-9-70(A) <u>3-10-70</u>		A Bill to amend the J & K Preservation of Specified Trees Act, 1969.
6. The Jammu & Kashmir Preservation of Specified (Amendment) Ordinance, 1970. (Ordinance No. VI of 1970)	27-8-70	30-9-70(A) <u>3-10-70(C)</u>		A Bill to amend the J&K Co-operative Societies Act, 7 1960.

1	2	3	4	5
7. The Jammu & Kashmir Co-operative Societies Amendment Ordinance, 1970 (Ordinance No. VII of 1970.)	10-9-70	30-9-70(A) 3-10-70(C)		..
<b>Kerala</b>				
1. The Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Ordinance, 1970.	9-9-70	27-10-70		..
2. The Agriculture Income-tax (Second Amendment) Ordinance, 1970.	9-9-70	27-10-70		
3. The Kerala Surcharge on Taxes (Second Amendment) Ordinance, 1970.	9-9-70	27-10-70		
4. The Kerala General Sales Tax (Second Amendment) Ordinance, 1970.	9-9-70	27-10-70		
5. The Calicut University (Third Amendment) Ordinance, 1970.	9-9-70	27-10-70		
6. The Kerala Agricultural Workers' Payment of Prescribed Wages and Settlement of Agricultural Disputes Ordinance, 1970.	9-9-70	27-10-70		
7. The Kerala University (Third Amendment) Ordinance, 1970.	9-9-70	27-10-70		
8. The Kerala Stay of Recovery of Arrears of Rent Ordinance, 1970.	17-10-70	27-10-70		
9. The Kerala Drugs (Unlawful Possession) Ordinance, 1970.	9-9-70	27-10-70		

1	2	3	4	5
<b>Madhya Pradesh</b>				
1. The Madhya Pradesh Bhoorajawala Samhita (Amendment) Ordinance, 1970.	22-10-70	..		
<b>Maharashtra</b>				
1. The Maharashtra Essential Services Maintenance (Ordinance, 1970. (Ordinance No. IV of 1970.)	18-9-70	8-12-70	16-12-70	Replaced by L.A. Bill No. XLV of 1970. The Maharashtra Essential Services Maintenance Bill, 1970.
<b>Mysore</b>				
1. The Mysore Excise (Second Amendment) Ordinance, 1970.	7-8-70	21-9-70		Replaced by Legislation by respective Bill.
2. The Motor Vehicles (Mysore Amendment) Ordinance, 1970.	29-10-70			
<b>Orissa</b>				
1. The Orissa Land Reforms (Amendment) Ordinance, 1970 (Ordinance No. 2 of 1970).	2-7-70	14-9-70	28-10-70	Replaced by Orissa Land Reforms (Amendment) Bill 1970 passed on 17-9-70
2. The Orissa Prevention of Land Encroachment (Amendment) Ordinance, 1970 (Ordinance No. 3 of 1970.)	30-6-70	14-9-70	28-10-70	Replaced by Orissa Prevention of Land Encroachment (Amendment) Bill, 1970 passed on 26-9-1970.
3. The Bihar and Orissa Excise (Amendment) Ordinance, 1970 (Ordinance No. 4 of 1970).	7-7-70	14-9-70	28-10-70	Replaced by Bihar and Orissa Excise (Amendment) Bill 1970 passed on 18-9-1970.
4. The Orissa Cooperative Societies (2nd Amendment) Ordinance, 1970 (Ordinance, No. 5 of 1970.	21-8-70	14-9-70	28-10-70	Replaced by Orissa Cooperative Societies (2nd Amendment) Bill, 1970 passed on 26-9-70.
5. The Orissa Cess (Amendment) Ordinance, 1970 (Ordinance No. 6 of 1970.)	27-8-70	14-9-70	28-10-70	Replaced by Cess (Amendment) Bill, 1970 passed on 26-9-70.

1	2	3	4	5
<b>Punjab</b>				
1. The Punjab Entertainments Duty (Amendment) Ordinance, 1970.	21-8-70		..	
2. The Punjab Agricultural Produce Markets (Amendment) Ordinance, 1970.	4-9-70			
3. The Punjab Entertainments Tax (Cinematograph Shows) Amendment Ordinance, 1970.	8-9-70			
4. The Punjab Prevention of Beggary Ordinance, 1970.	18-9-70			
5. The Punjab Urban Immovable Property Tax (Amendment) Ordinance, 1970.	18-9-70			
6. The Punjab Motor Vehicles Taxation (Amendment) Ordinance, 1970.	30-9-70			
7. The Punjab Contingency Fund (Amendment) Ordinance, 1970.	20-10-70			
<b>Rajasthan</b>				
1. The Rajasthan Tenancy (Amendment) Ordinance, 1970.	11-8-70		..	
2. The Rajasthan Khadi and Village Industries Board (Amendment) Ordinance, 1970.	14-8-70		..	
3. The Rajasthan Official Language (Supplementary Provisions) Ordinance 1970.	25-8-70		..	

1	2	3	4	5
<b>Tamil Nadu</b>				
1. The Tamil Nadu Requisitioning of Movable Property Ordinance, 1970 (Tamil Nadu Ordinance No. 1 of 1970).	14-8-70	22-9-70	7-10-70	The Tamil Nadu Requisitioning of Motor Vehicles (L.A. Bill No. 32 of 1970).
2 The Tamil Nadu Agricultural Produce Markets (Amendment and Validation of Cess) Ordinance, 1970 (Tamil Nadu Ordinance No. 2 of 1970).	18-8-70	22-9-70	29-9-70	The Tamil Nadu Agricultural Produce Markets (Amendment and Validation of Cess Bill, 1970 (L.A. Bill No. 29 of 1970)
3. The Tamil Nadu Agricultural Produce Markets (Second Amendment) Ordinance, 1970 (Tamil Nadu Ordinance No. 3 of 1970).	18-8-70	22-9-70	29-9-70	The Tamil Nadu Agricultural Produce Markets (Second Amendment) Bill, 1970 (L.A. Bill, No. 30 of 1970).
4. The Tamil Nadu Co-operative Societies (Amendment) Ordinance, 1970 (Tamil Nadu Ordinance No. 4 of 1970);	16-10-70	26-10-70		The Tamil Nadu Co-operative Societies (Amendment) Bill, 1970 (L.A. Bill No. 27 of 1970).
5. The Tamil Nadu Co-operative Societies (Second Amendment) Ordinance, 1970 (Tamil Nadu Ordinance No. 5 of 1970).	16-10-70	26-10-70		The Tamil Nadu Co-operative Societies (Second Amendment) Bill, 1970 (L.A. Bill No. 38 of 1970).
6 The Tamil Nadu District Municipalities (Amendment) Ordinance, 1970 (Tamil Nadu Ordinance No. 6 of 1970).	17-10-70	26-10-70		
<b>Uttar Pradesh</b>				
1. Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Amendment Ordinance, 1970.	5-8-70			
2. The Uttar Pradesh Preventive Detention Ordinance, 1970.	5-8-70			

1	2	3	4	5
3. The Uttar Pradesh Taxes and Fees Laws (Amendment) Ordinance, 1970.	5-8-70			
4. The Uttar Pradesh Control of Goondas Ordinance, 1970.	7-9-70			
5. The Bist Industrial Corporation Ltd. (Acquisition of Undertakings) Ordinance 1970.)	12-9-70			
6. Uttar Pradesh Panchayat Raj (Sangathan Adhyadesh, 1970.	25-9-70	..		
7. Uttar Pradesh Land Laws (Amendment) Ordinance, 1970.	28-9-70			
8. Uttar Pradesh Temporary Control of Rent and Eviction] (Continuance) Ordinance, 1970. ]	28-9-70			
9. The Uttar Pradesh Sales Tax (Amendment) Ordinance, 1970.	28-9-70			

**A P P E N D I X VII**  
**Party Position in Parliaments and State Legislative Assemblies**

**I. Lok Sabha**

As on December 18, 1970)

(State-wise)

Name of the State	Seats	Cong.	Cong. (O)	Swa.	JS	DMK	CPI	CPI (M)	SSP	PSP	UIFG	BKD	Unat- tached	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Andhra Pradesh;	41	23	10	3			1				2		1	40 (1 va- cant)
Assam . . . .	14	8	1				1		2	2	1		..	13 (1 va- cant)
Bihar . . . .	53	24	8	..	1		5		5	1	5	1	3	53
Gujarat . . .	24	3	11	7					..	..	..	..	3	24
Haryana . . .	9	6	2		1								..	9
Jammu & Kashmir .	6	5	..	..	7	..	..	..	..	..	..	..	1	6
Kerala . . . .	19	1	..		..		3	9	7	2	1		3	19
Madhya Pradesh	37	23	1		9				..	..	..		3	36 (1 va- cant)
Maharashtra	45	32	5	1			2		2	1		1	1	45

Mysore . . . . .	27	10	8	4	4	1	4	1	4	27
Nagaland . . . . .	1	1								1
Orissa . . . . .	20	4	2	9	4	1	4	1	4	20
Punjab; . . . . .	13	6	1	..	2	..	..	2	..	1 12*
Rajasthan . . . . .	23	12	..	5	2	..	..	2	2	23
Tamil Nadu . . . . .	39	..	3	6	..	24	..	4	..	2 39
Uttar Pradesh . . . . .	85	44	7	..	11	..	6	1	7	2 85
West Bengal . . . . .	40	13	4	..	..	..	5	5	1 1	3 40
<i>Union Territories</i>										
Andaman & Nicobar Islands; . . . . .	1	1			..	..				1
Chandigarh . . . . .	1				1					1
Dadra & Nagar Haveli . . . . .	1	..	1		..	..				1
Delhi . . . . .	7	1			6				..	7
Goa, Daman & Diu . . . . .	2	..							1	2
Himachal Pradesh . . . . .	6	6								6
Laccadive, Minicoy & Amindivi Islands . . . . .	1	1			..	..				1
Manipur . . . . .	2	1	..				1			2
Pondicherry . . . . .	1	..	1	..	..	..	..	..	..	1



	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Tripura . . . . .		2	2													2
<i>Nominated;</i>																
North-East Frontier Tract . . . . .		1	1								..					1
Anglo Indian . . . . .		2	..								2		..			2
	523	228	65	35	33	24	24	24	19	17	15	25	10	24	519*	(3 va- cancies)

\*Excludes the Speaker, who is not a member of any party.

**LOK SABHA***(Party-wise)*

Sl. No.	Name of Party/Group	Strength
1.	Congress Party . . . . .	228
2.	Congress Party (Opposition) . . . . .	65
3.	Swatantra Group . . . . .	35
4.	Jan Sangh Group . . . . .	33
5.	D.M.K. Group . . . . .	24
6.	C.P.I. Group . . . . .	24
7.	C.P.I. (M) Group . . . . .	19
8.	S.S.P. Group . . . . .	17
9.	P.S.P. Group . . . . .	15
10.	United Independent Parliamentary Group . . . . .	25
11.	B.K.D. Group . . . . .	10
12.	Unattached . . . . .	24
	Vacancies . . . . .	3
	<b>TOTAL</b> <b>(excluding the Speaker)</b>	<b>522</b>

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II. Rajya Sabha

(As on December, 23, 1970)  
(State-wise)

State	No. of Seats	Cong.	Cong. (O)	Swa.	J.S.	CPI	CPI (M)	SSP	PSP	DMK	ML	BKD	AD	JC	Rep.	BC	FB	FB (M)	RSP	SMS	TUF	ISP	Ind. & others	Vacancies	
Andhra Pradesh	18	9	4	1		1		..				..	..	..								1		2	
Assam	17	5	..	..	..	..		1	..			..	..	..					..	..	..		1	..	
Bihar	22	9	2	..	1	2		4	1			..	..	..					..	..			2	1	
Gujarat	11	..	7	2	1	..		..				..	..	..				..	..	..			1	..	
Haryana	5	4	1		..							..	..	..				..	..	..			..	..	
Jammu & Kashmir	4	4				..	..					..	..					..	..	..		..	..	..	
Kerala	9	..	..		..	3	2				2	..					..	..	..	..		1	..	..	
Madhya Pradesh	16	9	1		4	..		..							..			..	..	1			2	..	
Maharashtra	19	12	1			1			1						2				..	..			1	..	
Mysore	12	1	7						2															2	
Nagaland	1	1	..	..					..			..		..										..	
Orissa	10	1	2	4	..				1			..	..	2										..	
Punjab	7	3	..	..	1	..						..	3											..	
Rajasthan	10	5	1	1	2	..	..			..	..	1						..	..			..	..	..	
Tamil Nadu	18	1	4	3	..	..	1	..		6	2	..						..	..			..	1	..	
Uttar Pradesh	34	13	8	1	4	1	..	3				2			..	..	..	..	..	..	..	..	1	..	
West Bengal	16	3	1		..	2	5								1	1	1	1	1	..			2	1	
Delhi	3	..	1		2												..			..				..	
Himachal Pradesh	3	3												..										..	
Manipur	1	1								..	..			..						..				..	
Pondicherry	1	..								1		..		..				..	..	..				..	
Tripura	1	1										..	..	..				..	..	..				..	
Nominated	12	3					..					..	..	..	..	..	..	..	..	..	..	..	9	..	
TOTAL	240	88	40	12	15	10	8	8	5	7	4	3	3	2	2	1	1	1	1	1	1	1	1	24	2

Nominated Members are :—1. Prof. Rasheeduddin Khan. 2. Shri M.N. Kaul. 3. Shri Uma Shankar Joshi. 4. Shri Jairamdas Dhanjiram. 5. Shri M.C. Setalvad. 6. Dr. K. Ramiah. 7. Shrimati Maragatham Chandrasekhar. 8. Shri Ganga Sharan Sinha. 9. Dr. H.R. Bachchan. 10. Shri G. Shankara Kurup. 11. Shri Joachim Alva. 12. Prof. Saiyid Nurul Hasan. (of these 3 nominated Members have joined the Congress Party).

**RAJYA SABHA**

(Party-wise)

Sl. No.	Name of the Party/Group	Strength
1.	Congress Party . . . . .	88†
2.	Congress Party (Opposition) . . . . .	40
3.	Swatantra . . . . .	12
4.	Jan Sangh . . . . .	15
5.	C.P.I. . . . .	10
6.	C.P.I. (M) . . . . .	8
7.	S.S.P. . . . .	8
8.	P.S.P. . . . .	5
9.	D.M.K. . . . .	7
10.	B.K.D. . . . .	3
11.	Other Parties . . . . .	18
12.	Independents & Others . . . . .	34*
	Vacancies . . . . .	2
	<b>TOTAL</b> . . . . .	<b>240*</b>

†Includes 3 Nominated Members. †

\*Includes 9 Nominated Members

## III. STATE LEGISLATIVE ASSEMBLIES

States	Seats (R)	Cong. (O)	Swat.	J. S.	CPI (M)	CPI (M)	SPP	PSP	Rep.	Other Ind. Parties	Nom. Muslim League ward Blocks	DMK	Total				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Andhra Pradesh (As on 31-10-70)	288	175	14	19	3	10	8	1	1	1	40	10	1				282 (b)
Gujarat (as on 18-11-70)	168	25	107	23	1			3			..	9					168
Haryana (as on 12-11-70)	81	54c	6	6	6						14	1					81
Jammu & Kashmir (as on 31-12-70)	75	61			4						3	3					71 (f)
Kerala (as on 16-11-70)	134	33	4			16	32	7	3		27		11				133 (h)
Madhya Pradesh (as on 17-11-70)	297	192			65	1		8	3		20	5	1				295 (i)
Maharashtra (as on 26-12-70)	271	191	13		6	8	2	6	7	2	23	10	1	1	1		271 (l)
Meghalaya (as on 17-11-70)	41	4			..						34		3				41 (m)
Mysore (as on 30-11-70)	217	38	127								33		17				215 (o)
Nagaland (as on 19-11-70)	52										52						52 (q)
Orissa (as on 16-11-70)	140	8	2	48		7	1	1	21		45	5					138 (r)

Punjab (as on 10-11-70)	104	28	7	4	2	2	1	56	2	102
								(t)	(u)	(v)
Rajasthan (as on 5-12-70)	184	113	1	28	18	1	6	11	6	184
								(w)	(x)	
Tamil Nadu (as on 17-11-70)	235	8	41	11	3	10	1	3	1	3
								(y)		
Uttar Pradesh (as on 11-11-70)	426	150	84	4	43	4	1	28	3	1
								(bb)	18	18
Goa, Daman & Diu (as on 28-12-70)	32	1						27	2	30
								(dd)		(ee)
Himachal Pradesh (as on 19-11-70)	63	43			7	2			11	63
		(ff)								
3 Pondicheerry (as on 14-11-70)	30	7	3			3	..		2	30
Tripura (as on 17-11-70)	30	27			1	2			..	30

- (a) Telengana United Front-29; Peoples Democratic Group-4, Jana Congress-7; Nagaland-9; Nagaland Nationalist Organisation (Ruling)-43, United Front of Excluding the Speaker; 5 seats are vacant. (r) Jana Congress-22; Utkal Congress-23.
- (b) Excluding the Speaker; 5 seats are vacant. (s) Excluding the Speaker; on seat is vacant.
- (c) Including the Speaker. (t) Akali Party-48; Shiromani Akali Dal (Gurmam Singh Group)-7, Haryana United Front. Shiromani Akali Dal (Panj Kaunsali)-1.
- (d) Haryana United Front. (u) Non'ble Speaker and the Deputy Speaker.
- (e) National Congress. (v) 2 seats are vacant.
- (f) 4 seats are vacant. (w) Bharatiya Kranti Dal.
- (g) Kerala Congress-14, Revolutionary Socialist Party-6, Indian Socialist Party-3, Kerala Socialist Party-2, Karshaka Thozhilali Party-2. (x) Including the Speaker.
- (h) Excluding the Speaker. (y) Tamil Arasu Kazhagam.
- (i) Lok Sevak Dal-16; Pragatishheel Vidhayak Dal-4. (z) Including 1 affiliated Member.
- (j) 2 seats are vacant. (aa) Excluding the Speaker; 5 seats are vacant.
- (k) Includes 1 independent. (bb) Bhartiya Kranti Dal-84, Muslim Majlis-2, Kisan Mazdoor Party-1.
- (l) Peasants and Workers-21, Hindu Sabha-1, Shiv Sena-1. (cc) Excluding the Speaker and Deputy Speaker; 1 seat is vacant.
- (m) All Party Hill Leaders Conference. (dd) Maharashtrawadi Gomantak (Bandoekar Group)-9, Maharashtrawadi Gomantak (Naik Group)6, United Goans (Sequeria Group-

- (n) Affiliated to All Party Hill Leaders Conference.  
 (o) Samyukta Vidhayak Dal  
 (p) Excluding the Speaker; 1 seat is vacant.

- 7; United Goats (Progressive Group)-5.  
 (ce) Excluding the Speaker; 1 seat is vacant.  
 (ff) Including 3 nominated.

*N. B.*

- I. Cong(R) in this statement stands for the Congress led by Shri Jagjivan Ram, and Cbkg. (O) for the Congress led by Shri Nijalingappa, both at the Centre as well as in the States.

- II. Information not received from Assam and Bihar.