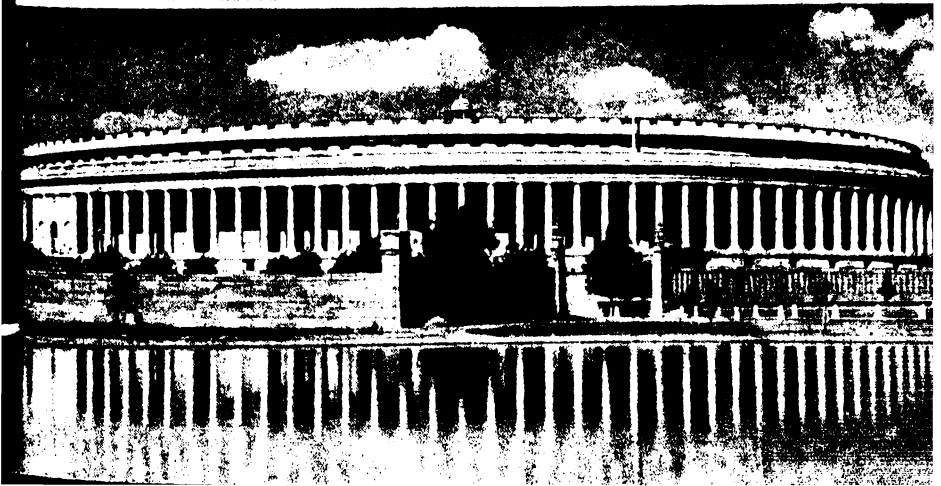


VOLUME XVII NO. 3
JULY, 1971

The Journal Of Parliamentary Information



THE JOURNAL OF PARLIAMENTARY INFORMATION

Editor: S. L. SHEKDHER

The Journal of Parliamentary Information, a quarterly publication, is brought out in the months of January, April, July and October every year.

The views expressed in the signed articles published in the Journal are those of the authors. Original articles appearing in this Journal may be reproduced subject to acknowledgement being made. A copy of the publication in which an article is so reproduced should be sent to the Editor.

Articles on constitutional, parliamentary and legal subjects are invited for publication in the Journal. The articles should be submitted, type-written on only one side of the paper.

Books intended for review in the Journal should be sent to the Editor.

Correspondence concerning the subscription and sale should be addressed to the Sales Branch, Lok Sabha Secretariat, New Delhi-1.

Price per copy Rs. 3.00

Annual Subscription: Rs. 12.00.

CONTENTS

	PAGE
Mid-term Elections and Performance of Political Parties	1
Addresses And Speeches :	
Speaker's Address at IPG Meeting with Bangla Desh Legislators	6
Articles:	
Machinery for the Implementation of the Constitutional Safeguards for Scheduled Castes and Scheduled Tribes-I by B.K. Mukherji	8
The American Speaker : A Political Leader by Prof. Dalip Singh	29
Anti-Tabarra Agitation in the U. P. Assembly by D. N. Mittal	38
Impact of Financial Committees' Recommendations on Administration :	
I. Estimates Committee Report on Foreign Exchange	49
II. Estimates Committee Report on Industrial Licensing	67
III. PAC Report on Over-Invoicing of Value of Imported Hides and Skins	3
<i>—Prepared by LRI Service, Lok Sabha Sectt.</i>	
Short Notes:	
A. Parliamentary Events & Activities	92

	PAGE
B. Privilege Issues .	93
C. Procedural Matters	103
Sessional Review: Lok Sabha	105
Political and Constitutional Developments in States	117
Summaries of Books:	
Reluctant Partnership : A Critical Study of the Relationship between Government and Industry <i>by</i> Eric Moonman	136
Contemporary Issues in Canadian Politics <i>by</i> Frederick Vaughan, Patrick Kyba and O.P. Dwivedi.	138
Recent Literature of Parliamentary Interest	145
Appendices'	157

THE MID-TERM ELECTIONS AND PERFORMANCE OF POLITICAL PARTIES

The process of mid-term elections to Lok Sabha, held in March 1971,* was completed with the declaration of results of the three remaining constituencies of Nagpur in Maharashtra, Mandi in Himachal Pradesh and Ladakh in Jammu and Kashmir, elections to which were held subsequently. The election in Nagpur which had to be countermanded due to the death of a candidate, was held on April 18, 1971 and the seat was won by Shri J. B. Dhote, a Forward Bloc candidate. The voters in the Mandi constituency went to the polls on May 16, 1971 and returned Shri Virbhadra Singh of the Congress (R) to the Lok Sabha. Shri Kushak Bakula, also of Congress (R), retained his Ladakh Parliamentary seat, elections for which were held on June 6, 1971 and the results declared on June 12, 1971.

The present membership of Lok Sabha is 521, out of which 518 constituencies in both the States and the Union Territories together chose their representatives by direct elections. Out of these 518, 404 were general constituencies, 77 were reserved for Scheduled Castes and 37 for Scheduled Tribes.

Of the three nominated seats, two are reserved for Anglo-Indian Community and one for the North-East Frontier Agency. The President has nominated Shri Frank Anthony once again to represent the Anglo-Indian Community on one of the seats; Smt. M. Godfrey has been nominated to the other seat. Shri Chow Chandret Gohain has also been re-nominated to the NEFA seat.

The new Lok Sabha has 19 lady members as against 31 in the Fourth Lok Sabha.

*For an account of the Mid-term elections held in March 1971, please see J.P.I. Vol. XVII, No. 2, pp. 1-6 (April, 1971).

Political Parties and the Poll

Eight all-India parties and six regional level parties had fielded their candidates in the mid-term poll. A list £ of these parties and the number of seats contested by each is given below:—

Name of the Party	No. of Seat contested in 1971 elections
1. Congress (R)*	441
2. Congress (O)*	238
3. Jana Sangh*	157
4. Swatantra*	59
5. Samyukta Socialist Party*	93
6. Communist Party of India*	87
7. Communist Party of India (Marxist)*	85
8. Praja Socialist Party*	63
9. Dravida Munnetra Kazhagam	28
10. Bharatiya Kranti Dal	95
11. Revolutionary Socialist Party	9
12. Akali Dal	15
13. Muslim League	12
14. Telengana Praja Samiti	14
15. Kerala Congress	3
16. Others	274
17. Independents	1132

£ This does not include figures in respect of Nagpur, Mandi and Ladakh Seats

*Indicates all-India party

The following table* shows the distribution of votes and seats obtained by the all-India parties and gives a comparative picture of these parties with the seats held by them prior to dissolution of Fourth Lok Sabha:—

Sl. No.	Political formation	No. of candidates fielded	Votes obtained	Percentage of votes cast	No. of seats obtained	No. of seats won at previous Election	No. of seats held prior to dissolution
1	2	3	4	5	6	7	8
1	Congress (R)	441	63,905,356	43.66	350	(See Note*)	228
2	Communist Party of India (Marxist)	85	7,510,881	5.13	25	19	19
3	Communist Party of India	87	6,922,477	4.73	23	23	24
4	Jana Sangh	157	10,788,896	7.37	22	35	33
5	Congress (O)	238	15,272,695	10.43	16	(See Note†)	65
6	Swatantra	59	4,498,187	3.07	8	44	35
7	Samyukta Socialist Party	93	3,555,104	2.43	3	23	17
8	Praja Socialist Party	63	1,525,787	1.04	2	13	15
9	Others, **Independents	1578	32,402,019	22.14	66	79	83

*This table does not include the figures pertaining to Nagpur, Mandi and Ladakh seats.

†In the previous elections, held in 1967, the undivided Congress Party won 279 seats. In 1969, the Congress Party split into two factions—Congress (R) and Congress (O).

**'Others' category includes the Dravida Munnetra Kazhagam and the Telengana Praja Samiti which respectively won 23 and 10 seats. The Dravida Munnetra Kazhagam had put up 24 candidates in Tamil Nadu and polled 5,622,753 votes representing 33.94 per Cent in the State. The Telengana Praja Samiti contesting on a separatist plank had put up 14 nominees in Andhra Pradesh and polled 1,873,589 votes, the percentage being 14.73.

Some Features of the Indian Electoral System

The Indian Constitution lays down that election to the Lok Sabha shall be held on the basis of universal adult franchise. Every citizen who is not less than 21 years of age, provided he or she is not otherwise disqualified on grounds of non-residence, unsoundness of mind, crime or corrupt or illegal practice, has a right to be registered as a voter. No one is ineligible as a voter on grounds only of religion, race, caste or sex or any of them.

The election laws requires revision of electoral rolls before each general election and before each bye-election in a constituency. Electoral rolls may also be revised in any year if so directed by the Election Commission.

A citizen of India who is not less than 30 years of age can contest for a seat in the Rajya Sabha (Council of States) and one who is not less than 25 years of age can contest for a seat in the Lok Sabha (House of the People). A candidate for a seat in either House of Parliament is also required to make and subscribe an oath or affirmation to the effect that he will bear true faith and allegiance to the Constitution of India and uphold the sovereignty and integrity of India.

Persons holding offices of profit under the Government of India or the Government of any State, persons declared to be of unsound mind and undischarged insolvents are disqualified for being chosen to fill seats in Parliament.

Apart from the above Constitutional requirements, the election law lays down certain further qualifications and disqualifications for persons desiring to contest seats in Parliament:—

- (i) Any one seeking election to a general seat in Lok Sabha, should be an elector for a parliamentary constituency;
- (ii) For election to a seat in the Rajya Sabha (the Council of States), the candidate should be an elector for a parliamentary constituency in a State or a Territory from which election is sought; and
- (iii) In order to be qualified to be chosen for seats in the Lok Sabha (the House of the People) reserved for Scheduled Castes and Scheduled Tribes, the persons should be members of any of the Scheduled Castes or Tribes of that State or of any State and should be electors for any parliamentary constituency.

The election law also specifies some important disqualifications for candidates seeking election to the two Houses of Parliament. For instance, persons found guilty of corrupt practices by an order under the relevant provisions of the election law are disqualified for six years from the date on which the orders take effect. Persons failing to lodge accounts of the election expenses within the time and in the manner provided for in the law, those convicted of any offences and sentenced to imprisonment for not less than two years and Government servants dismissed from service for corruption or disloyalty, are also disqualified for contesting any seat for periods ranging from two to five years. A person who has in the course of his trade or business, entered into a contract with the Central Government for the supply of goods to, or for the execution of any works undertaken by that Government, is disqualified so long as that contract subsists. Likewise, a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the Central Government has not less than 25 per cent share, is disqualified so long as he is holding that office.

*Government is itself an art, one of the subtlest of the arts.
It is the art of making men live together in peace and with
reasonable happiness.*

—FELIX FRANKOURTUR.

Addresses & Speeches

SPEAKER'S ADDRESS AT IPG MEETING WITH BANGLA DESH LEGISLATORS

[A delegation of three legislators from Bangla Desh—Shri Phani Mazumdar, Begum Noorjehan Murshid and Shri Moazzam Hossain was in New Delhi in the month of June on a visit to India. The Indian Parliamentary Group held a meeting with the visiting legislators on June 1, 1971 in the Central Hall of Parliament House under the Chairmanship of Dr. G. S. Dhillon, Speaker of Lok Sabha and President of the Indian Parliamentary Group. All the three legislators spoke at the meeting and gave an account of the current sufferings of the people of Bangla Desh. We reproduce below extracts from Dr. Dhillon's address at this meeting.—Editor].

HON. AND DISTINGUISHED GUESTS AND HON'BLE MEMBERS,

It has been a great privilege for me to receive on your behalf the delegation representing the legislators of Bangla Desh. They are here since a few days and as all of you know, they have been able to call on the President, the Prime Minister and other distinguished leaders of this country. For us, under the auspices of the Indian Parliamentary Group, this is the first occasion to meet them in this Hall. I extend them a very, very hearty welcome on your behalf. I assure them that all our feelings, all our sympathies and, I may say, whatever is possible in the shape of all-round welcome, all our good wishes are with them. I told them that at the merciless massacre and genocide that is going on in Bangla Desh, every Indian's heart is bleeding; and we, as representatives of the people, when we met during the first session of the newly-elected Lok Sabha, passed a unanimous Resolution in support and sympathy of Bangla Desh. And now that they are going through a long hard struggle and their representatives are in this country, we repeat again on the floor of this Hall that they have our full support and we pledge our good wishes and sympathies completely to them.

I will not take much of your time, but before I ask them to speak to you I would like to introduce all three of them. Mr. Phani Mazumdar, who is the Leader of the Delegation, was born in a village in the District of Faridpur in Bangla Desh. He joined a revolutionary party during schools days.

Now I introduce Begum Noorjehan Murshid and also our young friend, Mr. Moazzam Hossain. Though young, he is a very much mature and experienced politician. He is very young but his experience is so interesting, his background is so intense that I was very much impressed and I thought that we could take him as a representative of the very energetic and sacrificing youth of Bangla Desh...

So, I welcome you (Members of the delegation) again on behalf of the Indian Parliamentary Group which represents both the Houses. We request that you may speak in this meeting before this gathering without any reservation and completely open your hearts to the Members. Our full sympathies are with you

(After Dr. Dhillon's observations, the Bangla Desh representatives made brief speeches)

In concluding the meeting, Dr. Dhillon stated:

"...We are really so much moved by these facts. As human-beings we feel that it is a shameless trampling of human rights. I assure you on behalf of our friends assembled here that all our sympathies and support are for you. We thank you very much for informing us of many facts, perhaps which did not come to our knowledge earlier..."

Thank you very much, all of you and on your behalf I again thank them."

The will of the people is the only legitimate foundation of any government, and to protect its free expression should be our first object.

—THOMAS JEFFERSON

MACHINERY FOR THE IMPLEMENTATION OF THE CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES—I

B. K. Mukherjee,

Deputy Secretary, Lok Sabha Secretariat

[This is the first instalment of a Study, made by the author, of the Reports of the Commissioner for Scheduled Castes and Scheduled Tribes in order to find out the methodology of his work as also the impact of his recommendations on the Government. The author has also studied the practice and procedure of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and all its Reports to measure the extent to which the Committee has supplemented the work of the Commissioner.]

The Study is divided into four Chapters: I. Introduction; II. Role of the Special Officer; III. Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes; and IV. High Powered Committee.—Editor].

Introduction

The term "Scheduled Castes" appeared for the first time in the Government of India Act, 1935 (Section 19 of Fifth Schedule). In April, 1936, the British Government issued the Government of India (Scheduled Castes) Order, 1936, specifying certain castes, races and tribes as Scheduled Castes in the then Provinces of Assam, Bengal, Bihar, Bombay, Central Provinces & Berar, Madras, Orissa, Punjab and United Provinces. Prior to that, these castes were generally known as the "Depressed Classes". The Depressed Classes were systematically categorised in 1931 by Hutton, the then Census Commissioner of India. The list of Scheduled Castes issued in 1936 was a continuation of the earlier list of Depressed Classes. The list drawn in 1950 was a revised version of the list of Scheduled Castes under the Government of

¹Hand Book on Scheduled Castes and Scheduled Tribes—issued by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes, page 27.

India (Scheduled Castes) Order, 1936. The test applied was the social, educational and economic backwardness arising out of the historical custom of untouchability.

Scheduled Caste Orders

After the Constitution came into force, the lists of Scheduled Castes were notified by the President, in accordance with the provisions of article 341 of the Constitution. These lists are contained in the Schedules appended to the following orders issued by the President:

- (i) The Constitution (Scheduled Castes) Order, 1950.
- (ii) The Constitution (Scheduled Castes) (Part C States) Order, 1951.
- (iii) The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956.
- (iv) The Constitution (Dadra & Nagar Haveli) Scheduled Castes Order, 1962.
- (v) The Constitution (Pondicherry) Scheduled Castes Order, 1964.
- (vi) The Constitution (Goa, Daman, Diu) Scheduled Castes Order, 1968.

The specification of tribes and tribal communities as "Scheduled Tribes" arose only after the Constitution came into force. In the Government of India Act, 1935, a reference has been made to the 'backward Tribes'. As per Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, certain tribes were specified as backward in the then Provinces of Assam, Bihar Bombay, Central Provinces, Madras and Orissa. The first serious attempt to list primitive tribes' was, as in the case of Depressed Classes, made at the Census of 1931. In the list of Scheduled Tribes, prepared in 1950, the primitiveness and backwardness were the tests applied for specifying a Scheduled Tribe. The main characteristics which are common to all the Scheduled Tribes are (i) tribal origin (ii) primitive way of life (iii) habitation in remote and less easily accessible areas, and (iv) general backwardness in all respects.²

Scheduled Tribes Orders

The lists of Scheduled Tribes were notified by the President in accordance with the provisions of article 342 of the Constitution.

²*Ibid.*, page 28.

These lists are contained in the Schedules appended to the following orders issued by the President:

- (i) The Constitution (Scheduled Tribes) Order, 1950.
- (ii) The Constitution (Scheduled Tribes) (Part C States) Order, 1951.
- (iii) The Constitution (Andaman & Nicobar Islands) Scheduled Tribes Order, 1959.
- (iv) The Constitution (Dadra & Nagar Haveli) Scheduled Tribes Order, 1962.
- (v) The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.
- (vi) The Constitution (Goa, Daman, Diu) Scheduled Tribes Order, 1968.

Under the Constitution, the above Orders, once issued, could be varied only by a law of Parliament. The need for such variation arose first when the State of Andhra Pradesh was created in 1953 and again on the creation of new State of Himachal Pradesh a year later. Certain recommendations were later made by the Backward Classes Commission appointed by the Government of India in 1953, under the Chairmanship of Kaka Kalelkar, whereupon these orders were again revised by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956. These orders were revised again on the re-organisation of States by the States Reorganisation Act, 1956 and on the enactment of Bihar and West Bengal (Transfer of Territories) Act, 1956. The orders were further modified by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956. These were revised once again on the creation of Maharashtra and Gujarat, by the Bombay Reorganisation Act, 1960. The Punjab Reorganisation Act, 1966, also resulted in the issue of separate lists of Scheduled Castes for Punjab, Haryana and Chandigarh and also for the areas transferred from Punjab to Himachal Pradesh. The reorganisation of Punjab has also resulted in the transfer of lists of the Scheduled Tribes from Punjab to Himachal Pradesh.³

³*Ibid.*, page 28.

Revision of Lists

On the 1st June, 1965, an Advisory Committee was set up under the Chairmanship of Shri B. N. Lokur with the following terms of reference:

- (i) to advise on the proposals received by Government for revision of the existing lists of Scheduled Castes and Scheduled Tribes;
- (ii) to advise whether, where a caste or a tribe is listed as a Scheduled Caste or a Scheduled Tribe in relation to a particular area in a State or Union Territory, members of that caste or tribe residing (i) in other areas within the same State or Union Territory or in (ii) other States or Union Territories should be recognised as belonging to Scheduled Castes or Scheduled Tribes, as the case may be.

The Committee submitted its Report on the 25th August, 1965. The recommendations of this Committee were thoroughly examined by the Government of India. After considering these recommendations and also the views of the State Ministers and Members of Parliament belonging to the Scheduled Castes and Scheduled Tribes as also the opinions expressed by social scientists, Government moved a Bill⁴ in the 1967 Budget Session of Parliament to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the readjustment of representation, and re-delimitation of Parliamentary and Assembly Constituencies, in so far as such readjustments and re-delimitation are necessitated by such inclusion or exclusion and for matters connected therewith. The Bill was referred to a Joint Committee of both Houses of Parliament in 1968. The Report of the Joint Committee was presented to the Lok Sabha on the 17th November, 1969. The Bill, as amended by the Joint Committee, was discussed in the Lok Sabha on 17th, 18th, 20th, 23rd, 24th and 25th November, 1970. However, with the dissolution of the Lok Sabha with effect from the 27th December, 1970, the Bill has lapsed.

Population of Scheduled Castes and Scheduled Tribes

According to 1961 Census, the population of Scheduled Castes was 6.45 crores or 15 per cent of the total population. Of this more

⁴Bill No. 119 of 1967.

than half lived in four States, viz., Uttar Pradesh (1.54 crores), West Bengal (0.69 crores), Bihar (0.65 crores) and Madras (Tamil Nadu) (0.61 crores). The proportion of Scheduled Castes to the total population was about one-fifth in the States of Uttar Pradesh, West Bengal and Punjab while in Himachal Pradesh, the proportion was more than one-fourth.⁵

In the 1961 Census a detailed tabulation of data was undertaken in respect of the Scheduled Tribes with a view to presenting statistics relating to their social and economic conditions to facilitate intensive study and better planning for their welfare. The population of Scheduled Tribes was over 30 million or 6.87 per cent of the total population of the country. Madhya Pradesh has the largest population of Scheduled Tribes, viz., 6.68 million which is 20.6 per cent of the State's population. Orissa comes next with a tribal population of 4.2 million, constituting 9 per cent of the total population of the State. There are some other States which have a tribal population of over one million. These are Gujarat (2,754,446), Maharashtra (2,397,159), Rajasthan (2,351,470), Assam (2,064,816), West Bengal (2,054,081) and Andhra Pradesh (1,324,368).⁶

In terms of predominance of tribal population over the general population, however, the first place goes to the Union Territory of Laccadives, Minicoy and Amindivi Islands in which the proportion of tribal population to the total population of the Territory is as high as 97 per cent. This is followed by Nagaland where the Scheduled Tribes account for 93 per cent of the total population and NEFA (North East Frontier Agency) about 89 per cent, and Dadra and Nagar Haveli 88 per cent.⁷

Constitutional Safeguards

The Constitution of India provides for a number of safeguards for Scheduled Castes and Scheduled Tribes which, between them, form 21.47 per cent of the total population of India. Of the Articles of the Constitution providing for safeguards for Scheduled Castes and Scheduled Tribes, the more important ones are Articles 16, 17, 46, 335, 338, 339 and 340.

⁵Report of Working Group (Ministry of Home Affairs) 1967, page 1.

⁶Report of the Study Team on Tribal Development Prog, 1969 Annexure VI, pp. 16-17.

⁷Ibid.

Article 16 of the Constitution provides that there shall be equality by opportunity for all citizens in matters relating to employment or appointment to any office under the State. It also provides that "nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

Article 17 of the Constitution provides for abolition of untouchability. The practice of untouchability in any form is forbidden. Enforcement of any disability arising out of untouchability is an offence punishable in accordance with law.

Article 46 provides that the States shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

In terms of Article 335 of the Constitution, the claims of the members of the Scheduled Castes and the Scheduled Tribes are taken into consideration, consistently with the maintenance of efficiency of administration, in making appointments to services and posts in connection with the affairs of the Union or of a State.

By virtue of Article 339, "the President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States".⁸

Article 340 empowers the President to appoint a Commission to investigate the conditions of socially and educationally backward classes within the territory of India.⁹

⁸The President appointed the Scheduled Castes and Scheduled Tribes Commission with Shri U. N. Dhebar as Chairman *vide* Ministry of Home Affairs Notification No. 11/6/59-SCT.IV dated the 28th April, 1960.

⁹The President appointed the Backward Classes Commission with Shri Kaka Kalelkar, MP, as Chairman, *vide* Ministry of Home Affairs Notification No. 70/53-Public, dated the 29th January, 1953.

The Constitution of India has also provide *inter alia* for representation of Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies,¹⁰ appointment of Ministers in charge of tribal welfare in Bihar, Madhya Pradesh and Orissa (Art. 164), appointment of a Minister specially in charge of the welfare of the autonomous districts and autonomous regions in Assam, their representation in the Central and State Services, etc.

For effective implementation of the Constitutional safeguards, there are, besides the Courts, three distinct agencies. These are:

- (1) Special Officer designated as Commissioner for Scheduled Castes and Scheduled Tribes.
- (2) Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.
- (3) High Power Committee with the Minister of Home Affairs as Chairman.

While the first agency has been provided for in the Constitution itself (Article 338), the second agency is the creation of the Parliament. It may be mentioned that the role of the Commissioner and the Parliamentary Committee are complementary. In fact the latter body was specially constituted to ensure effective implementation of the recommendations made by the former. The High Power Committee is purely an executive body concerned with the representation of Scheduled Castes and Scheduled Tribes in services. The role of the three bodies and the impact made by them in so far as the rights and privileges of the Scheduled Castes and Scheduled Tribes are concerned is discussed under three distinct heads, *viz.*, (i) Role of the Special Officer (ii) Parliamentary Committee on the welfare of Scheduled Castes and Scheduled Tribes and (iii) High Powered Committee.

Role of the Special Officer

For watching the implementation of the safeguards provided for the Scheduled Castes and Scheduled Tribes, the Constitution itself provides for the appointment of a Special Officer under Article 338. The Special Officer is to be appointed by the President and his duty shall be "to investigate all matters relating to the safeguards provid-

¹⁰By the Constitution (Twenty-third Amendment) Act, 1969, the reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People and the Legislative Assemblies of States has been extended upto 1980.

ed for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament."

In accordance with the provision of Article 338 of the Constitution, the post of Special Officer was for the first time filled up on the 18th November, 1950 and designated as Commissioner for Scheduled Castes and Scheduled Tribes. The first Commissioner was Shri L. M. Shrikant who remained in office till the end of December, 1961, the subsequent incumbants to this post were Shri Anil K. Chanda (from 25th April, 1962 to April, 1966), Shri S. C. Sen Gupta (from 1st November, 1966 to 30th June, 1967) and Shri N. K. Bose (from 1st July, 1967 to 21st September, 1970).

Office of the Commissioner

From 18th November, 1950, when the post of Special Officer was for the first time filled up, the Commissioner started his office with a skeleton staff consisting of one part-time Assistant Commissioner, one Assistant and one Stenographer. Within a year of the appointment, the office of the Commissioner for Scheduled Castes and Scheduled Tribes was strengthened by adding one Superintendent, one Assistant, two Lower Division Clerks and One Private Secretary. In January, 1952, a full-time Assistant Commissioner was given to the Commissioner.

The main functions of the office of the Commissioner for Scheduled Castes and Scheduled Tribes were to help the Commissioner in investigating all matters relating to the safeguards available to the Scheduled Castes, Scheduled Tribes, other Backward Classes and Anglo-Indians under the Constitution. For this purpose, they used to collect material from the various State Governments, Central Ministries and non-official agencies working for the welfare of backward classes. The material thus collected and that contained in the Commissioner's tour reports etc. was further studied by the office for its incorporation in the Annual Reports which are submitted to the President as required under Article 338 of the Constitution. The office also used to receive a number of complaints from individuals and non-official agencies relating to the injustices to, and the harrassment of, the Scheduled Castes and Scheduled Tribes etc. Serious complaints were also investigated by the Commissioner's office in consultation with the concerned Government authorities. Apart from the statutory duties entrusted under the Constitution, the

Commissioner was also made responsible for detailed examination of the welfare schemes received from the State Governments and from the non-official agencies getting grants-in-aid from the Government of India. The work-load concerning detailed examination of these schemes grew with launching of planning. To cope with the increasing work on this account, the staff in the Headquarters' office of the Commissioner for Scheduled Castes and Scheduled Tribes was increased manifold in a few years' time and by the end of the year 1956 the strength was as follows:

Assistant Commissioner	1
Tribal Welfare Officer/OSD	1
Research Officers	2
Section Officers	4
Private Secretary	1
P.A.	1
Assistants/UDCs	14
Stenographers	1
Investigators	6
LDCs	21
Cashier-cum-Administration Clerk	1
Class IV staff	17

During the period 1952—56, seven Regional Officers of Assistant Commissioners were also set up, one each in the following regions:

- (1) Assam (including NEFA), Manipur and Tripura.
- (2) Bihar and West Bengal.
- (3) Madhya Pradesh, Madhya Bharat, Bhopal, Vindhya Pradesh.
- (4) Ajmer, Rajasthan and Bombay.
- (5) Orissa and Andhra Pradesh.
- (6) Madras, Mysore, Travancore-Cochin and Hyderabad.
- (7) Punjab, Pepsu, Uttar Pradesh, Delhi and Himachal Pradesh.

Each Regional Assistant Commissioner was given the following staff:

Superintendent	1
UDCs	2
LDCs	2
Steno-typist	1
Peons	3
Chowkidar-cum-farash	1

With the growth of increased responsibilities consequent on the launching of the Second Five Year Plan, the Commissioner was sanctioned additional staff consisting of 10 Regional Assistant Commissioners (Practically one for each State) with the following office staff:

Investigator	1
UDC	1
LDC	1
Steno-typist	1
Peon	1
Chowkidar-cum-farash	1

With a view to enabling the Commissioner's organisation to undertake field work more effectively, it was decided in 1964-65 that a few posts of Research Officers and investigators may be created in the Regional Offices. Four evaluation units each consisting of one Research Officer and one investigator were set up on experimental basis in the Regional Offices at Ranchi, Hyderabad, Baroda and Jaipur. Two such units started functioning during that very year. The staffing pattern of Regional Offices was hitherto of two types—one with an Investigator and another with a Superintendent. It was decided to have uniform pattern in all the Regional Offices with one Superintendent and one Investigator.

Subsequently, the posts of Assistant Commissioner were redesignated as Deputy Commissioner to give it a better name and status. Headquarters Office was also provided with an additional officer designated as Administrative Officer.¹¹

On 15th June, 1967, the office of the Commissioner for Scheduled Castes and Scheduled Tribes was reorganised. The field organisation of the Commissioner was disbanded. The Commissioner retained only his headquarters' organisation. It was augmented by an additional post of Deputy Commissioner for Scheduled Castes and Scheduled Tribes and four Research Units, each consisting of a Research Officer and other investigating staff.

¹¹Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha) First Report—pp. 12—14.

Giving the reasons for this re-organisation, the Department of Social Welfare in a note furnished to the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes stated:¹²

"The developmental functions require that the Commissioner should function as a part of the Government and advise Government on various schemes and his field organisation should reflect the Government's thinking at all times; on the other hand, the functions under the Constitution imply a special status for the Commissioner as they involve critical assessment of the policies and actions of the Government more or less in the nature of audit. It is obviously difficult for these two functions to be combined in one person or one organisation. It is equally obvious that the administrative department which is directly responsible for ensuring their implementation through State Governments and otherwise must have at its command an adequate organisation for the purpose. The difficulties were likely to be accentuated in the Fourth Plan period and could stand in the way of satisfactory implementation of plan programmes. So it became necessary and urgent to rationalise and streamline the previous arrangements."

The Department of Social Welfare further stated.¹³

"This matter was discussed at several meetings with the Commissioner. It was finally agreed that the combination of constitutional and developmental functions in the Commissioner should be done away with and that the Commissioner should concentrate on the functions laid down in the Constitution. Briefly speaking, these functions are to investigate and report on the working of the safeguards provided in the Constitution for the Scheduled Castes and Scheduled Tribes. For this type of work, it does not appear necessary to maintain a field organisation with senior officers located at different places in the country with separate offices of their own. Even when it becomes necessary to hold local inquiries or spot verifications, which in their nature have to be on a selective basis, they could be arranged more effectively through special teams that could move out of Headquarters at short notice or according to a carefully drawn up programme. Besides, the Commissioner could call upon a variety of sources and agencies such as the Programme Evaluation Organisation, Research Institutes, Universities and voluntary agencies for organising special studies on selected problems of importance. Under such an arrangement, the Commissioner would be free from the routine administrative duties of a Head of Department that a large field organisation imposes inevitably. It is hoped that this would enable him to sharpen his main role, which is to assess the efficacy of the policies and the manner in which the executive functions. Taking all these factors into consideration, it was decided in 1967 that the

¹²Ibid., pp. 15-16.

¹³Ibid., pp. 16-17.

Commissioner should have a strong organisation at the Headquarters with the necessary facilities to make effective assessment of Government policies and programmes, particularly the safeguards. Accordingly, his office has been augmented by an additional post of Deputy Commissioner for Scheduled Castes and Scheduled Tribes. Four Research Units, each consisting of a Research Officer and other investigating staff, have also been set up there."

Methodology for Investigation

The methodology adopted by the Commissioner for investigating all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution is discernible from the Fifth (1955), Sixth (1956-57), Seventh (1957-58) and Tenth (1960-61) Reports of the Commissioner.

"In his Sixth Report, the Commissioner has stated:

"The main function of the office is to help me in investigating all matters relating to the safeguards provided for Scheduled Castes, Scheduled Tribes, other Backward Classes and Anglo-Indians, under the Constitution. For this purpose, they collect material from the various State Governments, Ministries of the Government of India and non-official agencies. The material thus collected and that contained in my tour reports and the tour reports of the Regional Assistant Commissioners is further studied by the Office for its incorporation in the Annual Report which is submitted to the President as required under Article 338 of the Constitution. The office also receives a large number of complaints from individuals and non-official agencies, relating to the injustice and harassment of various types against Scheduled Castes/Tribes. These complaints are also investigated by the office in order to find out the facts, in correspondence with the State Governments concerned and the Ministries concerned of the Government of India. In addition, the office also examines in detail schemes received for grants-in-aid from the various State Governments and non-official agencies for the development of the scheduled and the tribal areas, the Removal of Untouchability and the Welfare of Scheduled Tribes and Other Backward Classes including ex-criminal tribes or denotified communities. This type of detailed examination of welfare schemes coupled with my personal experience gained through my tours and the reports received from the Regional Assistant Commissioners, help me considerably in the proper evaluation of the welfare activities going on in the country and in advising the Government of India as regards the type of welfare schemes which should be taken up and the extent of financial help which should be given for these activities."¹⁴

¹⁴Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1956-57), p. 3.

In his Seventh Report, the Commissioner has reiterated the decision that the Commissioner's organisation would undertake the evaluation of the welfare schemes of the State Governments and non-official agencies in a more extensive manner and also that the officers of this organisation would help the State Governments in the formation of their schemes and in their proper implementation.¹⁵

In his Tenth Report, the Commissioner has described the types of activities undertaken by him for watching the implementation of (i) the protective measures visualised under Articles 15, 16, 17, 19(5), 23, 29 etc. of the Constitution relating to prohibition of discrimination on ground of religion, race, caste, sex, etc. and (ii) welfare measures visualised in Articles 46, 275 etc. of the Constitution. These are:

- (a) Scrutiny of legislation concerning Scheduled Castes, and Scheduled Tribes;
- (b) enquiry into complaints and representations;
- (c) undertaking of case studies; and
- (d) maintenance of extensive contact through freely mixing with the Scheduled Tribes and Scheduled Castes and their representatives as well as the various voluntary and humanitarian organisations.

The Commissioner has referred to the evaluation done by his organisation of the welfare measures undertaken by various official and non-official agencies through the progress reports received from them. Mention has also been made of "certain other functions associated with his organisation, through practice, during the last ten years." He has stated:

"These functions may be broadly classified into two categories—(i) Advisory; (ii) liaison. Both in the Centre as well as in the States, myself and my Assistant Commissioners have been helpful in the planning of schemes at different stages. In a way these functions are only additional dimensions of the function of evaluation. Acting in this advisory capacity in the process of developing the schemes, beginning from the stage of formulation to the stage of execution, it has been possible for my organisation to observe and evaluate the progress of the schemes through their various stages. I feel that this procedure of evaluation has been useful both for my organisation, as an evaluative agency, as well as for the various executive agencies."¹⁶

¹⁵Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1957-58), p. 170.

¹⁶*Ibid.*, (1960-61), p. 5.

The Commissioner has referred to the institutional frame through which his organisation has been helpful in the matter of planning schemes. While he has been associated with certain Committees and Boards, viz., (i) Central Advisory Boards for Harijans and Tribal Welfare, (ii) Committee on the Welfare of Weaker Sections of the Population, set up under Shri Jai Prakash Narayan, and (iii) Working Groups set up by the Planning Commission, his organisation has remained unrepresented in certain Committees set up by the Ministry of Home Affairs, viz., (a) Central Co-ordinating Committee for ensuring proper working of different welfare schemes for Backward Classes; (b) Central Co-ordination Committee on Tribal Development Blocks; and (c) Special Working Group on Co-operation. He has observed as follows:

"As, in the discharge of my statutory responsibility, I am to undertake evaluation studies at the all-India level in respect of all schemes for the welfare of backward classes, and as co-ordination can effectively be made only on the basis of the spot studies, which are being made by my organisation, the only logical and desirable course would have been to closely associate my organisation with the working of the Committees indicate above."¹⁷

Evaluation and Formulation of Schemes

The question whether the Commissioner should be associated with the formulation of schemes was considered by the Estimates Committee (Second Lok Sabha) who, in their 48th Report on the Ministry of Home Affairs: Scheduled Castes, Scheduled Tribes and other Backward Classes, observed as under:

"In addition to the statutory functions, the Commissioner has been assigned the following duties:

- (i) Evaluation of the progress of the welfare Schemes undertaken by the State Governments and non-official agencies with grant-in-aid from the Government of India.
- (ii) Serving as a nominee of the Central Government on the Managing Committee of the non-official organisations receiving grants direct from the Centre.
- (iii) Examination of the accounts of the non-official organisations receiving grants direct from the Centre.
- (iv) Giving advice on any new schemes received from the State Governments.

¹⁷*Ibid.*, p. 6.

The duties entrusted to the Commissioner under item(i) above are no doubt in consonance with the functions assigned to him under Article 338(2). Regarding items (ii) to (iv) above, however, the Committee are of the view that these duties are not consistent with the role of the Commissioner as envisaged by the Constitution. According to Article 338 of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is a Special Officer appointed by the President for the purpose of seeing that the directive of the Constitution is properly fulfilled. His position is more or less analogous to that of a judge. The Committee are of the view that it is not appropriate for him to serve as a nominee of the Central Government on the Managing Committee of the non-official organisations or to give or to examine their accounts or to give advice on the new schemes received from the State Governments and thus become more or less a party to them. If he is associated at any stage with formulation or examination of the schemes, which would make him partly responsible for the results flowing therefrom, then to that extent he ceases to be an independent judge as envisaged under the Constitution."¹⁸

This view of the Estimates Committee was supported by the Study Team on Social Welfare and Welfare of Backward Classes set up by the Committee on Plan Projects of the Planning Commission under Shrimati Renuka Ray and also the Scheduled Areas and Scheduled Tribes Commission set up by the Ministry of Home Affairs under the Chairmanship of Shri U. N. Dhebar. They recommended in most unambiguous terms that the Special Officer should not be entrusted with any duties which are not statutory and provided under Article 338 of the Constitution.

The matter was also examined at length by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in their First Report, a reference to which will be made later in this article.

Reports of the Commissioner

So far, the Commissioner for Scheduled Castes and Scheduled Tribes has presented 18 Reports to the President. There is no constitutional obligation to lay the Report of the Commissioner before the State Legislatures. The fact, however, remains that the Reports of the Commissioner have been discussed in the Lok Sabha and in several State Assemblies from time to time.¹⁹

¹⁸Estimates Committee (Second Lok Sabha) 48th Report p. 5.

¹⁹In reply to a question in Lok Sabha on the 10th August, 1969, the Minister of Social Welfare gave the following information regarding the discussion of the Commissioner's Reports in State Assemblies:

The reports of the Commissioner have been discussed in both the Houses of Parliament from time to time. A motion is made by the Minister concerned, with the Department of Social Welfare (through whom the Commissioner presents his report to the President)²⁰ in the Parliament in the following terms:

"That this House takes note of the . . . Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year (or years) . . . laid on the Table of the House . . ."

After the motion is adopted discussion follows. Members draw the attention of the House to the important recommendations contained in the Report as well as the omissions and commissions on the part of the Government. At the end of the debate, the Minister makes a reply and the motion is put to vote. Usually it is adopted without any amendment.

On the 2nd August, 1967, when the motion "That this House takes note of the Fourteenth and Fifteenth Reports of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1964-65 and 1965-66, laid on the Table of the House on the 30th March,

Contd. from pre-page

Name of the State	Report for the period	Date of discussion in Legislative Assembly	Date of discussion in Legislative Council
Bihar	. 1955	13th, 16th & 17th Dec. 1957.	13th to 19th Dec. 1957 and 26th Feb. 1958.
Bombay	. 1955		26th Feb. 1958
Assam	. 1956-57	7th April, 1959	
Orissa	. ..	Not available	
Rajasthan	. 1959-60 1960-61	{ Discussed in Rajasthan Vidhan Sabha on the 3rd and 4th September, 1963.	
Punjab	. 1961-62	Discussed in Punjab Legislative Council on the 6th and 7th April, 1964.	
Rajasthan	. 1957-58 1958-59	{ Discussed in State Legislative Assembly on the 25th and 29th August, 1960.	
Rajasthan	. 1963-64	Discussed in Rajasthan Vidhan Sabha on 18th and 19th July, 1967.	

²⁰The Minister of Law and Social Welfare is answerable to Parliament for all questions connected with the Commissioner's organisation.

1967 and 8th June, 1967, respectively" was moved, amendments to the motion were moved by several members."

Shri Frank Anthony moved:

That at the end of the motion, the following may be added, viz..

"but regrets the stultification of the guarantees given to Anglo-Indian Community under article 333 of the Constitution."

Shri P. R. K. Thakur moved:

That at the end of the motion, the following be added, viz.:

"and places on record its general approval and acceptance of the recommendations contained therein and calls upon the Central Government, State Governments, Union Territories and other administrative agencies to adopt them and to carry them out with determination and promptitude and is of opinion that a standing Parliamentary Committee be set up with full investigatory powers to look after the safeguards for the Scheduled Castes, Scheduled Tribes and other Backward Classes."

Shri K. Halder moved:

That at the end of the motion, the following be added, viz.:

"and is of opinion that the safeguards provided in the Constitution for Scheduled Castes and Scheduled Tribes are not being fully implemented."

After the Minister had replied to the debate, all the amendments except the one moved by Shri K. Halder were negatived. Division took place on the amendment of Shri K. Halder and the amendment was carried. However, when the motion as amended was put to vote, it was negatived. The net result was that no positive motion was adopted by the House on these reports.

Feelings have often been expressed in Parliament about the inordinate delay in the laying of the reports of the Commissioner on the Table of the House as also the lack of follow-up action by the Government on the recommendations contained in the reports. The

Minister concerned has been frank enough to admit the delay in bringing forward Reports, before the Parliament for discussion. Government have also shared the anxiety of the members that adequate and prompt action should be taken on the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes.

While moving the motion²² in the Lok Sabha on the 2nd August, 1967 for taking into consideration the 14th and 15th Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1964-65 and 1965-66, the then Minister of State in the Department of Social Welfare (Shrimati Phulrenu Guha) admitted that delays had taken place in the presentation of the reports of the Commissioner. She also stated that "while there was a gap of 20 months in the case of the Reports for 1964-65, the interval has been reduced to seven months in the case of the latest Report for the year 1965-66." She also pointed out that "it would not be possible to reduce the interval to less than six months because a period of this order is essential for gathering, compiling and analysing information from a large number of sources, and for the process of printing and translating the Report into Hindi."

As regards the follow up of action on the Commissioner's Reports, the Minister has mentioned that in Chapter 20 and Appendix XLX of the Report for the year 1965-66, the Commissioner had reviewed the action taken on his earlier Reports.

It may, however, be mentioned that the earlier as well as the subsequent reports of the Commissioner for Scheduled Castes and Scheduled Tribes do not contain any statement showing the action taken on the recommendations contained in the previous reports of the Commissioner.

Inadequate Implementation of Recommendations

Mention has been made earlier about the feelings expressed in Parliament about the ineffectiveness of the recommendations made by the Commissioner in his reports or the poor impact of the Commissioner's reports on the executive. The Commissioner in his various reports has pin-pointed the organisational and procedural draw-backs which has prevented him from discharging his functions satisfactorily as a Special Officer appointed by the President under Article 338 of the Constitution.

²²Lok Sabha Debate, August 2, 1967 cols. 16581-82.

In his very First Report, the Commissioner has referred to the inadequacy of his staff and this has been repeatedly mentioned in his subsequent reports.

In his Sixth Report, he has regretted the delay in the discussion of his report in Parliament ("I also did not have the benefit this time of having the views of the Members of Parliament on my 1955 Report which has not, uptill now, been discussed in Parliament. I hope that the last report ending December, 1955 and this report will be discussed together in the next session of Parliament").²³

He has also regretted the inability of the State Governments to collect the relevant data for his report. In his ninth report (1959-60), he has observed: "In all nearly 90 circulars were sent to all the State Governments|Union Territories, Ministries and Universities asking for material for the Report. Even the most important ones remained unanswered from many of the State Governments in time, in spite of reminders."²⁴

The Commissioner had admitted the fact that the bulk and size of his report has acted as a deterrent in purposeful study and discussion of the matter contained in it. He has also observed: "The realisation that the Report is not read, much less studied, on account of its size has been well brought out in the following manner by a friendly critic:—

'Already the Reports of the Scheduled Castes Commissioner (which have also perhaps tended to defeat their own ends by a rather amorphous bulk) seems to arouse very little Parliamentary interest apart from some exasperation that reservation continued for decades has apparently produced so little.'

The size of this Report has, therefore, been considerably reduced to make it handy and to include only those facts, figures and changes taking place during the year."²⁵

The Commissioner has also pointed to the lack of proper evaluation and coordination cells under the State Governments|Union Territory Administrations for evaluating the progress achieved in the working of welfare schemes for Scheduled Castes and Scheduled Tribes and

²³Report of the Commissioner for Scheduled Castes and Scheduled Tribes: (1956-57)—p. 1.

²⁴Report of the Commissioner for Scheduled Castes and Scheduled Tribes: (1959-60)—p. 1.

²⁵*Ibid.*, p. 3.

for preparing and submitting progress reports relating to these schemes in time, as recommended by the Estimates Committee in its 48th Report."

The Commissioner has, however, categorically refuted the impressions created in certain quarters that recommendations made in his reports are ignored. "There is definite progress with regard to the implementation of the recommendations made in my Reports though the tempo of progress, as is also the case with the execution of welfare schemes, is not as expected."²⁷ This observation of the Commissioner, however, is supplanted by another observation made by him wherein he has stated:

"In many cases, the recommendations appear to have been accepted in principle without taking any specific action. In quite a large number of cases, the matter is reported to be still under consideration of the authorities concerned. There does not appear to be an effective check, at the level of the Government, on the action taken on the recommendations made by the Commissioner in his various Annual Reports. It is for serious consideration whether it would not be desirable to appoint a sub-committee of Parliament, consisting of Members of both the Houses, to keep a watch on the action taken on these recommendations. The Commissioner's Report is discussed every year in both the Houses and taken note of. After Parliament has taken note of the recommendations and observations made in Commissioner's Report, it will obviously be useful if Parliament is kept informed of the action taken on the recommendations and observations taken note of by it. In order to ensure this, the setting up of the Sub-Committee of the type referred to is suggested."²⁸

The Commissioner has also regretted the fact that some of the State Governments have not found it feasible to follow the suggestion that his report should be discussed in the State Legislatures. He has suggested that his report "must receive the same importance, if not more, as the Reports of the Estimates Committee and the Public Accounts Committee receive in both the Houses of Parliament."²⁹

In his Seventeenth Report (1967-68), the Commissioner has welcomed the formation of a Parliamentary Committee on the Welfare

²⁶Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1961-62) p. 2.

²⁷*Ibid.*, (1960-61) p. 2.

²⁸Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1965-66) p. 161.

²⁹Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1960-61) p. 2.

of Scheduled Castes and Scheduled Tribes and has expressed the hope that "this will be a great help, because the chief task of the Committee will be to see how far the Constitutional safeguards are being given effect, and also, how the Government has been trying to implement the recommendations made by the Commissioner in his annual reports."³⁰

Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people.

—HARRY EMERSON FOSDICK

³⁰Report of the Commissioner of Scheduled Castes and Scheduled Tribes (1967-68) p. 13.

THE AMERICAN SPEAKER : A POLITICAL LEADER

PROF. DALIP SINGH M.A., L.L.B.,
HEAD OF THE DEPARTMENT OF POLITICAL SCIENCE,
PUNJAB UNIVERSITY EVENING COLLEGE, JULLUNDUR.

It is interesting to know that the American people have presented to the world a new concept of Speakership which is opposite to its British counterpart. The Speaker of the House of Representatives of the United States holds a great political office¹—second most powerful office of the land only next to Presidency.²

I. Intentions of the founding fathers

It is rather surprising to know that no attempt was made by the Founding Fathers of the American Constitution to define the powers and functions of the Speaker. As a matter of fact, the American Constitution is a unique document in the world that has merely made a passing reference to the presiding officer of its National Legislature by inserting only one sentence in the Constitution that reads:

"The House of Representative shall choose their Speaker and other officers and shall have the sole power of impeachment."³

Obviously, therefore, the Framers of the Constitution have left many problems undefined probably to be settled by the experience of time.⁴ It has been maintained by some constitutional experts that the real intentions of the Founding Fathers are not known.⁵

¹In the words of Alfred De Grazia: "He is the most powerful member of the Congress and is perhaps next to President the most powerful elected official in the entire Federal Government." *The American Way of Government*, p. 362.

²The American Speaker is placed next to the Vice-President in order of succession to the American Presidency.

³*Constitution of U.S.A. (1789): Article I. 5. (2).*

⁴The Constitution is silent as to the requirements of eligibility, the manner in which the Speaker shall be chosen; his role and the limits of his authority, see Richard Bolling: *House Out of Order*, (1965) p. 3.

⁵Munro, W. B.: *The Government of the United States (1954)*, p. 3.

However, it is difficult to sustain this argument in view of the fact that political institutions of every country are always the result of socio-political conditions prevalent in those countries. The growth and development of the office of Speaker in U.S.A. is the best testimony to prove that the people's aspirations largely shape and mould the political institutions of every country. In the words of Miss Follet:

"Both in its essence and form, the office may be said to have direct heir of the colonial assemblies, for the colonial Speaker was almost uniformly a political leader, an active politician, one who had the push and the energy necessary to accomplish certain definite purpose."⁶

This view has also been shared by Asher C. Hinds, a former parliamentarian of the House of Representatives, and his observations are very cogent in this context:

"The Constitution did not create the Speaker but merely adopted an existing office."

The American people were very much familiar with the experience of a similar office in England which was still rattling under the heels of Political Parties and the Presiding Officers were acting according to the directions of the party commanding the majority in the House of Commons. At the same time, the American people were influenced more by the experience of their own Colonial Speakers who had carried on a crusade for the independence of their country not only in their respective colonies but also within the four walls of their Chambers.⁷ It is thus obvious that the office launched under the Constitution is a distinct American conception and they wanted this office to be adorned by such persons who either have been consistently fighting against the British imperialism or those who have assumed political leadership by championing the rights of their people." At the same time it would be profitable to note that the American Constitutional system based on the principles of "Separation of Powers" is largely responsible for the development of the office of Speaker on a different pattern as compared to the British Speakership. The American Speaker assumed leadership of the House of Representatives as the Framers of the Constitution separated the two branches of Government (*i.e.* the Executive and the Legislature) and left both the Houses of Congress to work out

⁶Follet: *The Speaker of the House of Representatives*, (1909), p. 10.

⁷Brown: *The Leadership of the Congress* (1922), p. 10.

⁸This view is also supported by Binkley & Moss:

"This peculiar characteristic of American Speaker is rooted in the colonial experience. The Speaker of the Colonial Assembly provided the rallying point of popular opinion as the champion of the people in counteracting the power of colonial Governor."
A grammar of American Politics (1949) p. 438.

their own plans of leadership as the need might arise. The American President and his Secretaries have no place in or access to either House of the Congress and consequently the members of the House of Representatives started looking towards the Speaker (the only officer chosen by the House). Obviously, therefore, the Speaker provided the missing link and the office developed on these lines. Within a short period, the Speaker established his political leadership as an official nominee of the majority party and hence of the House as a whole.'

II. Growth and development of the office

The growth and development of the office of Speaker in the United States presents a saga of memorable events that makes the study of the Congressional history really fascinating. The entire history of American Speakership can be divided into three periods as is evident from the role which the Presiding Officers played during these periods.

(a) *Speaker as a Chairman* (1789-1810):

Since the inception of the office in 1789 till 1810, the Speakers merely played a moderate role of a Presiding Officer by ensuring proper order and decorum for smooth transaction of business by the House. It may be relevant to recall that the standing rules adopted by the First Congress in 1789 vested such duties on the Speaker which were being performed by his counterpart in England. The House had only 65 members and as such it presented no challenge to the Speaker in controlling debates and discussions on the floor of the House. There was no system of standing committees and the principal legislation used to be hammered out in the Committee of the whole House and only important measures used to be referred to Select Committees. The Presidents depended on the assistance of their trusted Floor Lieutenants for getting the necessary legislation passed by the House.

It is, therefore, obvious that the Speakers had no direct control over the Leadership of the House and they did not bother to assert their supremacy over the House. The result was that during the first two decades of Congressional history, the Speakers were merely figure-heads and concentrated their energies on maintaining order and decorum; putting questions to the vote of the House and signing bills and other documents of the House. The Legislative leadership came to be vested with the Executive (*i.e.* the President) and the Floor Leaders

⁹Munro: *The Government of United States*, (1950) p. 324.

acted on the advice of the President in pushing through the legislation desired by him. It may also be instructive to note that during these years, the ruling party also captured the majority in the House. Consequently, the President, in his capacity as the Party Leader, dominated the Legislature and appointed Floor Leaders who were ready to expedite the President's Legislative Programme.

(b) *Speaker as Dictator (1811-1910)*

It may be noted that many factors were responsible for bringing transformation in the role of the Speaker during this period. The increase in the size of the House, expansion in the Legislative business and particularly the need for the leadership in the House created a situation which needed immediate solution. The Presidential leadership established during the early period was replaced by the Congress during the times of President Madison. This became possible due to the weakness of the new President (Madison) in comparison with the three great men who had preceded him in office.¹⁰ The Congress was thus successful in establishing its own leadership machinery and its own power system during the regime of President Madison. The greatest force for change, however, was the emergence of a group of young, energetic and bellicose men led by Henry Clay who became the Speaker of the House in 1811. The development of the Committee system in the House brought corresponding changes in the status and role of the Speaker. It became evident to the House that apart from the legislative business, other matters like governmental revenues, military affairs and domestic commerce etc. would be coming before the House, Session after Session, and therefore, the House took a major decision to establish Standing Committees for proper scrutiny of these matters. To cope with the volume of work, the House of Representatives decided to convert the Select Committee into Standing Committees one after the other. It may be appropriate to recall that the House had 58 standing Committees by the end of 1900. In the beginning, the House used to appoint all Select and Standing Committees but with the passage of time, this power slipped into the hands of the Speaker. In 1816 the Speaker came to have full control over these Committees by acquiring the right to nominate their Chairmen. In

¹⁰The three great Presidents held office during the periods as indicated: George Washington (1789—97); John Adams (1797—1801); and Thomas Jefferson (1801—09).

other words, the Speaker was the master of the whole show and was commanding the power of life and death over every piece of legislation.¹¹

The account of the Speakership of this period will not be complete without presenting an account of three Speakers who played a very vital role in raising the stature of the office to unknown bounds. Speaker Henry Clay (who occupied the Chair during the years 1811—14, 1815—20 and 1823—25) enhanced the prestige of the office by establishing his supremacy as an acknowledged leader of the majority party controlling the House. "He became the man on whom the majority depended for getting its measures safely through the maze of rules."¹²

Speaker Thomas B. Reed (who held office during 1889—91 and 1895—99) gained notoriety by carrying his partisanship to extreme length. Through his control over the power of appointment of Standing Committees and the power of recognition,¹³ he virtually stifled opposition and established what amounted to be absolute dictatorship of the majority.¹⁴ At the same time he earned the distinction of being "Czar Reed" by ruling out motions as dilatory in his discretion and also by establishing quorum by counting the members present in the House who had refused to answer roll call.

The Speakership reached its climax during the tenure of Joseph G. Cannon (1903—10) as he became an autocrat of the House as without his consent practically no legislation could be enacted or even considered. As a Chairman of the Rules Committee, the Speaker could determine as to what measures the House was to consider. In other words, the Speaker became the Monarch of the House. On one occasion after putting a question for a voice vote, he (Cannon) said: "The Ayes make the most noise, but the Nays have it"¹⁵

(c) *Modern Speakership (1911 onwards):*

It was natural that the House of Representatives could not be expected to tolerate such a dictatorial rule of its Presiding Officers and,

¹¹Ogg & Ray: *Introduction to American Government* (10th Edn., 1952), p. 283.

¹²Munro, W.B.: *The Government of the United States* (1950), pp. 324-25.

¹³He would refuse recognition to any Member who he knew wished to oppose a Rules Committee resolution, and they even deny to the minority its right to be heard.

¹⁴Philip Laundry: *The Office of the Speaker* (1964) p. 431.

¹⁵George Stimpson: *A Book about Politics* (1952) p. 352.

therefore, a beginning was made by the House in asserting its authority in the year 1909 by carrying an amendment in the rules that compelled the Speaker to conduct business of the House at least once a week in the prescribed order (Calendar Wednesday) irrespective of the priorities fixed by the Rules Committee. In 1910, the House staged a *coup d'etat* for ending the autocracy of the Speaker as a result of the coalition of progressive Republicans who joined hands with the minority Democratic Party. The Speaker was stripped of his vital position and was removed permanently from the all important Rules Committee of which he had been the Chairman since 1858. In the following year 1911, the House snatched away his power to appoint Standing Committees. This power of appointing Standing Committees and their Chairmen was restored to the House which had been a powerful weapon in the hands of the Speakers not only in exercising party discipline but also in controlling legislation in the country. Besides, the Speaker's power of recognition was also restricted.

III Powers of the Speaker

The modern American Speakership, therefore, dates from 1911. Although this dictatorial rule has ended, yet he continues to occupy a commanding position under the American system of Government. It must, however, not be overlooked that the revolt of 1910-11 was not so much directed against the principle of leadership of the Speaker as it was against the concentration of powers in the hands of single individual.¹⁶ The Speaker still continues to play his political role as an elected official of the majority party controlling the House. The powers lost by the Speaker are, as a matter of fact, transferred to the majority party in the House of which the Speaker is the official spokesman. The Speaker thus continues to play his role as an agent of the majority party. Although the Speaker is no longer a member of the Rules Committee of the House, yet he still wields the power of recognition. He appoints all Select Committees, the House Members of the Conference Committee and selects the Chairmen of the Committee of the whole House. Besides, the Speaker presides over the meetings of the House as usual and ensures orderly conduct of the business in the House. He has the necessary authority to preserve order and decorum within the House and can call the members to order. In case of disturbance or disorderly conduct, he can either suspend business or order the serjeant-at-Arms to quieten the House. The Speaker cannot *suo motu* punish or censure any member of the House and

¹⁶Galloway: Legislative Procedure in the Congress pp. 846-50.

this can, of course, be done with the approval of the House. He exercises tremendous influence over the debates through his power of recognition and can certainly direct the course of debates by recognising some members and not recognising others. The Speaker has the right to interpret the Rules of the House and can decide any dispute arising under them in his discretion. It must, however, be noted that unlike the British Speaker, the rulings of the American Speaker are not final. The members of the House have a right to make an appeal to the House against the Speaker's decisions.

IV. Speaker as a political leader

The American Speakership is by and large a political office. In theory only, the Speaker is chosen by the House but in actual practice he is chosen by the caucus or Conference of the majority party whose choice is later on ratified by the House. The real contest for the office is in the caucus of the party, as its nomination is equivalent to election by the House. We may agree with the observations of the authors of *The American Democracy*:

"The Speaker of the House is almost always one of the two or three most respected and influential members of the majority party."¹⁷

Although the Speaker, in a traditional way, assures the House for ensuring justice and fair play at the time of election, yet one cannot overlook the realities of American political life. They owe tremendous responsibilities to their parties. The views of Robert Bruce are very pertinent on this point.

"(Americans) made the Speaker of the National House of Representatives not only a moderator, but also the dominating head of majority expected to use his position, within bounds, for the benefit of his party."¹⁸

The American Speaker is the recognised leader of his party in the House and is expected as a majority party leader to facilitate the passage of the legislative programme of the party. The Speaker often discusses with the President the legislative programme and the strategy

¹⁷Carr & Others: *The American Democracy—Theory and Practice* (4th Edition 1963) p. 324.

¹⁸Robert Bruce: *Legislative Procedure* (1922) pp. 465-66.

when they belong to the same party. Even otherwise, the Speaker's imprint on legislation is felt as he happens to be the director of Legislative Machinery.¹⁹

The study of the American Speakership would not be complete if we fail to underline the basic characteristics of this office. Since it is a political office, it changes with the change of party complexion in the House. The American Speaker is opposed both in his constituency and in the House by the candidates of the Opposition parties and many Speakers have been defeated at the polls. Unlike the British Speaker, the American Speaker remains an active partyman even after elevation to the Chair and openly uses his power and authority to promote the programme of the party. He participates in the debates and discussions of the House and exercises his voting right like other members. Whereas his British counterpart is strictly independent and impartial in his rulings and exercises his casting vote to maintain *status quo ante*, the American Speaker decides all these issues on party considerations. The British Speaker accepts retirement from the politics of the country and becomes a strictly neutral person after assuming the chair, while the American Speaker remains openly identified with his party organisation both inside the House and outside in the country. The American Speaker attends party meetings and makes political speeches to achieve the objectives of his party. It is on this account that the British tradition of "Once a Speaker, always a Speaker" is not established in the United States.

The political role of the American Speaker is now an established fact and George B. Galloway while comparing him with his British counterpart, summarises his role in these words:

"The Speaker of our House is triple personality—as a member he has a right of vote and participates in discussions on the floor of the House—As a Presiding Officer he has the power to recognise and interpret the rule i.e., his judicial role— As a Party Leader in the Chamber he backs the Party."²⁰

It may be noted that the Speakership is not the climax in the careers of the American Speakers: It has been estimated that half of the men who have served as Speakers have gone to seek higher

¹⁹Joseph P. Harris: *The Congress and the Legislative Process* (1967) p. 50.

²⁰George B. Galloway: *The Legislative Process in Congress* (1953) pp. 347-50.

offices after retirement.²¹ The office, therefore, is looked upon as a sort of training period for pursuit of higher positions like Presidency, Vice-Presidency, Judgeship of the Supreme Court and Governorship.

Nevertheless, the fact remains that the office of the Speaker in U.S.A. has developed with the growth of the political system of that State and is a unique office suited to the American temperaments.

When I am abroad I always make it a rule never to criticise or attack the Government of my own country. I make up for lost time when I come home.

—WINSTON CHURCHILL

²¹One Speaker after retirement became President, three were unsuccessful candidates for the Presidency, two Speakers served as Vice-Presidents, five as Governors of their States, one as Associate Judge of the Supreme Court and two as Minister to Foreign States—Booth Mooney: *Mr. Speaker* (1964) pp. 17-18.

ANTI-TABARRA AGITATION IN THE U.P. ASSEMBLY

D. N. Mihal.

Secretary, Uttar Pradesh Vidhan Sabha, Lucknow

In our State Legislatures, pandemonia and grave disorders have become the order of the day and serious thought is being given to locate the causes of the disturbances in our Legislative bodies, which are the places to arrive at decisions after cool and calm deliberations. It is strange that the talking places and the deliberative bodies have been converted into arenas of physical bouts and staging of *Dharnas* and *Gheraos*. Now and then we also find strangers throwing leaflets from visitors' galleries and intruding into the Chamber of the legislative bodies. These disturbances by the members of the House and by the outsiders are not of post-Constitution origin but we find that in pre-Independence days also people using the forum of Legislative bodies for display of violent and terrorist acts. On April 8, 1929, Bhagat Singh and Butakeswar Dutt threw bombs in the chamber of the Central Legislative Assembly in Delhi. The printed debates of the day record the incident in the following words:

"At this stage two bombs were thrown from the Visitors' gallery and burst among the benches occupied by the official Members causing injury to certain Members. Confusion prevailed and Mr. President retired. After a few minutes, Mr. President resumed the Chair."

Turning over the pages of Hansard of the U.P. Legislative Assembly, I was reminded of an incident of obstruction in the proceedings of the House by anti-tabarra agitators. In this article I propose to give an account of this forgotten event, the causes that lead to it and the failure of the police to prevent the intruders from entering the Assembly Hall. The inquiries made by the Secretary to the Assembly and the Chief Secretary to the Government disclosed a number of lacuna in the arrangements for the security of the representatives of the people sitting in the Legislative Assembly of the United Provinces of Agra and Oudh, as the State was then known. The present is the result of past experiences. The elaborate security arrangements which

are made at the commencement of every session may seem to be excessive now and to some they may also appear unnecessary, undemocratic and a futile exercise in the display of physical power of the State, but when viewed in the background of incidents similar to those which occurred in 1939 and thereafter, they would seem worth the expenditure which is involved in making them.

On March, 15, 1939, when the Assembly was discussing demands for grants for 1939-40, two or three persons entered the Assembly Chamber and one of them cried loudly "Allah-o-Akbar" and then began to address the Muslim members of the Assembly. The Secretary to the Assembly immediately intervened and turned them out of the Chamber.

An hon'ble Member requested the Deputy Speaker who was in the Chair at that time, to tell the House what this disturbance was about and also what the Government proposed to do in the matter, so that the proceedings of the House might be conducted without any disturbance.

The Deputy Speaker promised to look into the matter as to how the intruders were allowed to enter the House. He also assured the House that after making an enquiry he would make a statement about it the next day.¹

Shri G. S. K. Hydrie, the then Secretary, Legislative Assembly, who was asked to make an enquiry, reported that the men concerned approached the Police Sergeant on duty and told him that they wished to interview certain members and hon'ble Ministers. The men could not be suspected and were granted permits by the Sergeant. They were not stopped at the door of the Assembly Hall and also as the Policemen on duty there took them to be men who had some work with the staff as so many outsiders had access to that part of the Hall. Even when they were handed over to the police they continued shouting in the corridors and on the stairs and the Assembly staff felt helpless in stopping them from doing so. The Secretary was of the view that the whole affair took place so suddenly that everybody was taken unawares.

The Deputy Speaker, agreeing with the findings of the Secretary made a statement in the House to that effect on March 17, 1939. He

¹ U.P. L.A. Proc. Vol. XIV, p. 333.

observed that it was regrettable that such a thing had occurred. He informed the House that strict orders had been issued to the policemen at the main gate and also at the entrance of the Hall and he expressed the hope that such incidents would not occur again.²

Soon thereafter, on April 24, 1939, after the question hour and before the general discussion on the United Provinces Tenancy Bill was to begin, at 12 O'clock a rowdy mob of Muslim anti-Tabarra agitators forced entry into the Assembly Hall and began to shout slogans. The Deputy Speaker, who was presiding at that time, adjourned the meeting for one hour, but at 12-15 hrs, again when the mob and left the Hall, the House met with the Deputy Speaker in the Chair. The hon'ble Member enquired what action was taken against those Police Officials who were found guilty of negligence of duty in the previous incident. The Deputy Speaker told the House that as regards the former incident, a report had been sent to the Superintendent of Police for making a thorough enquiry into the matter but he had not heard from him whether any action was taken against any one or not. On being requested by an hon'ble member to gather information on the point, the Deputy Speaker assured the House that he would. However, he admitted that the Assembly had no power to deal with those persons who trespassed into the Hall. He observed that the matter would have to go to a court of law and the police was the proper authority to take action against those persons who committed that breach. It appears from the questions and answers on the occasion that anti-Tabarra agitators wanted to stab Hafij Muhammad Ibrahim and Shri Rafi Ahmad Kidwai. Under Standing Order 26³ of the Rules and Standing Orders of the United Provinces Legislative Assembly, the Speaker could order withdrawal of the intruders but they could not be punished by the House for contempt because under the Government of India Act, 1935, they did not possess this power.

In reply to a query made by an hon'ble member, the Deputy Speaker stated that the Premier addressed those persons who entered the Hall and he said in his speech that they would be pardoned and no action would be taken against them if they left the Hall. After the

²*Ibid.*, pp. 469-70.

³The provisions of Standing Order 26 are reproduced below:—

"26. Power to order withdrawal of strangers. The Speaker either of his own motion or on the suggestion of any member, may at and also that of the Superintendent of Police,"³
of visitors or of representatives of the Press or of both."

Premier's address and that of Nawab Ismail, they left the Hall. The Deputy Speaker promised to make an enquiry and acquaint the House with the result of the enquiry.

When the House met again after a recess of 1 hr. 47 minutes, a request was made for the adjournment of the House due to the disturbance. The members expressed deep concern and anxiety over the lack of adequate arrangements for the safety of the hon'ble members. The adjournment was, however, not pressed and the House took up regular business.⁴

On April 25, 1939, the Deputy Speaker informed the House that on the previous day, he had given an order to the Secretary to the following effect:—

"The disturbance which was created today in the Assembly Hall by a number of intruders is most deplorable. That so many persons could manage to force their entrance into the Hall in spite of the police guards is a matter which requires a most sifting enquiry. You will kindly make your enquiry and also request the Superintendent of Police to make his enquiry and send his report to me by tomorrow morning. The points of special enquiry are:—

(1) How is that so many persons managed to come to the main gate when there were so many police officers and constables stationed outside?

(2) How is it that they managed to force their entrance by the Main Gate?

(3) How many police officers and constables were inside the Council House at the time of their entrance? After they had succeeded in getting inside by the main gate, what steps, if any, were taken by the policemen inside to stop these intruders from entering the Assembly Hall?

(4) When a similar incident on a small scale had occurred previously, why no special precaution was taken to prevent such a disturbance?

The matter is urgent and requires your immediate attention and also that of the Superintendent of Police."⁵

The Superintendent of Police submitted his report through the departmental officers and as there was delay in the receipt of the same,

⁴*Ibid.* Vol. XVII, pp. 453-460.

⁵*Ibid.*, pp. 499-500.

the Deputy Speaker addressed a letter to the Premier and the enquiry was then entrusted to the Chief Secretary.

The Secretary, Legislative Assembly, submitted his report on April 26, 1939 and the report of the Chief Secretary was received on May 5, 1939. The Secretary in his report stated that on the mob reaching the main gate, the police tried to close it but there was a little delay in closing the doors as the sub-inspectors and policemen did not quite know the mechanism of the door. So by the time the doors could be effectively closed, about 60 to 70 men had already entered the building and were rushing up the stairs. If the doors had not been closed, although they could not close with promptitude, it could be guessed as to how many persons would have entered, as after the doors had been closed, so many people were heard outside clamouring for entrance. If a substantial portion of the mob would have entered the building, the results would have been disastrous.

Tracing the origin of the trouble, the Chief Secretary reported that the trouble arose primarily out of the Sunni-Shia conflict in Lucknow. On the evening of April 23, a meeting of the Sunnis was held in the Ahata of Shaukat Ali, Police Station Chowk, under the auspices of the Anjuman Tahaffuz-i-Namus Sahaba. Maulvi Abdul Halim and Maulvi Kalim Ullah advocated the organisation of a demonstration in front of the Council House. The meeting agreed to this demonstration in front of the Council House.

The crowd was perfectly peaceful and friendly and remained on the West side of the Abbot Road.⁶ Some Europeans, who had been passing down the street at that time, informed the Chief Secretary that the crowd was very quiet, friendly, orderly and in holiday spirit. The police were aware that the demonstration would take place and an extra force of police had been despatched. There was sufficient force of police to deal with the peaceful and unarmed crowd which had assembled.

The majority of the crowd were on the west side of the Abbot Road and kept in order by the police. A certain number of persons were in the porch listening to the loudspeaker. At this point, at about 11.40 a.m., without warning the mob suddenly completely changed

⁶Now known as Vidhan Sabha Marg.

its character and became unruly and destructive. A rush was made upon the doors of the Council House by those sitting about in the portico listening to the loudspeaker.⁷

It seemed certain, though there was no proof, that there was a pre-arranged signal from the persons who had gained admission into the Council House of tickets. Before the door could be shut, about ten or fifteen persons got inside. The door was then shut and those left outside waved to the crowd to join them. The crowd broke the police cordon, rushed across the road, attacked the door, smashed palms and plants in the porch and attacked a thela containing copies of the Budget which had been sent from the Press to the Secretariat. The police were temporarily overwhelmed. Reserves were called from side wings where they were stationed and rapidly set about restoring order and driving back the crowd to the west side of the Abbot Road. They speedily did so but did not use force. Two hundred copies of the Budget volumes were destroyed but the remaining 700 were saved. Within a short time order was restored. The Chief Secretary was of the opinion that had the police on duty used force to prevent the entry of those at the portico and used force for the purpose of driving back the crowd, the people would not have forced an entry into the Council Chamber and the crowd would have been prevented from being guilty of sabotage on a small scale.

Giving his reasons why the police refrained from using normal force or from adopting their normal methods in dealing with an assembly which had suddenly become violent, the Chief Secretary stated that the main reason was that in the precincts of the Council House, a convention seemed to have developed that no force would be used and that demonstrations would not be interfered with. The police, in consequence, did not quite know what their responsibilities were. They were afraid of using force lest they should be criticised afterwards and therefore their methods seemed to lack strength and vigour. For this they were not entirely to blame, and the authority of the Superintendent of Police had never been as clearly laid down as it should be sound policy is to leave the police in charge of the avenues to the along the avenues and approaches to the Council Chamber. The only Council Chamber to deal with disorder in the manner in which disorder should always be dealt with, to prohibit demonstrations within the

⁷At that time, a loudspeaker was placed in the porch of the Council House where any one could come without any permit and listen to the proceedings of the Assembly. This practice continued for a long time even after this incident.

precincts of the Council House, except on a very special licence, and to allow the police to take all action necessary to maintain and restore order without interference.

The Chief Secretary then gave in his report details of the events inside the Council Chamber. Some 10 or 15 persons forced their way inside. As soon as they got in, they were joined by others who were already waiting in the Council Chamber having obtained passes or permission.

Those already inside and one or two outsiders, who entered by a lobby door before the lobby doors were closed, proceeded to make a scandalous disturbance within the Chamber itself, and those who did not manage to get inside rushed around the passages shouting slogans and attempting to enter the rooms of the Hon'ble Minister, brandishing chairs and generally behaving in a most unseemly and boisterous manner. The Chief Secretary said in his report that he arrived in the Council House after seeing the Governor in the Government House just when the incident started. He saw the mob rush, shouting and yelling down the corridor in which was Hon'ble Premier's room. The Chief Secretary went on the head of the staircase and found a number of others, most of them probably spectators who came out from inside the Council Chamber and were looking on. In the body of the Hall a sub-Inspector, a sergeant and a number of constables were standing and doing nothing. He sent down for the Sergeant; he came up and the Chief Secretary ordered him to have the persons making disturbances arrested at once. Nothing happened for a few minutes, the police on duty seeming unable to move and contrary to rule being unarmed, without batons or canes. They however, sent for a force of armed police from outside. After a few minutes, a number of armed constables with a sub-inspector came into the Hall, marched upstairs in a business-like way and proceeded to deal with those disturbing the peace. The Hon'ble Premier had ordered that those who were creating disturbances inside the Council Chamber would not be arrested if they went away quietly. He was of course dealing only with those inside the Council Chamber. These persons began to leave, but finding that the police was then arresting the persons referred to above, they and other members of the Assembly informed the police that the Hon'ble Premier had ordered that no arrests were to be made at all. On this, the armed police who had entered the Council House merely shepherded them out of the Council Hall.

In fact the police inside the building seem to have failed in their duty in that they took no action worth the name to clear the building

of the rowdy elements. As there was a *prima facie* case against them, four police officers were suspended and a departmental inquiry was held against them. On the night of Wednesday, April 26, 1939, a press statement was issued and the following excerpts represent the decisions of Government in order to prevent the recurrence of such unseemly incidents:

(1) In future no demonstrations will be permitted outside the Council House within 500 yards without a special licence from the Chief Secretary.

(2) The police will be responsible for maintaining order outside the Council House, and under the Superintendent of Police, they will take all measures for the maintenance of peace, and, if the occasion so demands, they will use necessary force for that purpose.

(3) The system of passes and the method in which passes are issued will be thoroughly overhauled and better arrangements calculated to prevent admission of the unauthorized persons will be brought into force as soon as possible. It is believed that of the persons who were concerned in the disturbance on the 24th April, several were pass-holders and the number of those who did not hold any such pass did not exceed fifteen.

(4) A scheme for separating the watch and ward staff within the Council Chamber proper and uniformed police outside the Chamber is under examination."

The Deputy Speaker, who was in the Chair, observed that he had compared these two reports and made such further enquiries as he thought necessary. He added that he had come to the following conclusions:—

"(1) It is proved beyond doubt that a number of those who raided the Hall were persons who had managed to obtain admission tickets. It is impossible to say exactly how many got admission by tickets and how many forced their passage by the main gate. The finding of the Chief Secretary to the Government is that only 10 or 15 persons passed by the main gate. It may be so.

(2) At first a number of persons collected at the portico ostensibly with the object of listening to the loudspeaker but really to force their way in on a suitable opportunity. After they had thus warded off the suspicion of the policemen at the gate, they suddenly rushed at the main gate and were immediately followed by the enormous crowd on the other side of the Abbot Road (now Vidhan Sabha Marg).

(3) The rush was so sudden and instantaneous that the policemen both inside and outside were taken by surprise. The policemen outside did not use any force except resisting the intruders but

they were at once overwhelmed. Before the door could be closed a number of persons had found entrance into the building. If the doors had not been closed so soon, hundreds of persons perhaps would have found their passage inside.

(4) There were at the time only one sub-inspector and two constables at or near the main gate inside the Council House. These persons lost their presence of mind and took some time in calling to their aid other policemen. In the meantime, the raiders had succeeded by brushing aside the Council peons and forcing open the lobby doors in getting access to the Assembly Hall. If there had been sufficient number of policemen inside, at or near the main gate, the raid to the Assembly might have been easily stopped."

The Deputy Speaker informed the House that he wanted to place before the House a complete scheme regarding watch and ward of the Assembly building and the members and for this purpose, he had sent for necessary information from other Provincial Legislatures and the Central Legislature. He added that he had also received in the meantime, a scheme from the Chief Secretary to Government in this connection. But the whole matter required consideration by the Hon'ble Speaker after consultation with the Government and the Leaders of other Parties.'

Due to the resignation of the Congress Ministry on October 30, 1939, and the suspension of the Assembly, the scheme could not be placed before the House.

The whole incident depicted that a House without special privileges and rights to safeguard its members from violence by outsiders could not function properly and effectively. The Rules and standing orders of the House⁹ did not authorise the House to employ use of force to expel strangers at that time. Nor did the House possess any watch and ward staff to expel intruders in case they did not withdraw. It

⁹U.P. L.A. Proc. Vol. XVII, pp. 419-424.

⁹Standing Orders 25 and 26 of the United Provinces Legislative Assembly in force at that time read as below:—

"25. The admission to the Assembly of visitors, representatives of the press and official during its sittings shall be regulated in accordance with orders made by the Speaker with the approval of the Speaker exercising his individual judgment.

26. The Speaker either of his own motion or on the suggestion of any member, may at any time during a sitting of the Assembly order the withdrawal of visitors or of representatives of the press or of both."

was only after the commencement of the Constitution, that a rule providing for steps for expulsion of strangers found place in the Rules of Procedure adopted by the House under Article 208(1) of the Constitution on September 28, 1951.¹⁰ One of the eye-witnesses says that Shri Abdul Hakeem, Deputy Speaker, was shivering with fear when the rowdy mob forced its entry into the Chamber and gheraoed him. It was only in 1956 that the post of a Marshal was created and some guards were placed at his disposal for dealing with any situation which might arise.

During the third Legislative Assembly, there were several demonstrations and *dharnas* outside the Council House, during which members were prevented from going to attend the Assembly. The then Speaker, late Shri Madan Mohan Verma, several times drew the attention of the House to the need for banning demonstrations in the vicinity of the Council House.

On October 1, 1962, the Speaker observed in the House that continuance of demonstrations in the vicinity of the House interfered with the freedom of members to attend the House and hence such demonstrations should cease and he would exercise his authority over the approach roads to the House so that there might not be any inconvenience to the hon'ble members in coming to and going from the House.¹¹ On May 11, 1966, when there was a demonstration outside the Council House by the Socialist Party, the Speaker posed the question as to how far it was appropriate that demonstrations be held before the Assembly Chamber as a result of which the hon'ble members were not only obstructed from coming to the House but also man-handled. He expressed grave concern over it as such demonstrations were cutting at the root of democracy.¹² One Member described this demonstration as a nude dance by the Socialist Party which was crossing the extreme limit of savagery.

The privileges of the Members of the State Legislatures being equated with those of the Members of the House of Commons of the

¹⁰The relevant Rule referred to was Rule 198 of the Rules of Procedure of the U.P. Legislative Assembly, provisions whereof are reproduced below:—

"198. Steps for Expulsion of Strangers. The Speaker may take such steps as may be necessary or such action as the circumstances of the case may, in his discretion, require for the expulsion of any stranger from any portion of the House."

¹¹U.P.L.A. Proc. Vol. 235, p. 510.

¹²*Ibid.*, Vol. 266, pp. 757-758.

United Kingdom, the Members of the U.P. Assembly have the undisputed right of freedom from molestation while in the execution of their duties. It will be pertinent to refer to the following resolution of the Commons passed on June 6, 1780: "That is a gross breach of the privilege of the House for any persons to obstruct and insult the Members of the House in the coming to, or the going from, the House, and to endeavour to compel Members by force to declare themselves in favour of, or against any proposition then depending or expected to be brought before the House."¹³ In the United Kingdom, both Houses, at the commencement of each session, by order, give directions that the Commissioner of Police of the metropolis shall keep, during the session of Parliament, the streets leading to the Houses of the Parliament free and open, and that no obstruction shall be permitted to hinder the passage thereto of the Lords or Members. This is done with a view to facilitating the attendance of Members without interruption. The police accordingly give every facility to Members and officers of the two Houses to cross the streets and approach the Houses of Parliament without interruption and, where necessary, hold up the traffic for the purpose. Demonstration in the vicinity of the Council House impinges upon the members' privilege of freedom from molestation while coming to or going from the House and when attending the House, as nobody can retain that peace and tranquility of the mind which is so very essential for freedom of the proceedings of the House. The ban is also necessary to prevent the recurrence of the incident which happened in 1939 in the instant case. The sooner it is imposed, the better it is for the orderly conduct of the business of the House in a free and peaceful atmosphere.

I believe in democracy because it releases the energies of every human being.

—WOODROW WILSON

¹³C.J. (1778-80) 902.

IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION

[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.

Continuing the series, we are publishing in this issue three articles—two based on the reports of the Estimates Committee on 'Foreign Exchange' and 'Industrial Licensing' and the third one based on the Report of the Public Accounts Committee on 'Over-Invoicing of value of imported Hides and Skins'.—Editor]

I. FOREIGN EXCHANGE

The development programme of any low-income country requires a large, expanding and relatively reliable supply of foreign exchange for its smooth progress. But foreign exchange has to be earned either by larger exports of goods or services or has to be secured through an inflow of external assistance. A country's foreign exchange position is, in a large measure, a reflection of its general economic condition. Internal prices and monetary conditions have a direct bearing on the foreign exchange position, as rising domestic prices not only create new demands for imports, but also come in the way of exports.¹

The problem of India's foreign exchange was examined by the Estimates Committee (1967-68) in a report (*viz.* Thirtieth Report), an appraisal of which is given in the following paragraphs.

Balance of Payments

Trade Deficits

At the time of Independence, India opened her foreign exchange accounts with sizeable reserves. These reserves, commonly known as Sterling Balances, stood at Rs. 1612 crores at the end of March, 1948. During the First Five Year Plan, that is, during the period 1951-52 to 1955-56, India incurred a deficit of around Rs. 151 crores in her current trading account, resulting in a draft Rs. 127 crores in her foreign exchange reserves.

¹E.C., 30th Report (1967-68), paras 1.1 to 1.4

During the Second Plan period, there was a further and steep spurt in imports, completely upsetting the balance of payments estimates of the Government. Thus, as against the annual average of Rs. 73 crores worth of imports during the First Plan period, the imports during the Second Plan averaged Rs. 1080 crores per year which, when set off against an annual average of Rs. 613 crores of exports, resulted in a large trade deficit of Rs. 2336 crores, and a consequential drain on the foreign exchange reserves to the tune of Rs. 599 crores during the entire five-year period.

Reviewing the balance of payments position during the years 1948-49 to 1960-61, the Estimates Committee observed that the country had an adverse balance of trade throughout the period of these thirteen years and there was no "purposive import policy aimed at ensuring the most beneficial use of available foreign exchange resources in accordance with well-defined priorities". The Committee recalled that during this period, the import policy was frequently changed from "rigid" to "liberal" and *vice-versa*.²

Explaining their position, the Government stated that, in the nature of the case, import policy could not possibly be laid down for a long period. During the latter part of the period in question the foreign exchange situation was difficult and it would not have been prudent to announce a rigid import policy in the face of many uncertainties regarding the export prospects etc. The Government defended the half-yearly or annual revisions in the import policy on the plea that these were called for in view of the desirability of promoting import substitution. Agreeing that the development of foreign exchange resources should be in accordance with priorities defined in the context of a development plan, the Government maintained that within a framework of the the said import policies, considerable flexibility was needed to take care of the ever-changing situation within the country.³

Import of Consumer Goods

The Committee pointed out that during the years 1948-49 to 1954-55 substantial amounts of foreign exchange were spent over the import of 'consumer goods other than food'. Noting that the import of such consumer goods was sizably scaled down during the Second

²E.C., 30th Report (1967-68), paras 3.57 to 3.61, 3.97 and 11.1.

³E.C., 89th Report (1968-69), pages 5 and 6.

Plan period, the Committee observed that had such drastic cuts in imports of non-essential consumer goods been applied earlier, the foreign exchange crisis of 1957-58 could well have been averted.⁴

In reply, the Government stated that 'consumer goods other than food' included a number of commodities which were imported as a result of bilateral agreements with friendly neighbouring countries, and that the classification of goods as between consumer, intermediate and capital had also not been uniform throughout. The Committee's attention was drawn to the fact that there was a large decline in the import of consumer goods in the Third Plan period as compared to the previous years.⁵

Foreign Exchange Crisis of the Second Plan

According to the Estimates Committee, the foreign exchange crisis that overtook the second Plan was the result of:

- (i) successive liberalisations of import policy in 1954-55 and 1955-56 (the effects of which were felt in the first year of the Second Plan);
- (ii) heavy imports of iron and steel machinery;
- (iii) permitting the private sector to import a much larger quantum of capital and semifinished goods than visualised in the Plan;
- (iv) permitting a much larger import of consumer goods than was either allowed in the Plan or could be considered essential;
- (v) larger imports of food-grains than provided for in the Plan; and
- (vi) under-estimation of the import requirements of the Plan Projects.

The Committee observed that one of the reasons why the foreign exchange estimates of the Second Plan "proved so wide of the mark" was an "unfortunate lack of coordination" between the Planning Commission, the Ministry of Finance, the Ministry of Commerce and the Ministry of Industrial Development.⁶

Noting the observations of the Committee for future guidance, the Government stated that the forecasts of imports and exports were now prepared by Sub-Groups of the Working Group set up by the Planning Commission, which included representatives of the Planning

⁴E.C., 30th Report (1967-68), paras 3.98 and 3.99.

⁵E.C., 89th Report (1968-69), page 6.

⁶E.C., 30th Report (1967-68), paras 3.100 and 3.101.

Commission, Ministry of Finance and the Ministries of Commerce and Industrial Development. "This ensures complete coordination between the Planning Commission and the concerned Ministry", the Government added.⁷

All the same, the Committee expressed their regret over the fact that although the foreign exchange crisis of the Second Plan had amply demonstrated the adverse effects of large and recurring trade deficits, the Third Plan "tacitly assumed" that such deficits were essential and would be fully covered by foreign aid. At the end of the Third Plan, *i.e.*, at the end of March 1966, the country's foreign exchange reserves had come down to Rs. 299.5 crores, as against the minimum of Rs. 200 crores required as statutory cover for currency issue. The steep decline in reserves had occurred in spite of the fact that the country had incurred a huge foreign debt since Independence. Upto the end of the Third Plan India had utilised external assistance (including PL-480 assistance) amounting to Rs. 4515.11 crores, and in addition, had borrowed \$287.05 million (or Rs. 136.85 crores in pre-devaluation terms) from the International Monetary Fund.⁸

Causes of Adverse Balance of Payments

The Committee attributed the balance of payments difficulties during the Second and the Third Plan periods mainly to heavy inflation, failure to attain self-sufficiency in foodgrains, heavy investments in products having long gestations periods, lack of integrated programmes of industrialisation, non-attainment of the production targets, existence of sellers' market in the country, failure to link imports with the capacity to generate surpluses for exports, and import of non-essential consumer goods.⁹

Admitting that some of the factors mentioned by the Committee did influence the balance of payments situation from time to time, the Government, at the same time, maintained that it would by no means be correct to suggest that no efforts were made to increase food production, that there were no returns from heavy investments in projects having long gestation periods, or that efforts were not made to create indigenous capacity for production of components, intermediates, raw materials, etc. High unit costs due to tied aid, the Government agreed.

⁷E.C., 89th Report (1968-69), page 7.

⁸E.C., 30th Report (1967-68), para 3.135.

⁹*Ibid.*, para 3.138.

had been a major contributing factor to the difficult situation. "It is for this reason that Government has always pleaded for progressive untying of foreign aid", they added. However, such efforts made by India and other developing countries had not yet born fruit. The Government assured the Committee that the efforts in this direction would in any case continue to be made.¹⁰

Devaluation

Factors Leading to Devaluation

The various measures taken by Government, such as the export incentive schemes and cuts in imports, however, failed to provide a corrective to the basic disequilibrium in the country's balance of payments. This led to a further fall in the foreign exchange reserves during 1964-65 and 1965-66. Added to this was the abrupt suspension of external assistance in the wake of Indo-Pak hostilities which had seriously affected industrial production and even threatened to jeopardise the agricultural programme which required large imports of fertilisers. In fact, the country had reached such a stage where it had to "incur fresh debts in order to pay off old ones" and even the finalisation of the Fourth Plan could not be undertaken in the absence of reasonable prospects of aid. It was evident that the lending countries institutions required "demonstrable evidence of our determination and capacity to push up exports and improve the external viability of our economy" in order to extend their hand of help.

It was in these circumstances that the Government decided to devalue the rupee. The principal reason advanced by Government was that due to heavy inflationary pressures and consequent decline in the purchasing power of the rupee, its exchange rate had become unrealistic which, in turn, had impeded efforts to improve the balance of payments position.¹¹ The par value of the rupee was, accordingly, reduced by 36.5 per cent with effect from June 6, 1966, which meant that the price of foreign exchange in terms of the Indian rupee had gone up by 57.5 per cent.¹²

Follow-up Measures . . .

Simultaneously, the Government also announced a number of other economic measures, which were in the nature of follow-up action to

¹⁰E.C., 39th Report (1968-69), pages 12 and 13.

¹¹E.C., 30th Report (1967-68), paras 11.10 to 11.12.

¹²*Ibid.*, paras 4.3 and 4.4.

devaluation. For instance all special export promotion schemes providing for grant of import entitlement licences were abolished and certain alternative schemes were worked out to ensure adequate allotment of imports of raw materials etc. to exporters.¹³ The Government also announced certain important liberalisation measures which included special arrangement for importing in large quantities of fertilisers and pesticides, import on an Open General Licence of certain raw materials needed primarily for export production etc. These measures were intended to help increase agricultural and industrial production.¹⁴

Trends in Exports since Devaluation

One of the avowed purposes of devaluation was to stimulate exports. But during the seven months' period after devaluation (June—December, 1960), the exports declined by nearly 13 per cent as compared to the corresponding period of 1965. This decline in exports following devaluation was, however, attributed, among other things, to a drastic fall in domestic agricultural output on account of the severe drought conditions prevailing in most parts of the country and in industrial output as a result of the pause in the flow of foreign aid since 1965.¹⁵

The Estimates Committee, however, felt that the downward trend in exports since devaluation was in any case partly attributable to delays in introducing the requisite follow-up measures. They noted that while pre-devaluation export incentive schemes were abolished simultaneously with devaluation, new schemes of exports assistance were announced only more than two months after devaluation. Moreover, delay in settling the transitional problems arising in respect of trade with rupee payment countries created difficulties for Indian exporters. In view of this adverse trend in exports, the Committee desired the Government to keep a continuous watch on the behaviour of the country's exports and the trends in international trade and take timely and effective measures to ensure that Indian goods were not priced out of world market, due to such factors as high export duties or inadequate cash assistance.¹⁶

¹³*Ibid.*, paras 4.40 and 4.41.

¹⁴*Ibid.*, para 4.46.

¹⁵*Ibid.*, para 4.79.

¹⁶*Ibid.*, paras 4.96 and 4.97.

Impact of Financial Committees' Recommendations on Administration

The Government, on their part, attributed the fall in exports to the wide-spread failure of crops and the resultant low output recorded by the agriculture-based industries. The other main factor leading to the fall in exports was stated to be a slackening of economic activity in some of the markets for our major exports. As to the delay in taking requisite follow-up measures, the Government stated that detailed decisions in this regard had been announced in no more than two months' time after devaluation, which "does not seem to be undue delay".

Taking note of the Committee's recommendation to ensure that Indian goods were not priced out of world markets, the Government informed the Committee that apart from a reduction of export duties in respect of a wide range of products, as announced on 7th February, 1968, increased cash assistance was offered on selected products, effective from 1st March, 1968.¹⁷

The Committee felt that the expected improvement in the country's balance of payments, as a result of devaluation, had not materialised mainly because of three factors, viz., (i) continuing inflation, (ii) the lack of adequate export surpluses, and (iii) the abrupt withdrawal of pre-devaluation export incentive schemes and imposition of export duties on many important items of export. The Committee further observed that the abnormal rise in wholesale prices in 1966-67 by 15.7 per cent.—the highest annual increase experienced since the commencement of planning—had, to a great extent, neutralised the usefulness of devaluation which was meant to be a "corrective to the chronic disequilibrium in the balance of payments resulting from the earlier erosion in the value of the rupee under inflationary pressures".¹⁸

While accepting the Committee's view that inflation did neutralise, in a general sense, the effects of devaluation, the Government assured the Committee that to the extent it was possible in the circumstances they had kept a "right fiscal and monetary control". The Government agreed that the need to keep restraint still continued.¹⁹

Planning vis-a-vis the Balance of Payments Position

Since 1951, the Five Year Plans have shaped and influenced the country's foreign exchange position in many ways, direct as well as

¹⁷E.C., 89th Report (1968-69), pages 17 and 18.

¹⁸E.C., 80th Report (1967-68), paras 11 to 15.

¹⁹E.C., 89th Report (1968-69), page 107.

indirect. For instance, the size and pattern of investment in the Plans and the actual results achieved therefrom have determined, in large measures, the country's capacity for export and its import needs. Similarly, the total outlays in the Plans and the rate of growth achieved generally as also in particular spheres, such as in agriculture and industry, have affected the domestic price position which, in turn, has been a major factor, influencing the balance of trade.²⁰

Lack of Realistic Planning

The Committee noted that while the achievements of the Second Plan were below expectations, the Third Plan's performance had been "highly unsatisfactory". They were of the view that with more careful and realistic planning and better implementation, it should have been possible to impart economy greater strength and provide it with a safety margin to offset the effect of uncontrollable and uncertain factors like "war and bad weather".²¹

The Committee were later informed by the Government that the formulation as well as the implementation of the Five Year Plans were being streamlined for the purpose of securing better performance. The technique of annual planning was being evolved, the Committee were informed, to deal with year to year deviations from original assumptions in the Plan.²²

Non-developmental Expenditure

The Committee pointed out the rapid increase in non-developmental civil expenditure from Rs. 337 crores, or 3.5 per cent of the national income in 1950-51, to an estimated amount of Rs. 1280 crores, or 6.1 per cent of the national income in 1965-66. In 1966-67, such expenditure was stated to have gone up further to about Rs. 1634 crores or 6.8 per cent of the national income, due largely to higher service charges on external debt resulting from devaluation, increased subsidy on foodgrains and increase in the dearness allowance of public employees. Revision of pay scales and allowances of Centre and State employees announced during the Third Plan period alone, was stated to have increased the cost of administration by about Rs. 2.60 crores a year.²³

²⁰E.C., 30th Report (1967-68), para 5.1.

²¹Ibid., para 5.109.

²²E.C., 89th Report (1968-69), page 19.

²³E.C., 30th Report (1967-68), para 5.112.

While explaining the points raised by the Committee, the Government assured them that so far as the Government were concerned, they were making consistent efforts to control the growth of administrative expenditure. The Government, however, pointed out that there were certain limitations in curtailing non-developmental expenditure. While a part of it like that on Audit was relatable to increase in developmental expenditure themselves, a certain amount thereof, like the expenditure on Police, was relatable to security which was a precondition for development.²⁴

External Assistance

The Committee noted that the increased reliance on external assistance for financing investment during the Second and Third Plans was essentially due to the growing gap between investment and domestic savings. "It is evident", the Committee emphasised, "that if the country's development process is to be freed from dependence of foreign aid, the gap between investment and domestic savings will have to be removed." The Committee suggested that this objective could best be achieved by introducing immediate changes in the techniques of Planning and implementation of the Plans, so as to obtain the optimum results from the available domestic resources.

The Government informed the Committee in reply that as suggested by the Committee, the Government's intention was to progressively reduce, and finally eliminate, reliance on foreign aid, and it was hoped that it would be possible to "reduce foreign aid (inclusive of food aid), net of interest and loan repayment, to half the present level by 1973-74."²⁵

Inflationary Pressures

Discussing the necessary conditions for bringing about an enduring improvement in the country's balance of payments, the Committee considered it essential that inflationary pressures were firmly kept under control. To do so, the Committee observed, it was necessary to identify and eliminate the factors contributing to inflation. The most important cause of inflation, according to the Committee, lay in the size, strategy and implementation of the Five Year Plans. To remedy the situation, the Committee observed, it would be necessary, in the first place, to limit public expenditure to the resources Government could mobilise

²⁴E.C., 89th Report (1968-69), page 27.

²⁵E.C., 30th Report (1967-68), para 5-159.

²⁶E.C., 89th Report (1968-69), page 35.

without recourse to deficit financing which aggravated inflation. This would mean that considerable economics had to be made in both developmental outlay, Secondly, to eliminate the all-round shortage responsible for the spiralling of prices, concerted efforts would have to be made to bring about a rapid increase in production, particularly of essential consumer goods and export commodities.²⁷

The Government recognised the need not only to keep inflationary pressures under control, but also to mobilise adequate resources for development and to improve the efficiency of investments both in the public and the private sectors.²⁸

Exports and Export promotion

India's exports remained virtually stagnant during the period covered by the first two Plans. During this decade, India's share in world exports declined from 2.1 per cent in 1950 to 1.2 per cent in 1960. This stagnancy was broken during the Third Plan period, exports showing a degree of buoyancy right from the very first year. In 1961-62, exports amounted to Rs. 665.3 crores as compared to Rs. 630.5 crores in the preceding year. In 1962-63 and 1963-64, the exports rose further to Rs. 680.0 crores and Rs. 801.7 crores, respectively. This spurt in exports was not, however, maintained in the last two years of the Plan.²⁹

Decline in exports

The Estimates Committee (1967-68) noted that during the fifteen year period covered by the first three Plans, India's share in world exports had declined from 2.1 per cent in 1950, to 1 per cent at the end of the Third Plan. The Committee attributed this phenomenon to the fact that India's exports had been rising at a much lower rate when compared to the world exports. That was the reason, the Committee thought, why even during the Third Plan period, when Indian exports were appreciably higher than in the preceding two Plans, India's exports increased only by about 4 per cent per annum on an average, whereas world exports had increased at a higher rate of 8.7 per cent per annum. The Committee pointed out that the rate of growth in India's exports did not compare favourably with that of many developing

²⁷E.C., 30th Report (1967-68), paras 11.16 and 11.17.

²⁸E.C., 89th Report (1968-69), page 108.

²⁹E.C., 30th Report (1967-68), paras 6.1 to 6.7.

*Impact of Financial Committees' Recommendations on
Administration*

countries. Illustrating their point by quoting figures, the Committee observed that whereas the increase recorded in India's exports during the period 1960 to 1965 was only 23.4 per cent, Israel's exports increased by as much as 94.3 per cent and Thailand's by 53.6 per cent during the same period. On the whole, the exports of Economic Class II countries—a category which covers most of the developing countries—rose during this period by about 33 per cent.³⁰

The Government explained to the Committee that the relatively slower growth of India's exports, when compared with those of certain other developing countries, such as Israel and Thailand, could be attributed to a variety of reasons. India had in the past relied only on three or four traditional commodities such as jute manufacture, tea, cotton, textiles, etc., and the world exports of these commodities had themselves been stagnant or in any case had been growing at a slower pace. On the other hand, Israel's economy, being a modern and sophisticated one, relied more on the exports of non-traditional goods. And Thailand had benefited considerably from the export of rice, particularly because of the recent world shortage of that commodity.

The Government, however, drew the Committee's attention to the fact that India's exports during the Third Plan had showed a significant rise over the first two Plans. The main reasons for the fall in exports during 1966-67 as compared to 1965-66 were stated to be the temporary uncertainties caused by devaluation and the unprecedented droughts in two successive years resulting in low agricultural production.³¹

Exports by Public Undertakings

Dealing with the role of public undertakings in developing exports, the Estimates Committee observed that against an investment of over Rs. 2000 crores in 68 public sector undertakings the level of exports by these undertakings in 1965-66 was of the order of only Rs. 6 crores. They felt that the target of Rs. 100 crores laid down by the Board of Trade for annual exports by the public undertakings to be reached by 1970-72 was quite modest and urged that every effort should be made to reach, and if possible, to exceed it.³²

³⁰*Ibid.*, paras 6.21 and 6.22.

³¹E.C., 89th Report (1968-69), pages 44 and 45.

³²E.C., 30th Report (1967-68), para 6.57.

The Government assured the Committee that "efforts have continuously been made to increase the exports of public sector undertakings, as in fact, the exports from the country as a whole".³³

Recession and Exports

In the context of the "current recessionary trends in certain industries", the Estimates Committee observed that the scheme of giving cash assistance to exporters of engineering goods, iron and steel, steel scrap, etc., might be useful only as a temporary expedient to develop exports. They cautioned the Government that too much reliance on this method would not only encourage inefficient units and add to the budgetary burden of the Government, but would also provoke retaliatory measures by other countries. The Committee urged the Government to pay immediate attention to cost reduction and quality improvement in the important export-oriented industries, particularly those which were faced with recession.

The Committee desired the Government to take energetic measures to explore new markets for India's capital goods and engineering products. In this connection they suggested that the Government should consider the feasibility of organising industry-wise consortia of manufacturers from both the public and the private sectors for selling complete industrial plants abroad for manufacturing cement, sugar, iron and steel, chemicals and other end-products.

The Government mentioned in reply some of the measures and facilities introduced by them for promoting exports of engineering goods in particular. These included (i) the availability of iron and steel at international prices to the exporters; (ii) railway freight concessions; (iii) issue of import licences for replenishing the indigenous material and components used in the manufacture of the product exported; (iv) grant of cash assistance; (v) availability of export credit at concessional rates of interest; and (vi) protection to exporters against the risks involved in the extension of deferred payment terms. The Government stated that as a result of the efforts made by the Indian exporters and Export Promotion Council as well as the facilities offered by the Government and by the financial institutions, it had been possible for Indian exporters to secure a number of high-value contracts from various developing countries.

³³E.C., 89th Report (1968-69), page 61.

³⁴E.C., 30th Report (1967-68), paras 6.71 to 6.73.

The Government informed the Committee that some consortia for the export of engineering goods, like aluminium conductors, power cables and other electrical equipment, had been organised. There was also a consortium for erection and installation of High-tension Transmission Lines.⁸⁵

Earnings from Tourist Traffic

The Estimates Committee observed that foreign exchange earnings from tourism had remained almost stagnant over the Second and Third Plan periods and the rate of increase in tourist traffic had perceptibly slowed down during the Third Plan period. They felt that the poor progress made by India in attracting foreign tourists was primarily due to lack of recognition of the value of tourism in augmenting the country's foreign exchange earnings. The fact that the total expenditure on the development of tourism during the whole of the Third Plan, was only Rs. 4.63 crores, or 57.5 per cent of the outlay proposed in the Third Plan, was itself an evidence of the low priority attached to this item by Government. The Committee expressed their regret that the Government should have thought it necessary, for reasons of economy, to drastically curtail the Plan outlay on tourism development schemes, which might have helped the country to earn the much-needed foreign exchange.

Keeping in view the "remarkable" progress made by a number of countries, notably, Yugoslavia, Thailand, Italy and Greece, in increasing their earnings from foreign tourism, the Committee had no doubt that given adequate organisation, facilities and publicity, the amount of foreign exchange that India could earn through tourists could be increased considerably, which could make substantial improvement in her balance of payments too. They urged that Government should accord the "highest priority" to the development of tourism and adopt urgent imaginative measures to attract an increasing number of foreign tourists to India.⁸⁶

The Government later informed the Committee that the declaration of emergency twice during the Third Plan period had, to a certain extent, been responsible for the slowing down in the rate of increase in the tourist traffic to India. Agreeing that tourism being an important foreign exchange earner, high priority should be accorded to it, the Government informed the Committee that it was proposed to launch

⁸⁵E.C., 89th Report (1968-69), pages 67 and 68.

⁸⁶E.C., 30th Report (1967-68), para 7.38.

an ambitious plan covering a wide range of activities, with the object of building up the tourist infrastructure and the facilities during the Fourth Plan period.³⁷

Imports and Import Substitution

Imports into India rose sharply from an average of Rs. 730 crores a year during the First Plan to Rs. 1080 crores a year during the Second Plan. During the Third Plan, they witnessed a further increase, the annual average being Rs. 1241.7 crores.³⁸

The Estimates Committee felt that, due to the increasing dependence on foreign aid to finance imports, the country had to pay a much higher price for its imports of machinery and goods than would be the case otherwise. In view of this and the persistent balance of payments difficulties, the Committee urged the Government to take well thought-out and determined measures to keep down imports to as low a level as possible, consistent with the requirements of food, defence and economic development.³⁹

The Government assured the Committee that their policies were designed to keep down imports to the minimum, consistent with the "inescapable requirements of food, defence and economic development." While enumerating various measures adopted for accelerating the pace of import substitution, the Government informed the Committee that whether it be maintenance inputs needed for industrial production, or capital goods, their imports were allowed only after a careful scrutiny. There was also an inter-departmental committee, for considering representations which suggested a ban on the import of certain items on the plea that they were available in the country. The Committee were further informed that even in regard to those projects whose foreign currency requirements were proposed to be financed out of credits, care was taken to get a "rough-and-ready dimensional assessment" of the foreign exchange component of the projects before the credit negotiations were undertaken.⁴⁰

Foreign Exchange Budgeting

A foreign exchange budget is primarily an estimate of receipts and expenditure of foreign exchange for a given period. The objective of

³⁷E.C., 89th Report (1968-69), pages 70 and 71.

³⁸E.C., 30th Report (1967-68), para 8.1.

³⁹*Ibid.*, para 8.24.

⁴⁰E.C., 89th Report (1968-69) page 77 and 91.

foreign exchange budgeting is to make the best possible allocation of the available resources for the various competing demands on the basis of the order of priorities accepted by the Government in the framework of the Plans.⁴¹

The adoption of foreign exchange budgeting system in India had become necessary after World War II, following the blocking of her sterling balances by the U.K. Government, and the first foreign exchange budget was prepared for the period July—December, 1947. With the improvement in India's balance of payments position, the system of foreign exchange budgeting fell into desuetude after 1953, but when the strain on the country's foreign exchange resources became acute from the beginning of the Second Plan period, it was re-introduced in 1957.⁴²

Allocation of Foreign exchange to public Sector

The Government had admitted before the Estimates Committee that there had been instances in the past where the public sector project authorities had placed orders abroad for items which (or whose close substitutes) were indigenously available. The Committee were, however informed by the Government that a result of recent changes in the import control policy, all applications for imports of components and raw materials by the public sector units in 59 priority industries were now being treated exactly in the same manner as applications from private sector units. Welcoming this practice, the Committee desired that this should not only be continued but implemented strictly, so as to ensure unit-to-unit parity between the public and the private sectors, insofar as maintenance imports were concerned. However, in view of the large stockpiles of raw materials and components with many public undertakings and the need to bring them down, the Committee considered it necessary that that before taking a decision on an application by a public undertaking for importing raw materials or components, the Director General of Technical Development (D.G.T.D.) should fully take into account the existing inventory stock of that undertaking.⁴³

⁴¹E.C., 30th Report (1967-68), para 9.1; and 89th Report (1968-69), page 104.

⁴²E.C., 30th Report (1967-68), para 9.2.

⁴³*Ibid.*, para 9.25.

The Committee's recommendation was accepted by the Government who issued necessary instructions to the D.G.T.D. in the matter."

Exchange control

Malpractices in Foreign Exchange

A system of exchange control was set up in India on the outbreak of the War in September, 1939, for the purpose of "conserving and directing to the best uses the limited supplies of foreign exchange available". The control was made effective through a series of rules under the Defence of India Act, 1939. These rules, which expired on the 30th September, 1946, were retained in force for six months under the Emergency Provisions Continuance Ordinance, 1946. Before the six months' period was over, the exchange control provisions of the Defence of India Rules were replaced by legislation in the form of Foreign Exchange Regulations Act, 1947, which came into force with effect from the 25th March, 1947. The Act was originally a temporary measure; but in 1957, exchange control was put on a permanent basis by suitably amending the principal Act.⁴⁵

The Estimates Committee learnt in the course of evidence that the total foreign exchange involved in cases where proceedings were initiated by the Directorate of Enforcement amounted in 1965-66 to Rs. 7 to 9 crores; in earlier years the foreign exchange involved in such cases was much less. The Committee also noted that in 19 years since 1956, the total fine imposed in cases of contravention of the Foreign Exchange Regulations Act, orders, rules, etc., amounted to only Rs. 2.634 crores; the total foreign exchange ordered to be repatriated to India during the same period came to no more than Rs. 2.46 crores, while the amount of Indian and foreign currencies confiscated was negligible. Considering these facts in the context of the widespread prevalence of various malpractices resulting in the admitted leakage of foreign exchange and the retention of foreign exchange abroad by Indian nationals, the Committee inferred that something was lacking in the law relating to exchange control and the machinery for its enforcement.

The Committee were surprised that although the Foreign Exchange Regulations Act had been amended a number of times, it had not been found possible to devise suitable ways and means either for securing

⁴⁴E.C., 89th Report (1968-69), page 87.

⁴⁵E.C., 30th Report (1967-68), paras 10.1 to 10.6.

repatriation of foreign exchange held abroad by citizens and residents of India or for preventing malpractices which resulted in leakage of foreign exchange. They observed that all that could and should have been done to make exchange control really effective had not been done.

The Committee also considered it highly anomalous that while, on the one hand, Government stood committed to the reduction of economic inequalities, they had, on the other hand, been taking a rather lenient view of Indian citizen building up or retaining large balances, securities, etc. abroad. The Committee suggested a "two-pronged approach" to deal with the problem of leakage and non-repatriation of foreign exchange. First, a healthy climate for investment had to be created in the country by offering special incentives to encourage people to repatriate and surrender their foreign exchange holdings to the Reserve Bank of India. Secondly, the Committee suggested, the law relating to exchange control should be modified, so as to plug all loopholes and provide deterrent punishment for violations. The Committee wanted the law to be rigidly enforced "whoever be the offender".⁴⁶

Agreeing that the provisions of the Foreign Exchange Regulations Act were not "sufficiently stringent", the Government pointed out in their reply to the Committee that "it might not be entirely appropriate to measure the work of the Enforcement Directorate purely in terms of the quantum of penalty or foreign currency recovered, etc. It was stated that Government were considering certain amendments to the Act, with a view to making it more effective. Among other things, it was proposed to increase considerably the quantum of penalties currently prescribed."⁴⁷

Review of working of Exchange Control . . .

To make the law relating to exchange control foolproof and to ensure its proper implementation, the Committee recommended the early appointment of a high-powered Commission consisting of a retired Supreme Court judge and an adequate number of independent public men, to review the working of the exchange control, with a view to identifying its shortcomings and suggesting appropriate remedial measures to make it an effective instrument of conserving and augmenting the country's foreign exchange resources.⁴⁸ The Government, however, did not accept the suggestion saying that they were

⁴⁶*Ibid.*, paras 10.86 to 10.88.

⁴⁷E.C., 89th Report (1968-69), p. 2.

⁴⁸E.C., 30th Report (1967-68), para 10.89.

already considering certain proposals to amend the enforcement provisions of the Foreign Exchange Regulations Act. The Estimates Committee, on their part, did not consider the reply of the Government as satisfactory, and reiterated that immediate steps should be taken by the Government for a comprehensive examination of the working of exchange control.

Publication of names of persons found guilty of violating the Foreign Exchange Regulations Act.

An amendment to the Foreign Exchange Regulations Act, which became effective from 1st April, 1965, empowered the Central Government to provide, by rules, for the publication of the names and other particulars of persons who had been found guilty of any contravention of the provisions of the Act, or of any rules, order of direction made thereunder. Asked whether Government had made use of this provisions, the Government informed the Estimates Committee that till then, they had not notified any names.

The Committee, however, felt that publication of such names would act as a check on exchange control violation and suggested in their Thirtieth Report (1967-68) that Government should give full publicity to all such cases decided since April 1, 1965. For the future, the Committee observed, the Government should ensure that the names and other particulars of all persons held guilty of foreign exchange offences during a particular period, say a quarter, were regularly published in the official gazette and other media considered appropriate for the purpose.⁴⁹

The Government accepted the Committee's recommendation and promised to take action to frame rules under Section 27(c), which was incorporated in the Foreign Exchange Regulations Act in 1964, to provide for the regular publication of names of those who were convicted of violation of the Act.

The Committee, however, expressed their regret, *vide* their 89th Report (1968-69), at the fact that Government had not yet framed the rules under Section 27(c), although four years had elapsed since the provision therefor was incorporated in the Act. The Committee urged the Government to take immediate steps in this regard.⁵¹

⁴⁹E.C., 89th Report (1968-69), page 3.

⁵⁰E.C., 30th Report (1967-68), para 10.97.

⁵¹E.C., 89th Report (1968-69), page 4m.

II. INDUSTRIAL LICENSING

In April 1948, the Government of India adopted the Industrial Policy Resolution emphasising the responsibilities of Government in the matter of promoting, assisting and regulating the development of industries in the national interest. Later on, in order to implement the industrial policy and to ensure a systematic and steady growth of industries, the Industries (Development and Regulation), Act was enacted in 1951. Under the provisions of the Act, the planning of future development of industries "on sound and balanced lines" was sought to be secured by the licensing of all new undertakings by the Central Government.

Review of the Working of Industrial licensing by an Industries Commission

The Estimates Committee (1967-68) in their 9th Report examined the working of industrial licensing system. On the basis of their discussions with the officials of the Government and other experts, the Committee expressed the feeling that a crucial stage had been reached in the industrialisation of the country, and "if the slogan of self-reliance has to be given a content and a meaning it is imperative that the strategy of industrialisation should be reviewed pragmatically by an expert body". The Committee suggested the appointment of an Industries Commission with representatives drawn from industry, trade, commerce, public sector, financial institutions and economists, to examine the extent to which the Industries (Development and Regulation) Act had been helpful in developing and regulating the industries on the desired lines."

In reply, the Government stated that some studies had recently been made on industrial licensing—one by the Study Team on Economic Administration set up by the Administrative Reforms Commission and the other by Dr. R. K. Hazari. Having considered the recommendations contained in the interim report of Dr. R. K. Hazari, it has been decided to institute an inquiry into the working of industrial licensing during the past ten years, by an Expert Committee known as the Industrial Licensing Policy Inquiry Committee. Besides, a Committee of the Cabinet was also going into the question of overall economic and licensing policies of the Government.

⁵²E.C., 9th Report (4th L.S.), para 138.

The Estimates Committee desired to be apprised of the recommendations of the two Committees viz., the Industrial Licensing Policy Inquiry Committee and the Committee of the Cabinet, together with the action taken by Government thereon.⁵³

Industrial Licensing to be used as Instrument of Development

Certain arguments were advanced before the Estimates Committee for the abandonment of the system of industrial licensing. It was considered that the Industries (Development and Regulation) Act had "outlived its usefulness" and had emerged merely as a restraining influence on the country's economic growth. The Government, however, maintained that it was desirable to retain the control, having due regard to the Government's policies on regional development, prevention of monopoly and development of small scale and cooperative sectors. The Committee were further informed that the need for dispensing with the control in a limited way had been considered and the following relaxations had already been given effect to:

- (i) No licence was necessary for setting up industries (with certain exceptions) with fixed assets up to Rs. 25 lakhs.
- (ii) A number of industries had been exempted from the licensing provisions of the Act.
- (iii) Existing undertakings were allowed to either diversify or increase their production upto 25 per cent of their registered licensed capacity.

While agreeing with the Government that in the context of planned development the authority to regulate industrial licensing could not be dispensed with the Committee expressed the view that procedures for industrial regulation should be used as instruments or development rather than of restraint. The Committee observed:

"This should not, however, result in relaxation in any way vigilance in checking the terms of foreign collaboration or the time-schedule for achieving self-sufficiency at the earliest or for producing goods at most competitive prices. The machinery available under the Industries (Development and Regulation) Act should be used to establish closer liaison between the public and private sector in the interest of larger and cheaper production. The Committee need hardly emphasise that in exercising the regulatory powers under the Act, weightage should be given on economic considerations as far as possible."⁵⁴

⁵³E.C., 79th Report (4th L.S.), page 56.

⁵⁴E.C., 9th Report (4th L.S.), para 2.16.

Keeping a note of the recommendation of the Committee, Government replied that the licensing policy and procedure were under examination of an Expert Committee and further action in the matter would be taken on receipt of the report of that Committee.⁵⁵

Balanced Development of Backward Areas

One of the basic objectives of Planned economic and social development in the country is to ensure balanced growth of the different regions. According to the Estimates Committee, industrial licensing could be one of the instruments to subserve that objective, but the real key to the development of the backward areas lay in the strengthening of their agricultural sector as also in the building of infra-structure for the development of industries. The Committee asked the Government "to give every possible assistance to the underdeveloped States to develop infra-structure facilities such as power, communications, raw materials, trained technical personnel etc."

The Committee further suggested that intensive studies of the economic structure of the backward areas, their deficiencies and problems of growth and the available natural resources should be undertaken by competent teams, so that wellconceived and integrated development of those areas could be formulated.⁵⁶

Making a note of recommendations of the Committee, the Government accepted the importance of the development of infra-structure facilities, particularly in underdeveloped areas. The Committee were informed that identification of under-developed areas had been completed in consultation with the State Governments, who would now be requested to take up intensive studies of these regions.⁵⁷

Shortfalls in production targets indicate deficiency in planning

The Estimates Committee examined in detail the targets of production and achievements made in the case of major industries during the three plan periods. From the statements furnished by the Ministry, the Committee noticed that there had been persistent shortfalls in production in some of the basic industries, for example cement, fertilisers etc. during the successive Plan periods. It was a matter of concern, the Committee observed, that while the targets of investment including the foreign exchange component envisaged in the plans had been

⁵⁵E.C., 79th Report (4th L.S.), page 3.

⁵⁶E.C., 9th Report (4th L.S.), paras 2.47 and 2.48.

⁵⁷E.C., 79th Report (4th L.S.), pages 5 and 6.

largely achieved the production targets had lagged behind. Even the installed capacity was not put to full use in many cases. In the Committee's opinion this state of affairs indicated deficiencies in planning and industrial licensing.

In extenuation, it was stated by Government that shortfalls in production targets during the First and Second Plan periods were mainly due to the following reasons:

- (1) inter-linkage of industries;
- (2) shortage of raw materials;
- (3) lack of adequate foreign exchange; and
- (4) less profitability of certain industries.

It was added that Government had taken certain remedial measures during the Third Plan, including liberalisation of imports, review of the fiscal and the pricing policies so as to make the industries with short-falls more profitable, and giving of priority for loans to specified industries.

Emphasising the need for a basic change in the drawing up of industrial programmes for the plan periods the Committee suggested that targets of capacity and production of industries, particularly those catering for non-essential consumer goods, should be indicative so that these could be rolled forward and backward in the light of development and achievement."

In reply Government informed the Committee that appropriate modifications in the drawing up of industrial programmes and target-setting were under consideration in the Planning Commission and that programmes for the Fourth Plan were formulated on the following lines:

- (i) For industries falling within the key sectors, a programme of action in the public and private sector will be drawn up. This will be broken down into individual projects, formulated after detailed examination with full provision made for finance, supplies and other facilities. For industries included in these categories, the targets of performance during the Plan will be worked out in detail and will be sought to be achieved.

- (ii) For the remaining industries, the Planning Commission will endeavour to project possible major developments as related to the overall strategy of industrialisation. This exercise will be undertaken in close collaboration with industry.⁵⁹

Licences issued in excess of production targets

It came to the notice of the Estimates Committee that in the case of a number of industries the licences issued were for much higher capacity than the production targets set for the Third Plan.⁶⁰

The Committee were greatly concerned over it "as it tends to give a misleading picture about the industrial capacity and keeps away genuine entrepreneurs from coming into the field". This practice also encourages", the Committee observed "for-closure of licensing capacity by interested parties|groups who do not implement licences and thereby keep away competition from these industries".

The Committee, therefore, recommended that a strict watch should be kept on the progress made by licences in order to ensure that they took effective action to implement the schemes within the stipulated time, failing which, the licences should be revoked or transferred to other parties.⁶¹

Noting the views of the Committee, the Government explained that in some cases there had been over-licensing of capacity to provide for shortfalls on account of schemes which might not materialise, in the case of industries with long gestation periods, overlicensing to some extent became necessary to meet future requirements. "Progress of implementation of each industrial licence is reviewed," it added, "from time to time and in appropriate cases revocation proceedings are initiated. Under the current "Letter-of-Intent" procedure, the letter-of-intent automatically lapses unless its validity is specifically extended."

The Committee were, however, not satisfied with the explanation. They further stressed the desirability of streamlining the procedure in this regard.⁶²

⁵⁹E.C., 79th Report (4th L.S.), page 7.

⁶⁰E.C., 9th Report (4th L.S.), para 2.58(V).

⁶¹Ibid., para 2.60.

⁶²E.C., 79th Report (4th L.S.), pages 64 and 65.

Idle Capacity created by over-licensing

The Committee were constrained to note that in the year 1965-66 the capacity in some industries remained unutilised to the extent of 80—90 per cent. Even in some priority industries the under utilisation had been as high as 40 per cent. The Committee noted that the installed capacity of certain industries, particularly in the cases of Sheet Glass and Refractories where under-utilisation had progressively increased from year to year, remained under utilised due to over-licensing. The Committee desired that the causes of under-utilisation of the installed capacity should be gone into thoroughly with a view to see as to how far the idle capacity could be utilised for import substitution.

The Committee further suggested that there should be effective coordination between the two wings of the Ministry of Industrial Development and Company Affairs, dealing with scheduled industries and small scale sector so as to ensure optimum utilisation of resources in both the sectors.⁶³

In reply Government expressed the hope that the liberalised raw material licensing policy and the gradual recovery from the effects of recession would help the fuller utilisation of installed capacity. Measures to utilise idle capacity for promoting import substitution were also continuously under consideration.

As regards effecting coordination between the two wings of the Ministry, Government explained the existing procedure and the coordination that existed in the Ministry in the matter of issuing licences to the two sectors. "However, further steps to secure greater coordination are being continuously explored", the Government stated.

The Committee desired to be informed of the steps taken by Government to utilise the idle capacity in the existing industries.⁶⁴

Extensive publicity of industrial capacity recommended

It came to the notice of the Committee that full particulars of industrial capacity available in various industries in the different regions of the country were not being adequately publicised. They noted that even the provisions made in the Registration and Licensing of Indus-

⁶³E.C., 9th Report (4th L.S.), paras 2.69 and 2.70.

⁶⁴E.C., 79th Report (4th L.S.), pages 8 and 9.

Industrial Undertakings Rules, 1952 for inviting applications for the grant of licences for establishing new industrial undertakings by means of a notice published in the Gazette of India were not being implemented.

The Committee desired that Government should invariably give full and extensive publicity through all available media including the Gazette of India to the capacity that is to be licensed for various industries during the year specified period particularly for industries falling in the group of key/basic industries, because "This would stimulate competition among the intending entrepreneurs and thereby enable Government to select the most economical and competitive proposal." The Committee further suggested that suitable arrangement should be made, in the existing set-up, to make readily available essential data such as capacities licensed and developed so far, the estimated demand for the commodity, the international price etc. to intending entrepreneurs. This would also ensure that the emphasis would be shifted from mere chronological receipts of applications to their competitiveness based on merits, contents and potential contribution to the economy of the country.⁶⁵

Government accepted the recommendation of the Committee that information relating to targetted capacity and the capacity already licensed and installed should be published for the benefit of prospective entrepreneurs. It was proposed to give effect to this recommendation at the time of publication of "banned" list and "merit" list etc. in 1968.

It was also agreed that, in preference to the existing practice of examination of applications for industrial licences as and when they were received, applications in respect of at least the more important industries should be considered at intervals of 3 or 6 months, considering all the applications together. A final decision in regard to this was proposed to be taken after the receipt of the report of the Industrial Licensing Policy Inquiry Committee.⁶⁶

General principles and Criteria for Issue of Licences

It was represented to the Committee by a leading chamber of commerce that "so far it has not been possible to find out the underlying principles for either giving or rejecting the industrial licences for setting up new plants or for expansion by the Licensing Committee. The guidelines either for giving or rejecting the licence applications are changing, depending on the applications".

⁶⁵E.C., 5th Report (4th L.S.), para 2.85.

⁶⁶E.C., 79th Report (4th L.S.), pages 12-13.

The Committee were concerned to note that since the inception of the licensing system under the Industries (Development and Regulation) Act, 1951, no general principles/guidelines had been laid down for the consideration of applications for grant of an industrial licence for establishing a new undertaking or expansion of existing undertakings under the Act although the Rules specifically provided for it. In their opinion in the absence of such principles/guidelines, the merits of each application were apt to be judged on an *ad hoc* basis.

The Committee suggested that Government should, in consultation with the Sub-Committee of the Central Advisory Council for Industries, lay down broad principles/guidelines for the guidance of the Licensing Committee to facilitate consideration of the industrial licensing applications. "Wide and effective publicity should be given to these principles/guidelines so as to dispel any misgivings from the minds of entrepreneurs", the Committee added.

In laying down broad principles particularly for basic/key industries, the Committee further stressed that objective economic criteria should determine the location, size and capacity of basic/key industries. It is of the utmost importance, in the context of developing economy, that the end products of key/basic industries, which impinge on a wide range of manufactures, should be available at competitive prices, bearing parity, as far as possible, with international prices."

The Committee were informed that further action on the lines recommended by them would be taken after the views of the Industrial Licensing Policy Inquiry Committee and the Cabinet Sub-Committee were available.⁶⁸

Processing of Pending Applications

The Estimates Committee referred to the observations of the Study Team which had examined the working of the Directorate General of Technical Development (D.G.T.D.). According to the Study Team the records maintained by the Coordination and Licensing Progress Section of the Department were incomplete and in order to prepare a list of pending cases the Section called for the required information every month from different Ministries. The preparation of the list of pending cases thus took a long time, and by

⁶⁷E.C., 9th Report (4th L.S.), paras 3.10 and 3.11.

⁶⁸E.C., 79th Report.

the time it was put up to the Licensing Committee it became out of date. The Committee stressed the importance of maintenance of proper records by the Coordination and Licensing Progressing Section. They desired that this Section should prepare a comprehensive statement showing details of the pending cases and the reasons therefor. "The Licensing Committee should carefully scrutinise this statement and give specific directions as necessary to expedite processing of pending applications", the Committee observed."

This recommendation was accepted by Government. The Committee were informed that the Coordination and Licensing Progress Section would be strengthened, if necessary, to ensure that records were properly maintained and put up to the Licensing Committee."

Delays in disposal of applications for licences deprecated

During the period June to October 1966 the Department had received 183 applications for licences for establishing new industrial undertakings and 105 requests for effecting substantial expansion in existing industries. The Estimates Committee were distressed to note that against these 288 applications only two licences had been issued—one for establishing a new undertaking and another for effecting substantial expansion. On 31st October, 1966, 169 applications for new undertakings and 94 for substantial expansion were pending.

The Committee deprecated the abnormal time taken in the disposal of applications particularly when there had been so much stress on the streamlining of procedure by the Industrial Development Procedures Committee and Study Team on D.G.T.D. . They recommended that the reasons for the delays should be gone into by Government and remedial measures taken with a view to speedy clearance of applications in future."

Government admitted in reply that, despite efforts made to streamline the procedures, the speed of disposal of applications had not been entirely satisfactory. The Committee were assured that every effort was being made to devise remedial measures to avoid delays and to dispose of applications as expeditiously as possible."

⁶⁹E.C., 9th Report (4th L.S.), para 3.22.

⁷⁰E.C., 79th Report (4th L.S.), page 33.

⁷¹E.C., 9th Report (4th L.S.), para 3.86.

⁷²E.C., 79th Report (4th L.S.), page 38.

Phased programme for Licensing recommended

It was represented to the Estimates Committee by a leading manufacturing organisation that licences were issued under the Act for setting up industries without considering the necessity for the utilisation of installed capacity before licensing new capacities. Majority of industries, it was stated, targetted for a Five Year Plan were licensed during the first year with the result that dependence on imports increased manifold. It was, therefore, essential that licensing was phased out in consonance with the availability of foreign exchange and the development of complementary indigenous capacity.

The Committee were informed in this connection that the Study Team on D.G.T.D. had also considered the question of a phased programme for the licensing of industries but in view of the difficulties explained by Government the Study Team recommended that it would not be desirable to introduce the system of phasing industrial licensing. After considering the *pros and cons* the Estimates Committee expressed the opinion that:

"the issue of a large number of licences in a relatively short period tends to impose great strain on the available resources like investment capital, foreign exchange, scarce raw materials, finding foreign collaborators as well as the domestic suppliers of equipment, etc. Such a procedure also leads to the blocking up of the whole capacity for the Plan period and thereby tends to encourage the interested parties and groups to foreclose the licensed capacity. It also results in placing undue emphasis on the mere chronological receipt of applications rather than on their intrinsic merits and competitiveness".

The Committee, therefore, urged that the feasibility of phasing out licensing should be examined by Government in the light of the above considerations.⁷³

Government stated in reply that phasing of licensing would need considerable detailed planning. It was stated:

"If the licences are to be phased out, it would be necessary to have a more detailed study of the gestation period of each industry and also to lay down annual targets in each of the five-year period. This raises larger issues of planning techniques and licensing policy, which is already engaging the attention of the Planning Commission and other concerned authorities. The Industrial Licensing Policy Inquiry Committee set up by the Government is also going into the question of Licensing Policy".⁷⁴

⁷³E.C., 9th Report (4th L.S.), para 3.93.

⁷⁴E.C., 79th Report (4th L.S.), page 60.

Delays in Implementation of Licences

The Committee noted with concern that there had been considerable delays in licences in taking effective steps to start production after the grant of industrial licences. They particularly noted that delays of over 9 months had occurred in a very large number of cases, *i.e.*, 988 cases in 1965 and 711 cases in 1966 (upto October, 1966). The Committee considered that the time taken in establishing production was the essence of the matter as time lag or shortfall in production in one sector was apt to have adverse inter-sectorial impact on targets and production in other related sectors. The Committee, therefore, asked Government to keep a careful watch to ensure that effective steps were taken by the licensee well in time after the grant of licences. The Committee also commended the suggestion made by the Study Team on D.G.T.D. that registration of units should be done only after the licensee had opened a letter of credit for a substantial portion of the machinery to be imported on Capital Goods Licence.⁷⁵

Noting the recommendations, Government stated in reply that steps had been taken to ensure that implementation of licences is effected as expeditiously as possible. Instructions had been issued to all concerned that they should be more strict in granting extension of the validity period of licences or letters of intent.⁷⁶

Transfer/Sale of Licences and Concentration of Industrial Power

It was reported to the Estimates Committee that in a number of cases licences were given to parties which were not genuine. It was alleged that authorities did not scrutinise at the time of issuing the licence the ability of the applicant to float a company. This resulted in the licensed capacity not coming into production and blocking the genuine entrepreneur from receiving the licences. There were also cases of sale and transfer of industrial licences resulting in unhealthy practices. In the course of his evidence before the Committee the Secretary to the Ministry of Industrial Development and Company Affairs admitted that "no specific check as such was exercised" by the authorities about the genuineness of the parties who had applied for licences. It was added that in the case of comparatively small investments (say Rs. 40 or 50 lakhs) the managerial ability of the applicant was not taken into consideration at the time of issuing a licence.

⁷⁵E.C., 9th Report (4th L.S.), para 3.82.

⁷⁶79th Report (4th L.S.), page 37

The Committee recommended that close watch should be kept on the sale| transfer of licences and requests for association of fresh partnership (entrepreneurial talent or financial resources) by the original licensee so as to prevent monopolistic growth and concentration of economic power in the hands of a few industrialists. The Committee desired that the previous record of performance of the entrepreneur should be taken into account at the time of approval of application for the grant of licence. Amongst other factors the Licensing Committee should carefully examine whether the applicant is genuinely interested in settling up the industry and not merely acting as agent for others.⁷⁷

The Committee's recommendation was noted by Government. It was, however, mentioned that the Industries (Development and Regulation) Act did not bestow any power on Government to prevent the transfer of ownership of units that had come into existence.

To prevent the blocking of capacity by applicants not genuinely interested in production, Government had tightened up the procedures for revocation| cancellation of licences|letters of intent. It had also been provided that letters of intent would automatically lapse after the specified period of validity, in the event of the prescribed conditions not being fulfilled.⁷⁸

Concentration of power to be checked

The Committee referred to the interim report on Industrial Planning and Licensing Policy submitted by Dr. Hazari, which brought out certain shortcomings in the industrial licensing policy. In particular, the Committee took note of the fact that one big industrial house was able to submit multiple applications for each product which tended to build pressure and pre-empt licensable capacity in many industries and that many applications from this particular group were by trading and|or finance companies which had small assets to show against the licences issued to them. The Committee asked Government to examine very carefully the result of study made by Dr. Hazari and take remedial measures to arrest the unhealthy trends and to ensure that industrial power did not concentrate in a few hands to the detriment of the general interest of the economy and the consumer.⁷⁹

⁷⁷E.C., 9th Report (4th L.S.), para 3.113.

⁷⁸E.C., 79th Report (4th L.S.), page 60.

⁷⁹E.C., 9th Report (4th L.S.), para 3. 125.

In reply Government stated that an Expert Committee had since been appointed to inquire into the working of the industrial licensing system during the past ten years with a view to ascertaining whether the larger industrial houses had, in fact, secured undue advantage over other applicants in the matter of issue of such licences and whether the failure on their part to implement the licences had resulted in pre-emption of capacity. The need to avoid concentration of industrial power in a few hands would also be kept in view by that Expert Committee. The recommendations made in Dr. Hazari's Report were also stated to be under the consideration of Government.⁸⁰

Periodical Review of Industrial Licensing Policy

It was reported to the Committee that the policy governing industrial licensing was reviewed every six months and announced in the form of two lists viz. (i) List of 'Banned' industries or rejection list; licences for these industries were not to be ordinarily granted and (ii) the 'merit' list of industries for which applications would be entertained by the Licensing Committee. The Committee were further informed that, pursuant to the recommendation of the Study Team on D.G.T.D., Government had decided to review the industrial policy once in a year instead of every six months. The Committee expressed the hope that this decision of the Government to review the policy at intervals of one year would enable the entrepreneurs to plan and programme their schemes/projects better. "But this should not, however, preclude a review of the policy every six months or in strategic industries even more frequently, the changes, if any, arising out of such reviews being made known through public notice", the Committee added.

The Committee further suggested that "full use should be made of the opportunity provided by the annual review to evaluate not only the progress made in issuing licences on paper but to relate them specifically to the progress made in the field by various units to reach production, their interlinkage and effect on other sectors and above all the the general health and growth of national economy."⁸¹

The Committee further expressed the opinion that categorisation of industries in the merit/banned list should *inter alia* take into consideration the production targets laid down in the Five Year Plan, total capacity licensed and the existing installed capacity. They agreed with the

⁸⁰E.C., 79th Report (4th L.S.), page 70.

⁸¹E.C., 9th Report (4th L.S.), paras 3.35 and 3.38.

views of the Study Team on D.G.T.D. that the only possible way of taking care of the situation would be to pay particular attention at the time of the periodical review of the policy to those industries where there was under-utilisation due to paucity of foreign exchange or shortage of raw material; the aim should be to ensure that ordinarily no new capacity was encouraged in those industries unless the existing capacities were utilised upto an optimum level. The Committee also urged that there should be no delay in the issue of the "banned" list which should be published just before the beginning of the period to which it pertained.⁸² Government noted these recommendations and informed the Committee that the annual review would be made more purposeful.⁸³

Foreign Collaboration Agreements

Agreements for collaboration with foreign firms are controlled by an inter-Ministerial Committee, commonly known as the Foreign Agreements Committee. The Estimates Committee were informed that 2667 foreign collaboration agreements were entered into by different industrial units during the period 1951—65. While the agreements during the period 1951—58 ranged between 52—104 the number rose to 292 in 1961.

The Committee were apprised of the various aspects which were required to be examined by the administrative Ministries before permitting foreign collaboration. These included *inter alia*:

- (i) Whether the technology involved was not indigenously available;
- (ii) Whether without the collaboration proposal the scheme would involve an avoidable drain on foreign exchange resources;
- (iii) Whether the approval of the collaboration would jeopardise the industries already existing in that particular field or in associated fields of industry;
- (iv) Whether the products to be manufactured were exportable and, if so, whether the collaboration could increase export potential.

The Committee asked Government to make a most careful review of the guidelines for the approval of foreign collaboration agreements, having regard to the state of industrialisation in the country, the foreign exchange resources available, the need for encouraging exploitation of indigenous know-how etc. The Committee desired that Gov-

⁸²*Ibid.*, para 3.43.

⁸³E.C., 79th Report (4th L.S.), pages 33-34.

ernment should identify in detail the industries where foreign collaboration was no longer necessary, as also to indicate areas where foreign technical know-how and designing would be welcome.⁸⁴

In reply Government informed the Committee that the Ramaswamy Mudaliar Committee on Foreign Collaboration had suggested certain guidelines to be followed by Government in approving foreign collaboration agreements. The recommendation of that Committee had been approved, by and large, by the Government.

The preparation of lists of industries in which foreign collaboration would be welcomed and where it was not required was stated to be under the consideration of Government.⁸⁵

Direct Management of Industries by Central Government

Chapter IIIA of the Industries (Development and Regulation) Act, 1951, empowers Central Government to take over for direct management or control any industrial undertaking under specified circumstances. The Estimates Committee were informed that during the period 1961—June 1966, 10 Cotton Textiles Mills, 1 Jute Mills, 1 Bicycle Factory and 3 Sugar Mills were taken over for management by the Central Government. The reasons for taking over generally were:

- (i) financial troubles encountered by the management and thereby a financial breakdown;
- (ii) huge losses due to high cost of production and poor realisation and incompetent management; and
- (iii) to provide employment to local labour.

While agreeing with the policy that the defaulting industrial undertakings should be taken over by Government in the public interest, the Estimates Committee suggested that before taking over Government should probe thoroughly and expeditiously into the working of the undertakings, with a view to affording all facilities, including financial assistance by way of loans, if necessary, to such units as were defaulting or had become uneconomical due to obsolete machinery/equipment, high cost of imported components, non availability of scarce raw materials etc.

Further, in order that the units taken over were reorganised and run on sound and economic lines, the Committee desired that only such

⁸⁴E.C., 9th Report (4th L.S.), para 6.12.

⁸⁵E.C., 79th Report (4th L.S.), page 61.

personnel as had adequate knowledge and experience of the working of the units concerned should be appointed. The feasibility of associating workers in the management set up by Government should also be examined.

The Committee also recommended that the desirability of taking over the management of projects which were yet in the construction stage but suffering due to mismanagement, death of the principal promoter, etc. should be examined so as to ensure an effective control over them from the very beginning.⁸⁶

The recommendations of the Committee were noted by Government. As regards association of workers in the management of undertakings the Committee were informed that instructions had been issued to the effect that along with a representative of the industry a representative of labour should also be included in the Advisory Board or Board of Directors. Government also promised to examine the question of taking over management of units which were in trouble even at construction stage.⁸⁷

*Control over Production, Distribution and Prices of Commodities—
Policy to be reviewed.*

In the opinion of the Committee the major limitation to the fuller utilisation of the industrial capacity established in the country during the last three Plan periods had been the shortage of imported components, raw materials and spare parts. The situation in recent years had all the more worsened, due to the tight position of foreign exchange. While agreeing that in the present day scarcity conditions, control of production, distribution and prices of industrial commodities, particularly of basic industries was necessary, the Committee expressed the view that "howsoever necessary these controls may be, they tend to introduce rigidities which besides discouraging expansion of output, leading to wasteful use of the products and black-marketing, often impair efficiency and initiative on the part of all concerned." The Committee, therefore, suggested that the question of controlling production, distribution and prices of industrial products should be approached in a pragmatic and positive manner so as to ensure that, in these days of economic crisis, not only the producer and the consumer derived the maximum satisfaction but the overall economy of the

⁸⁶E.C., 9th Report (4th L.S.), paras 7.12 to 7.14.

⁸⁷E.C., 79th Report (4th L.S.), page 50.

country showed significant improvement in production capability. The Committee desired that "the controls may be constantly reviewed so that the needless ones are eliminated and others relaxed or intensified in the light of changing conditions." The Committee welcomed the recent changes in Industrial policy (e.g. selective relaxation made in respect of industrial licensing, liberalisation of imports for the priority industries, de-control of cement and steel, etc.) which were considered to be steps in the right direction for stepping up production capacity.⁸⁸

Noting the recommendations of the Committee, the Government stated in reply that the controls under the Industries (Development and Regulation) Act, 1951 were constantly being reviewed, so that unnecessary ones were eliminated and others relaxed or intensified in the light of changing circumstances.⁸⁹

III. OVER-INVOICING OF VALUES OF IMPORTED HIDES AND SKINS

In their Fifty-sixth Report (1968-69), the Public Accounts Committee dealt with certain cases of fraud involved in the use of Import Licences for raw hides and skins under the Export Promotion Schemes. The malpractices resulted in a loss of foreign exchange to the tune of Rs. 1.5 crores.⁹⁰

Under the Export Promotion Scheme for Tanned Hides and Skins import (of raw hides and skins) entitlement at 75 per cent was allowed against export of tanned hides and skins from 1st October, 1960 to 14th May, 1964. There was no restriction on sale or transfer of these entitlements.⁹¹

According to para 16(ii) of the Audit Report (Civil) on Revenue Receipts, 1968, 33 consignments comprising 1087 bundles of raw goat skins invoiced at Rs. 35,29,845 were imported from Iran through Bhavnagar port in March, 1965. Out of these 24 consignments comprising 806 bundles invoiced at Rs. 26,06,117 were cleared between 19th May, 1965 and 14th August, 1965. It was suspected by the Department of Customs in September, 1965 that the raw goat skins had been grossly overvoiced, and accordingly 281 bundles valued at

⁸⁸E.C., 9th Report (4th L.S.), para 7.38.

⁸⁹E.C., 79th Report (4th L.S.), page 51.

⁹⁰P.A.C., 98th Report (1969-70), para 1.4.

⁹¹P.A.C., 56th Report (1968-69), para 1.6.

Rs. 9,23,728 as per the invoices were seized on 6th September, 1965. The goods were later on sold by the Department for a sum of Rs. 37,750 only, after paying a sum of Rs. 994 as port charges for storage.

The Public Accounts Committee were informed by the Ministry of Finance that the correct assessable value of the entire lot of 1087 bundles of raw goat skins was not likely to be more than Rs. 1,63,050 as against Rs. 35,29,845 declared by the importers. According to the Central Bureau of Investigation, who inquired into the matter, the value was estimated at Rs. 30,000 only.⁹²

The fraud was unearthed on the basis of a report sent by the Intelligence Wing of the Bombay Customs Office where one of the Internal Audit Clerks discovered that the value of the similar goat skins coming from the Middle East was only Rs. 2 to 3 per piece, and not Rs. 40 to 50 per piece, as had been shown. As a result of the investigations, it was found that not only the imported goat skins coming in to Bhavnagar had been grossly over-priced, but nearly Rupees one crores worth of such skins, which came in through Madras, Tuticorin, Bombay and Calcutta ports, were also involved.⁹³

The investigations conducted by different enforcement agencies revealed that six distinct groups of people were involved in frauds of over-invoicing. While the frauds committed by four groups of people, including those involved in the imports at Bhavnagar, were investigated by the Central Bureau of Investigation, the frauds committed by the other two groups were investigated by the Director of Revenue Intelligence.⁹⁴

Cases Investigated by the Central Bureau of Investigation

The Madras Branch of the Economic Offences Wing of the Central Bureau of Investigation received information that some of the licensees had disposed of their import licences for raw hides and skins to certain businessmen of Bombay and Delhi, instead of utilising them for importing directly raw hides and skins. The licences obtained 2-3 per cent commission on the face value of the licences on such sales. The purchasers of the licences made arrangements for the purchase of worthless hides and skins for Singapore, Tehran, Kuwait and Aden and managed to have false invoices showing highly inflated prices for

⁹²*Ibid.*, para 1.1.

⁹³*Ibid.*, para 1.2.

⁹⁴*Ibid.*, para 1.3.

such goods—prepared to enable them to remit foreign exchange “out of all proportions” to the real value of the goods imported. These goods were received at Madras remained uncleared and this aroused the suspicion of the local customs and port authorities about the genuineness of the imports. Secret inquiries were made by the Economic Offences Wing, Madras and it was found that certain businessmen had managed to remit large sums of foreign exchange abroad under the cover of these imports, taking advantage of certain lacuna in the scheme and loopholes in procedure.”

Cases Investigated by the Directorate of Revenue Intelligence

In one of the two cases investigated by the Directorate of Revenue Intelligence (Ministry of Finance), the *modus operandi* adopted was to import post parcels containing worthless papers, catalogues, etc. against import licences for hides and skins by misdeclaration of the contents of the parcels. By the time the parcels were examined and the fraud was detected the persons concerned had succeeded in remitting foreign exchange worth about Rs. 5.60 lakhs in respect of these parcels on the strength of the Exchange Control copy of the licences for hides and skins with the help of some of the employees of the banks through which the foreign exchange transactions were negotiated. In the other case, foreign exchange worth about Rs. 2.76 lakhs had been remitted by the party by misuse of import licences for hides and skins before the fraud could be detected.⁹⁵

Study of the Problem by a Study Team

Referring to the problem of leakage of foreign exchange through over-invoicing of imports and under-invoicing of exports, the Public Accounts Committee observed that the Mathur Study Team on Import and Export Trade Control Organisation had, *inter alia*, recommended the study of the problem of over-invoicing by a separate Committee. The Government in that context informed the Committee that consequent upon the abolition of the old Export Promotion Schemes and the enforcement of a new import policy for Registered Exporters with effect from August 1966, there appeared to be no need for the appointment of a separate Committee for the purpose. The Public Accounts Committee were, however, left with an impression that the malpractice of over-invoicing and under-invoicing had not been effectively

⁹⁵*Ibid.*, para 1.8.

⁹⁶*Ibid.*, para 1.9.

checked. They felt that it would be useful if a small Study Team consisting of the officers of the concerned Ministries and of the Reserve Bank and the Central Bureau of Investigation was appointed to study the problem in all its aspects and suggest remedial measures.⁹⁷

A Study Team was accordingly appointed to go into this problem. The Public Accounts Committee expressed the hope that the Study Team would examine the problem in all its aspects and that, on the basis of their suggestions, Government would be able to devise effective checks not only at the licensing stage, but also at the foreign exchange releasing and importation stages, so as to eliminate malpractices connected with over-invoicing and under-invoicing of goods.⁹⁸

The Committee were later informed by the Government that the former's observations had been brought to the notice of the Chairman and members of the Team "who will, no doubt, bear in mind these aspects while finalising the report of the Study Team."

The Committee desired the Government to give particular consideration to certain specified suggestions including the following:

- (i) The Reserve Bank of India having no machinery to check declarations by importers and exporters of the values of goods, the appraising of units of the customs authorities should be charged with the responsibility of verifying whether the declared values of exports and imports were fair and in accordance with the exchange control law and requirements.
- (ii) Adequate market intelligence should be made available to the customs officers doing appraisal work.
- (iii) A comprehensive scrutiny of imports in cases where there was possibility of over-valuation should be conducted in Customs Houses.
- (iv) The Foreign Exchange law should be streamlined.¹⁰⁰

The Ministry of Finance subsequently informed the Committee that the Study Team referred to above was looking into the organisa-

⁹⁷*Ibid.*, para 1.55.

⁹⁸P.A.C., 98th Report (1969-70), para 1.12.

⁹⁹Note furnished by the Ministry pursuant to the recommendations of the Committee contained in the 98th Report (1969-70), para 1.12.

¹⁰⁰P.A.C., 98th Report (1969-70), para 1.13.

tional deficiencies of the concerned departments and Government would consider the observations of the Committee in the light of the recommendations made by the Study Team.¹⁰¹

Preventive and Remedial Measures

In the Committee's opinion the Commission of these frauds referred to earlier had been made possible by loopholes in procedures and by certain lacunae in the Export Promotion Scheme as it subsisted upto 31st August, 1963. For instance, the Committee got an impression that hardly any check was exercised against over-invoicing at the licensing stage. In spite of the existing provision for indicating quantity of the goods to be imported in the import licence, no such indication was given in the case of non-capital goods. Nor was there any check at the foreign exchange releasing stage. "All this combined with laxity at the importation stage", the Committee observed, "facilitated the perpetration of the fraud".

The Committee were subsequently informed that the Export Promotion Scheme had since been modified, and the import entitlement restricted to 19 per cent, instead of 75 per cent as before. Restriction had since been also placed on the sale|transfer of import entitlements. The Committee desired the Ministry of Commerce to examine the feasibility of indicating in the licence the fair unit values of the commodities to be imported on the basis of the ruling international prices.¹⁰²

The Department of Foreign Trade informed the Committee that there were certain difficulties in ensuring at the licensing stage that there would be no over-invoicing subsequently. It was added that the effect of mentioning quantity in the licence was only to lay down a quantitative limit in addition to the value limit for imports that could be made against the licences, but there was nothing to prevent the licence-holder from importing a lesser quantity than indicated in the licence. The mention of quantity, it was maintained, thus could not prevent over-invoicing.

The Government, however, undertook to refer this question to the Study Team to be appointed in pursuance of the Committee's recommendation.

¹⁰¹Note furnished by the Ministry pursuant to the recommendations of the Committee contained in the 98th Report (1969-70), para 1.13.

¹⁰²P.A.C., 56th Report (1968-69), paras 1.44 and 1.45.

Regarding the check at the foreign exchange releasing stage, the Department of Foreign Trade informed the Committee that it was possible that there were some lacunae in the Exchange Control Regulations. The Department added that the question whether Exchange Control Regulations needed some tightening would be examined "in depth" by the Study Team.

In the opinion of the Government it would be administratively difficult to deal with all the items on the import list on unit value basis, and that such a system would be imperfect as any incorrect unit value mentioned in the licence might serve as a legal cover for over-invoicing. The Government were, however, willing to have this question too examined by the proposed Study Team.¹⁰³

The Committee pointed out that parties involved in such cases as the one in question were rich and influential and the amounts "hoped to be gained" large and tempting. They, therefore, desired the Ministries concerned to examine whether the foreign trade and exchange control laws of the country were implemented strictly so as to make anti-social elements feel that breaches of law "will not and cannot pay".¹⁰⁴

The Government accepted the Committee's recommendations and proposed to undertake studies of a fair number of actual cases of contravention of (i) the Exchange Control Regulations, and (ii) the Import and Export Control Regulations, and the punishments awarded to those found guilty in each case. This was intended to give an idea whether the existing penal provisions were adequate enough to deal with anti-social elements.¹⁰⁵

Review of Issue of Import Licences by way of Incentives

The Public Accounts Committee were informed that the Licensees under the Import Entitlement Scheme had enough materials of their own, with the result that most of them sold their import entitlements at a paltry commission of 2 to 3 per cent and some of them even surrendered their entitlements. According to the Committee, this apparently showed how wrong the Export Promotion Council had been in their assessment of the need for imports of these materials. The

¹⁰³P.A.C., 98th Report (1969-70), para 1.5.

¹⁰⁴P.A.C., 56th Report (1968-69), para 1.53.

¹⁰⁵P.A.C., 98th Report (1969-70), para 30.

Committee desired the Ministry of Commerce to "carefully review the issue of import licences which are given by way of incentive for exports to make sure that such abuses do not recur."¹⁰⁶

The Department of Foreign Trade reiterated in their reply that following the abolition of all erstwhile Export Promotion Scheme, commonly termed as 'incentive schemes', consequent on the devaluation of Indian rupees on 6th June, 1966, the Government had announced the Import policy for Registered Exporters applicable to exports of certain specified products, effected on or after 6th June, 1966, to permissible destinations. Unlike the erstwhile Export Promotion Schemes, it was stated, the object of the newly announced import policy was to provide replenishment from the most preferred sources of imported materials, intermediates, components and parts thereof used in the manufacture of the exported products. The important and striking aspect of this policy was stated to be the 'Actual User concept'. Import licences under this policy were, it was stated, normally issued in favour of manufacturers, subject to the condition that goods imported under the licence were utilised in the licenceholders' own factories.¹⁰⁷

Notwithstanding the fact that licences were issued to manufacturer exporters who were duly registered and were subject to "actual-user conditions", the Committee observed that it was essential for Government to devise effective procedures to ensure against misuse of import licences. The Committee recommended that the powers available to Government to blacklist the defaulting firms should be effectively and promptly used to stop such abuses. "In any case", the Committee observed, "as export promotion is either an implied or explicit condition of the grant of licences, it will be necessary for Government to keep tab on the utilisation of these licences from the larger point of view of export promotion."¹⁰⁸

Action Against Persons Responsible for Malpractices

The Public Accounts Committee recommended that the Ministry of Foreign Trade should consider the question of debarring the persons who had abused their licences in these cases from getting further import licences.¹⁰⁹ The Department of Foreign Trade accepting the

¹⁰⁶P.A.C., 56th Report (1968-69), para 1.47.

¹⁰⁷P.A.C., 98th Report (1969-70), para 1.17.

¹⁰⁸*Ibid.*, para 1.19.

¹⁰⁹P.A.C., 56th Report (1968-69), para 1.49.

Committee's suggestion stated that in some of these cases, prosecutions had already been launched and the question of debarring persons concerned would be considered in the light of the Court's judgement. The remaining cases were stated to be "still under investigation by the CBI."¹¹⁰ The Committee desired the Government to examine whether the latter were "at this stage" precluded from initiating action to debar the licences by virtue of powers vested in them under the Import and Export (Control) Act.¹¹¹

Reporting of Omissions by Authorised Banks to the Reserve Bank of India

The Public Accounts Committee were informed that the Central Bureau of Investigation had promised to send to the Reserve Bank of India a report on the acts of omission and commission committed by the banks authorised by the Reserve Bank to deal in foreign exchange. They expressed the hope that on receipt of the promised report, the Reserve Bank would take necessary action against such of the banks as had contravened the Reserve Bank's instructions in regard to release of foreign exchange.¹¹²

The Committee were later informed that the Central Bureau of Investigation had furnished the Reserve Bank with information relating to four cases, but had advised the Reserve Bank not to take action till the cases in question were disposed of by the court.¹¹³

The Committee desired that the Central Bureau of Investigation should report to the Reserve Bank all other acts of omission and commission by authorised banks so that necessary action might be taken against them.¹¹⁴

Audit of Foreign Exchange Transactions

The Public Accounts Committee drew Government's attention to the Minute of Dissent to the Report of the Sarkar Committee on Steel Transactions, wherein a system of periodical review of foreign exchange transactions by an external independent authority like the Auditor General was suggested. The Committee were informed by the Govern-

¹¹⁰P.A.C., 98th Report (1969-70), para 1.21.

¹¹¹*Ibid.*, para 1.29.

¹¹²P.A.C., 56th Report (1968-69), para 1.51.

¹¹³P.A.C., 98th Report (1968-69), para 1.33.

¹¹⁴*Ibid.*, para 1.34.

ment that "while the need for periodical reviews of exchange control and import trade control procedures and internal checks can be granted, it does not seem to follow from this that a such review should a necessarily or appropriately be entrusted to the Comptroller and Auditor General of India." Whether and to what extent the advice of the Comptroller and Auditor General could be usefully drawn upon in laying down appropriate procedure in this area, the Government added, was a matter on which the Government proposed to enter into consultation with the Comptroller and Auditor General. The Comptroller and Auditor General's comment on this was that it would be desirable to consult him in regard to these procedures and he might do a test-check, when he considered it necessary.

The Committee desired the Government to take an early decision in consultation with the Comptroller and Auditor General so that irregularities in cases where specific obligations were undertaken by the parties concerned might be brought out without delay.¹¹⁵

The Government's view on the other hand was that the matter being one of administrative procedures rather than of financial transactions of Government, no test-check by Comptroller and Auditor General was called for. The Committee were, however, not satisfied by this argument. They felt that since Parliament was entitled to know whether in such cases the country had derived the expected foreign exchange benefits, there should be "some external test-check of these transactions," by an independent authority like the Comptroller and Auditor General to ascertain whether import entitlements had been correctly regulated and obligations arising out of grant of import entitlements had been fulfilled. The Committee were confident that the Comptroller and Auditor General would exercise his functions in this regard 'judiciously, without impinging on administrative discretion.'¹¹⁶

¹¹⁵P.A.C., 56th Report (1968-69), paras 1.57 to 1.60.

¹¹⁶P.A.C., 98th Report (1969-70), para 1.37.

Short Notes

A. PARLIAMENTARY EVENTS & ACTIVITIES

Spring meetings of the Inter-Parliamentary Union

Spring Meetings of the Inter-Parliamentary Union were held in Caracas (Venezuela) in April, 1971. The delegates from India were:—

- (i) Dr. G. S. Dhillon,
Speaker, Lok Sabha—Leader
- (ii) Shri C. C. Desai, M.P.
- (iii) Shri A. G. Kulkarni, M.P.

The Indian delegates attended the meetings of the Study Committees of the Inter-Parliamentary Union as well as the meetings of the Inter-Parliamentary Council held there. Dr. G. S. Dhillon also attended meetings of the Executive Committee of the Inter-Parliamentary Union.

The Inter-Parliamentary Council adopted resolutions on the following subjects: —

- (1) International Drug Traffic; and
- (2) The situation in the Middle East.

Visit of Secretary-General of Commonwealth Parliamentary Association

Mr. Robin Vanderfelt, Secretary-General of the Commonwealth Parliamentary Association visited India in May, 1971.

A Luncheon party was hosted in his honour on May 5, 1971 by Secretary, Lok Sabha who is also the Secretary of the India Branch of the Commonwealth Parliamentary Association.

B. PRIVILEGE ISSUES

Reflections on Members by a newspaper

In Rajya Sabha

On December 17, 1970, Shri A. P. Chatterjee, a Member, sought to raise¹ a question of privilege against the printer and publisher of *Kerala Kaumudi*, a Malayalam daily, for publishing a news report that Shri Bhupesh Gupta, another Member, had stated at one of his election meetings in Kerala, that the Marxist Members had opposed the Constitution (Amendment) Bill regarding Privy Purses after accepting bribe from the former rulers. In this connection, Shri Chatterjee stated that according to a letter received by him from the Chairman, Rajya Sabha, Shri Bhupesh Gupta had denied that he had made any such speech. It was further stated in that letter that the printer and publisher of *Kerala Kaumudi* had offered his regrets for publishing the said news report and that the matter was, therefore, being treated as closed. Shri Chatterjee urged that the matter should not be treated as closed and it should be brought before the House.

The Deputy-Chairman (Shri B. D. Khodragade), thereupon observed² that the printer and publisher of the *Kerala Kaumudi* had been asked to publish his regret in the newspaper, as desired by Shri A. P. Chatterjee, and that his reply was awaited.

On April 5, 1971, the Chairman (Shri G. S. Pathak) informed³ the House as under:—

“...I received notices of breach of privilege on the 9th November, 1970, from Shri A. P. Chatterjee and Shri K. Subramania Menon against Shri Bhupesh Gupta, a member of this House, and also against the editor, printer and publisher of *Kerala Kaumudi* a Malayalam daily, published from Trivandrum, in respect of a news report published in the said daily in its issue dated the 18th September, 1970, to the effect that Shri Bhupesh Gupta at an election meeting held at Kayamkulam on the 14th September, 1970, had stated that the Marxist M.Ps. had received bribe from the former rulers and vested interests and had opposed the Privy Purses Bill.

¹R.S. Deb., 17-12-1970, Cols. 123—126.

²*Ibid.*,

³*Ibid.*, dated 5-4-1971.

The matter was referred, under my direction, to Shri Bhupesh Gupta and Shri Sukumaran, printer and publisher of the said daily, enquiring whether they had anything to say in the matter.

Shri Bhupesh Gupta in his letter dated the 20th November, 1970, stated that he had never uttered those words or expressed any such views as attributed to him in the said news item. In view of this, there was no case of breach of privilege against Shri Gupta and I withheld consent accordingly.

Shri Sukumaran, printer and publisher of the *Kerala Kaumudi*, in his letter dated the 27th November, 1970, explained the circumstances in which the impugned news item came to be published in his paper. In the letter, Shri Sukumaran pointed out that Shri Bhupesh Gupta's speech was published by him in good faith and that since objection had been taken to it by some Members, he expressed regret and requested that his regret may be conveyed to those Members.

Thereafter, the Rajya Sabha Secretariat asked Shri S. Sukumaran to publish in a prominent place in the paper his expression of regret for the publication of the offending news item. Shri Sukumaran has since then published an apology on the first page in the issue of *Kerala Kaumudi* of 23rd December, 1970, under the caption 'We regret'.

In view of the expression of regret made by the printer and publisher of the *Kerala Kaumudi*, if the House agrees, the matter may be treated as closed."

The House agreed and the matter was closed.

Failure of Government to lay on the Table the Annual Accounts of the Andhra Pradesh State Electricity Board

In Andhra Pradesh Legislative Assembly

On July 18, 1967, Sarvashri G. Ramaswamy Reddy and Vavilala Gopala Krishnayya, Members, raised⁴ a question of privilege alleging that failure on the part of the Government to lay on the Table of the House the annual accounts of the Andhra Pradesh State Electricity Board from 1959 onwards, as required under sub-section (5)(a) of Sec. 69 of the Electricity Supply Act, 1948, amounted to contempt of the House. The Members contended that in pursuance of the provisions of the said Act, a duty was cast on the Government to lay the annual accounts of the Electricity Board on the Table of the House

⁴Andhra Pradesh L.A. Deb., 18-7-1967, pp. 365—71.

and non-compliance of that statutory obligation had infringed the right of the House and as such the matter might be referred to the Committee of Privileges for consideration and report.

The Speaker informed the House that the Chief Minister (Shri Brahmananda Reddy), in his letter, dated April 6, 1967, addressed to the Secretary, Andhra Pradesh Legislative Assembly, had sought permission to lay on the Table a copy of the Annual Accounts of the Electricity Board for seven years from 1959 to 1966. But, before according the permission, he (Speaker) had issued directions to find out the reasons for the inordinate delay in laying the accounts on the Table of the House, as to who were responsible for the delay and whether any action was taken against the persons responsible. In reply to the letter from the Secretary, Legislative Assembly, Special Secretary to the Government had sent a letter explaining the reasons for the Annual Accounts of the Electricity Board, not having been laid on the Table of the House, for the last eight years.

The Chief Minister, explaining the position, stated *inter-alia* as follows:⁵

"Perhaps, there is an impression that during these intervening years proper accounts have not been kept. In this connection, the Electricity Board reported that every year proper accounts have been maintained, the year's balance sheet was struck and made available to the Legislature as part of almost all the administration reports...they have explained their difficulties in their letter."

Thereupon, the Speaker observed as under:⁶—

"We are not concerned with the difficulties of the Department. There is a statutory obligation on the part of the Government to place the Annual Accounts on the Table of the House every year. Why this obligation has not been complied with? They may have sent administration reports and all that; that is a different matter. This is a matter of audit—the report as audited by the Accountant General or whoever it may be...I am not concerned with other things. I am only concerned whether it amounts to contempt of the House or not. Whatever the reasons that may be, if the statutory obligation is not complied with, what is the next course? Has this House any power or not; that is the only thing I am concerned with at this stage."

After some discussion, the Speaker reserved his ruling on the matter.

⁵Ibid., 18-7-1967, p. 369.

⁶Ibid.

Ruling by the Speaker

On July 26, 1967, the Speaker, while disallowing the question of privilege, ruled *inter alia* as under:⁷

"...The next point which has arisen for consideration is whether this failure on the part of the Government to discharge a statutory obligation for nearly eight years, *prima facie* amounts to breach of privilege or contempt of the House which deserves to be referred to the Committee of Privileges. A diligent probe into the rulings of the several Legislatures in our country as well as in other democratic countries has not revealed a single instance of this nature where action was taken for breach of privilege, through I am sure that in a number of these democratic countries, a similar statutory duty is cast on the Governments in all cases where autonomous institutions have been created by legislatures and financed entirely by State funds.....

In the present case on hand whatever the difficulties of the Electricity Board of the Government for not getting the accounts of the Board annually, it was imperative on the part of the Board for which finances were voted from time to time by the Legislature, to cause to be laid on the Table of the Legislature annually, a statement showing the conditions of the Board and giving reasons for not getting accounts audited annually. Having failed to do so, the Board and the Government have to take the consequences which follow thereby. I am of opinion that it is a fit case which requires further probe into the matter to decide whether it amounts to breach of privilege for treating the House slightly which amounts to contempt and also to find out who actually are liable to be held responsible,

However, in view of the fact that the Electricity Board expressed its regrets for not being able to submit the accounts to be laid before the Legislative Assembly regularly so far and in view of the assurances given by the Chairman, Electricity Board, and the Secretary to Government, Public Works Department, that in future the annual accounts of the Electricity Board will be laid regularly before the Legislative Assembly, I do not consider it necessary to refer this matter to the Committee of Privileges."

Alleged use of derogatory language against a Member by a Police Officer.

In Andhra Pradesh Legislative Assembly

On February 20, 1968, Shri J. Vithal Reddy, a Member, raised⁸ a question of privilege against the Sub-Inspector of Police, Bichkonda

⁷*Ibid.*, 26-7-1967, pp. 236—238.

⁸A.P. Vidhan Sabha Deb., 20-2-1968 pp. 152—153.

Police Station. Shri Reddy stated that on October 27, 1967, at about 1-00 P.M., he went to the Bichkonda Police Station to represent a case regarding looting of corps and requested the said Sub-Inspector to take strong action in the matter. The Sub-Inspector, however, misbehaved with him (Shri Reddy) and told him that "It is a police station and not Gandhi Chowk. You get away from here. M.L.As do not have any other work."⁹ Shri J. Vithal Reddy contended that by using those words, the Sub-Inspector had insulted him and had obstructed him in carrying out his duties as a Member.

After some discussion, the House adopted a motion referring the matter to the Privileges Committee.

Finding and recommendation of the Committee

The Committee of Privileges, after taking the evidence of the concerned Sub-Inspector, amongst others in their Fifth Report presented to the House on December 10, 1968, reported *inter alia* as follows:—

"On the 17th October, 1968, the Committee considered the following explanation submitted by Shri Yousuf Hyder Khan, Sub-Inspector of Police:—

'I beg to submit that it was farthest from my intention to show any disrespect either to the House or to the Hon. Member and to the best of my recollection, I did not do so. If, however, any of my words in the actual conversation has been construed in a contrary light, I not only hasten to clear any such impression but also express my deep and unqualified regrets.'

The Committee accepted his deep and unqualified regrets and decided to recommend to the House to drop the matter.

The Committee recommend that the matter be dropped."

The House adopted¹⁰ the report of the Committee on March 18, 1969.

Issue of a notice by an Advocate threatening legal action against a Member for his speech in the Assembly

In Andhra Pradesh Legislative Assembly

On July 6, 1968, Shri B. Ratnasabhpathi, a Member, raised¹¹ a question of privilege against one Shri M. Gopalachari, advocate, and

⁹Original in Hindi.

¹⁰A. P. Vidhan Sabha Deb., 18-3-1969.

¹¹A. P. Legislative Assembly Deb., 6-7-1968, pp. 266—69.

his client, Shri Venkaiah Naidu, for issuing a notice to him threatening legal action against him (the Member) for a speech made by him in the Assembly on March 18, 1968, a summary of which was published in the *Visalandra* newspaper on the following day.

After some discussion, the Speaker referred the matter to the Committee of Privileges.

Findings and recommendations of the Committee

The Committee of Privileges, after considering the written explanations of Shri M. Gopalachari and Shri Venkaiah Naidu, in their Sixth Report presented to the House on December 10, 1968, reported *inter alia* as under:—

"In his letter, dated the 8th November, 1968, Shri G. Venkaiah Naidu has stated as follows:—

'I submit that I have no intention whatsoever either to question the authority of the House or the Hon. Member regarding the speeches made by him in the House. If my action, in any way, is construed as breach of privilege, I can assure you that it is neither deliberate nor wilful on my part and I express my regret to the House.'

Since it was the practice in the Lok Sabha and House of Commons to drop a case when the party offered an apology or regret, and in view of the above explanation of Shri Venkaiah Naidu, the Committee are of the opinion that the matter may be dropped."

The House adopted¹² the Report of the Committee on March 18, 1969.

Rights of a Member detained in prison.

In the House of Commons (U.K.)

On July 2, 1970, the Speaker (Dr. Horace King) informed¹³ the House that he had received a letter, dated June 29, 1970, from the Resident Magistrate, Petty Sessions Office, Courthouse, Londonderry, intimating that Miss Bernadette Devlin, Member of Parliament for Mid-Ulster Constituency, had been convicted by him on December 22, 1969 and that, on June 22, 1970, the Court of Appeal in Northern Ireland had dismissed her appeal and also subsequently refused leave to appeal to the House of Lords on June 26, 1970.

¹²*Ibid.*, dated 18-3-1969.

¹³H. C. Deb., 2-7-1970, cc. 43-44.

On July 3, 1970, Mr. Latham, a Member, raised¹⁴ an issue of privilege against the Resident Magistrate, Petty Sessions Office, Courthouse, Londonderry, for the three day delay in intimating to the House the refusal by the Court of Appeal for leave to appeal to the House of Lords and the issue of Warrants of Commitment of Miss Devlin and also for not sending information about her arrest. He also sought guidance of the Chair on the following points:—

- (1) Whether a Member who was in prison and who had not been sworn in, was entitled to correspond with a Minister, table written Parliamentary Questions etc.
- (2) What were the rights of Members which could be exercised by Miss. Devlin during her period of imprisonment.
- (3) Whether denial of an opportunity to a Member for taking the oath of allegiance involved a question of privilege.

The Speaker reserved his ruling till the next sitting of the House.

On July 6, 1970, the Speaker, disallowing the question of privilege, ruled *inter alia* as follows:¹⁵

‘The Rule of the House is that the House must be informed when a Member is detained from service in Parliament. I read the letter on 2nd July, which was the opening day of this present Parliament and so, quite clearly, the earliest moment at which the communication could be made to the House. The resident magistrate’s action in the matter was entirely in accordance with the rule, which I quote:

‘Any criminal offence is brought before the House by a letter addressed to the Speaker by the committing judge or magistrate. On these occasions, the first communication to the Speaker is made when the Member is committed to prison, bail not being allowed.’

I emphasise that my duty in communicating such a letter to the House allows me a measure of discretion in not reading the whole of the enclosures which the magistrate sent me referring to this matter. I will, however, cause copies of these to be placed in the Library so that hon. Members can see for themselves that the communication from the resident magistrate was fully documented and that it complied with precedent.

My duty in respect of these inquiries on the position of an hon. Member is limited to saying whether a *prima facie* case of breach of privilege has been made out to the extent that I could allow the

¹⁴*Ibid.*, 3-7-1970, cc. 193—199.

¹⁵H. C. Deb., 6-7-1970, cc. 334—338.

matter to be given priority over the Orders of the Day this afternoon and to accept a Motion for an immediate debate.

Having carefully examined all the questions raised, I have to rule that none of them would justify me in taking that course. In saying this, I do not in any way prevent hon. Members from raising such questions by such other Parliamentary means as may be open to them and on which they may obtain advice from the Table Office in the ordinary way....I would remind the House....not that the House needs reminding, but the public may need reminding that the last time, in the case of Mr. Shapurji Saklatvala in 1926, my predecessor ruled:

'A Member of this House is, with regard to the criminal law, in exactly the same position as any other person'.

[H.C. Deb., 7th May, 1926, Vol. 195, c. 602].

This is the classic position. The difficulties which have been raised are difficulties not for Mr. Speaker to solve; they are matters of law, or matters to be taken up with the Government.

Some of the matters, he (Mr. Latham) has raised are matter of law, and a politician cannot interfere with the process of law. This, again, is a basic principle of British political life. However, there are parliamentary ways in which the very problems the hon. Member has mentioned can be raised. I did pay careful attention to every point he made in his submission. These are points not for Mr. Speaker. Mr. Speaker can only rule on a *prima facie* breach of privilege.

On July 20, 1970, during supplementaries on a Private Notice Question, the Speaker observed¹⁶:—

"The rules about the tabling of questions are that a Member who has not taken the oath is not entitled to table Questions to Ministers....there are certain activities which an unsworn member can enter into, such as voting in the contested election of the Speaker, but the tabling of Questions is not one of them."

In reply to a question as to whether a Member could be sworn otherwise than in the House in the presence of the Speaker, the Speaker observed¹⁷ that the law governing Members of Parliament was that they took their oaths in their place in the presence of Mr. Speaker.

On July 22, 1970, a question was raised in the House by Mr. Latham, M.P., whether Miss Devlin would be allowed to be sworn in if she came to the House on parole or was brought there in custody.

¹⁶H. C. Deb., 20-7-1970, cc. 37-38.

¹⁷H. C. Deb., 20-7-1970, c. 40.

The Speaker ruled *inter alia* as follows¹⁸:—

"I must set out exactly what the position is on the issue of swearing. It is provided by the Parliamentary Oaths Act, 1966, that the oath shall be:

'solemnly and publicly made and subscribed.... by every Member of the House of Commons at the Table in the Middle of the said House and whilst a full House of Commons is there duly sitting, with their Speaker in his Chair.....'

That provision cannot be set aside except by amending legislation.

A formal request by the House that one of its Members be temporarily released from imprisonment in order to take the oath would be entirely without precedent. That is a matter of fact. As for whether I can rule on a hypothesis, Mr. Speaker has never ruled on hypothesis and the hypothesis that the hon. Member has put to me is a matter which the House would have to consider if the circumstances arose that those in charge of Miss Devlin asked whether she might come on parole to the House to take the oath. I cannot rule on that; I cannot rule on a hypothesis."

On July 23, 1970, the Lord President of the Council and the Leader of the House of Commons (Mr. William Whitelaw) moved¹⁹ the following motion:—

"That the matter of the rights of any honourable Member of this House who may be detained in one of Her Majesty's Prisons, and of his or her constituents, be referred to the Committee of Privileges; and that they do consider and report to what extent the privileges of this House require that such a Member should be granted facilities to carry out his parliamentary duties while in prison."

While moving the above motion, Mr. William Whitelaw stated *inter alia* as follows:—

"There are two principal reasons why it is important to move the Motion. First, it is clear from the degree of interest shown by many hon. Members, recently in the procedural and constitutional issues raised by the imprisonment of the hon. lady, the Member for Mid-Ulster (Miss Devlin) that there is a widespread desire in House that these issues should be clarified from the point of view of the privileges of any Member of the House in a situation of this kind. A sufficiently wide area of doubt has been revealed by this case for it to be in the interests of the House as a whole to review the question in a general context.

¹⁸*Ibid.*, 22-7-1970, c. 539.

¹⁹H. C. Deb., 23-7-1970, c. 947.

It is equally clear that hon. Members in all parts of the House are concerned with the problem posed for constituents if their Member is unable in a situation of this kind to carry out, whether wholly or partly, his or her parliamentary duties and thereby they are deprived, through no fault of their own, of their entitlement to full parliamentary representation.

These are matters, I think the House will agree, of considerable constitutional importance, evoking major historical precedents and because of that the Government are properly concerned. Above all, however, these are matters with which the House of Commons itself is concerned, as it would be a sad day for our democratic institutions if it were the prerogative of the Government of the day to determine in what circumstances a Member, duly elected, should exercise his or her parliamentary responsibilities. It, therefore, seemed to the Government that the proper course was for this issue to be referred to the Committee of Privileges, consisting as it does of a number of the most senior parliamentarians among us, for its consideration and for the Government to make any recommendations to the House for any changes in practice in the light of the Committee's advice."

After some discussion²⁰, the motion moved by the Leader of the House was put and agreed to by the House.

Recommendations of the Committee

The Committee of Privileges, after examining the Clerk of the House of Commons (Sir Barnett Cocks) who also submitted to the Committee a memorandum on the law and custom of Parliament relating to Members detained in prison, in their Report²¹ presented to the House on December 1, 1970, reported *inter alia* as follows:—

"Statutory Rules and Standing Orders made thereunder²² prescribed the circumstances in which letters may be sent and received by unconvicted and convicted prisoners respectively. An unconvicted prisoner may send and receive as many letters as he wishes subject to conditions laid down by the Minister concerned. A convicted prisoner may send and receive letters at prescribed intervals. An unconvicted prisoner may receive as many visits as he wishes, subject to conditions laid down by the Minister concerned. The number of visits which a convicted prisoner may receive is limited by the rules, and subject to conditions laid down therein. A prisoner on remand awaiting trial, or after conviction

²⁰H. C. Deb., cc. 947-1021.

²¹H.C. 185 (1970-71).

²²There are the Rules affecting prisoners with regard to letters and visits, received by the Committee from the Home Office, the Scottish Home Department and the Ministry of Home Affairs in Northern Ireland.

pending appeal, is allowed to communicate with his legal advisers and to receive visits from them in connection with the impending trial or appeal. Considerable discretion is allowed to prison governors, to visiting committees and to the Ministers concerned to vary the rules in particular cases.

(ii) Under the above rules it is clear that a Member of Parliament who is an unconvicted prisoner can carry out many of his duties as a representative of his constituents. On the other hand a Member of Parliament in prison after conviction could do so only if granted exceptional privileges. While a Member of Parliament in prison after conviction remains a Member of Parliament, he is in no different position from any other person so detained. Your Committee are of the opinion that a Member of Parliament should not be given any special advantages by reason of his being a Member.

(iii) After examining the precedents, your Committee are satisfied that no question of Parliamentary privilege is involved in the treatment by the prison authorities of a Member of Parliament detained in prison; and they are of the opinion that this treatment should be left to the discretion of those authorities within the rules laid down by the Ministers concerned, having regard to the circumstances of the case.

(iv) Your Committee can see no reason for a distinction between a detained Member who has taken the oath and one who has not.

(v) Your Committee recognise that when a Member is imprisoned, his constituents, like the House, are deprived of his services until his release. There are, however, many other circumstances in which a constituency may be effectively left unrepresented for considerable periods."

C. PROCEDURAL MATTERS

An adjournment motion is not admissible unless there is failure of duties which are enjoined by the Constitution and law on the Government.

In Lok Sabha

On May 24, 1971, several Members gave notices of adjournment motion regarding failure of the Government to recognise 'Bangla Desh'. The notices were disallowed by the Speaker and the Members were informed accordingly. In the House, Shri Atal Bihari Vajpayee and other Members urged on the Speaker to reconsider his decision. The

Speaker observed that an adjournment motion was admissible, if there was failure of the Government to perform the duties which were enjoined by the Constitution and the law. Recognition was in the discretion of the Government and not part of their duty. As such, no failure on the part of the Government was involved.²³

Debate: Selection of speakers: Classification of Parties/Groups according to their strength and order of calling Members therefrom to speak.

In Lok Sabha

On March 31, 1971, before further discussion on the Motion of Thanks on the President's Address was resumed, the Speaker made the following observations with regard to the procedure to be followed for calling Members of various Parties and Groups to speak²⁴:—

"There are so many Members who wish to speak and they are from all parties. We have got only two days. The Whips have obliged everybody in their party and it is a headache to the Speaker whom to accommodate. It would have been much better if they had selected a few of their members and kept the others for some other time.....What I have decided is this. Parties with more than 15 members are grouped as major parties; then there are medium parties; then if there are only three or four members, they are small parties. After two members from the major parties, I shall call one member from a medium party. After two major and one medium, one Member from the small party. In this way, we shall try to accommodate all of them in a balanced way. Otherwise, if we just take up big groups, the smaller groups will have no chance at all".

²³L.S. Deb., 24-5-1971.

²⁴L.S. Deb., 31-3-1971.

LOK SABHA—SECOND SESSION—FIFTH LOK SABHA

The Second Session of the Fifth Lok Sabha commenced on May 24, 1971. Some of the major events that took place during the period from May 24 to June 5, 1971 are briefly mentioned below.**

Railway Budget—General Discussion

Replying to a 5-day debate on Railway Budget on the 1st June, 1971, the Minister of Railways, Shri K. Hanumanthaiya assured the House that he would hold discussions with the Planning Commission and other authorities with a view to getting the cut of Rs. 250 crores effected in the Plan allotment restored as the economy was picking up. He held that restoration of this sum was also otherwise absolutely necessary for relieving unemployment since there was no better sector

*Prepared by the Library, Reference and Information Service of the Lok Sabha Secretariat.

**This is only a brief resume. For details of speeches etc. please refer to Lok Sabha Debates.

†The Members who participated in the discussion were: Sarvashri Dinen Bhattacharya, R. N. Sharma, Anant Prasad Sharma, M. Kalyanasundaram, Dinesh Chandra Goswami, T. Kiruttinam, Chintamani Panigrahi, Onkar Lal Berwa, K. Suryarayana, Shrikishan Modi, Pilo Mody, Rameshekhar Prasad Singh, K.G. Deshmukh, Ramavtar Shastri, Shambhu Nath, P.R. Das Munai, Prasannbhai Mehta, K. Ramkrishna Reddy, C.M. Stephen, Shiv Kumar Shastri, Janaki Ballav Patnaik, M.S. Sanjeevi Rao, M.M. Joseph, Subodh Hansda, Shyamaprasanna Bhattacharyya, Hari Singh, Biswanarayan Shastri, J. M. Gowder Salehbhoy Abdul Kadar, Syed Ahmed Aga, Surendra Mohanty, C. D. Gautam, Balakrishna Venkanna Naik, T. Balakrishnaiah, Nanubhai N. Patel, D. N. Tiwary, Dharnidhar Das, B. R. Shukla, Hukam Chand Kachwai, M. R. Gopal Reddy, Mulki Raj Saini, Jagannath Mishra, Ram Dhan, Bibhuti Mishra, Birender Singh Rao, N. Tombi Singh, Dharmarao Sharanappa Afzalpurkar, Ramkanwar, S.N. Singh, K. Gopal, Jitendra Prasad, Ishwar Chaudhry, P. Narasimha Reddy, Tulsiram Dashrath Kamble, Ram Chandra Vikal, Ram Bhagat Paswan, Y. S. Mahajan, M. C. Dage, D. D. Desai, Yamuna Prasad Mandal, Narain Chand Parashar, Benoy Krishna Das-Chowdhury, Sakti Kumar Sarkar, Jyotirmoy Bosu, Dr. Govind Das, Dr. V.K.R.V. Rao, Dr. G.S. Melkote and Smt. T. Lakshmi Kanthamma.

in the country than the Railways to provide employment opportunities immediately. The undertaking of construction of over-bridges and underbridges, which the Railways had in view, would not only give instant employment, but would also spread employment opportunities all over the country. The Minister added that he would appeal to the Prime Minister to help him to get a sum of Rs. 10 crores out of Rs.75 crores set aside for employment-oriented projects for building more over and under-bridges.

Answering criticism of the deficit in Railway finances, the Minister stated that it was the interim allowance recommended by the Pay Commission which had imposed an additional burden of nearly Rs. 36 crores on Railways.

Regarding the suggestion for participation of workers in the management, he argued that the qualification for management was ability to manage, and the inclusion of a person in the management merely on the ground that he was a labourer, would not help the management. Further, participation of workers in the management would deprive them of their right to go on strike. The problem, he said, had to be considered deeply and correct policies of management, labour trade unionism etc. could only be evolved by sitting together.

Referring to the criticism that railway administration was not following modern techniques of management and that the railways did not have computers, the Minister remarked that the Indian Railways were the largest users of computers in the country. They had 14 computers, one for each zonal railway and the production unit, one for Railway Board and one at Mughalsarai. They were being used for freight accounting, passenger accounting and statistics, wagon control, production control and pay sheets. A beginning had been made in respect of inventory control as well. It was hoped that with the implementation of full scheme of computerisation of inventory control and introduction of other techniques, it would be possible to reduce inventory to a level of six months requirements in the near future. Further, recognising the value of modern management techniques, works study organisations were created on the Zonal railways as early as 1965.

Decision had already been taken to decentralise the powers and functions of Railway Board as much as possible, in consonance with the recommendations of the Administrative Reforms Commission on the subject as well as in the Report on Decentralisation of Powers and Functions. The steps would also be taken to prune the establishment of the Board to the necessary minimum level.

The Minister said that a provision of Rs. 15 crores had been made for new railway lines in the Plan and Rs. 6 crores were already earmarked for two small ore-carrying lines—one in the North and the other in the South. As the amount left was insufficient, he would discuss with the concerned Ministers and also the Planning Commission, to provide in the revised Plan adequate allotment for this purpose.

The Railway Minister took note of late running of trains, but expressed his helplessness to improve the situation in the eastern region with the present number of alarm chain pulling, deteriorating law and order situation, looting and stealing. In regard to other regions, the Minister proposed to hold the concerned Member of the Railway Board personally responsible if there was late running of trains. The General Managers and Operating Superintendents in whose area the trains ran late without extraneous factors coming in, would not be recommended for promotion. Thereafter the general discussion on the Railway Budget was concluded.

Resolution adopted by Parliament in respect of East Bengal

A Starred Question (S. Q. No. 2) regarding "steps taken so far by Government to implement the Resolution adopted by Parliament unanimously on 31st March, 1971 expressing sympathy and support of the people of East Bengal" was asked in the House on May 24, 1971 by Shri Atal Bihari Vajpayee.

In a written reply, Sardar Swaran Singh, Minister of External Affairs stated that copies of the Resolution were handed over to representatives of foreign governments in New Delhi and also through our Heads of Missions to the Governments to which they were accredited as well as to the Secretary General of the United Nations. Government had also urged upon foreign governments to use their influence with the Government of Pakistan to bring an immediate end to the suppression of human rights and decimation of civilian population in East Bengal. Government had also raised this matter in the Economic and Social Council. Government had requested the U.N. Secretary General and through him the related international organisations to mobilise national and international efforts through official and non-official agencies for bringing immediate relief to the refugees from East Bengal in India.

Influx of refugees from East Pakistan

A discussion under Rule 193 on a matter of urgent public impor-

tance on the 'influx of Refugees from East Bengal' was raised in the House on the 25th May, 1971 by Shri A. K. Sen (Cong.).

Initiating the discussion, Shri A. K. Sen said that what had happened in East Bengal was one of the greatest tragedies in human history. Millions of people had been throttled there and many more millions were fleeing across the border. As a result, our country had been pressed down with the problem of those refugees who had left everything behind them. Not merely the Pakistani citizens, the minorities and the majority community, had been slaughtered but thousands of villages on our side had been attacked and hundreds of Indian citizens had been shot and their properties destroyed. This House and the Government had to decide whether we would allow any longer this audacious attempt on the part of Pakistan to flout our sovereignty and to inflict injury on our own citizens and on the property belonging to them. The Government should make it clear to Pakistan that this country, through wedded to peace and the principles of non-violence, knew how to act in self-defence.

Shri Sen hoped that India would give a lead and show to the world that the forces of freedom and democracy could never be crushed and that this country stood solidly behind every campaign, every struggle for freedom and that wherever human tragedies were perpetrated, wherever the voice of oppressed rose for succour and help, this country would rush, with whatever power at its command, to help the suppressed and oppressed humanity. He appealed to the Government to act with vigour and valour and extend recognition to Bangla Desh.

The discussion continued for two days in which besides the mover of the Motion, 22 other Members participated*.

Intervening in the debate, the Minister of Labour and Rehabilitation, Shri R. K. Khadiikar informed the House that while 52.3 lakh refugees had entered India following the partition, there were as many as 35,36,405 refugees from Bangla Desh, today and their number was increasing every day. The cost of maintaining them had been worked out at Rs. 53 crores for ten lakh refugees for six months.

*Sarvashri Ata' Bihari, Vajpayee, Janaki Ballav Patnaik, D. Deb., H.P. Sharma, H. N. Mukherjee, M. R. Gopal Reddy, Frank Anthony, Chintamani Panigrahi, G. Viswanathan, Bali Ram Bhagat, Shyamanandan Mishra, P. K. Deo, P. M. Sayed, M. M. Hashim, S. D. Singh, Tridib Choudhury, Ram Deo Singh, Dinesh Singh, Samar Guha, Shibban Lal Saksena, Benoy Krishna Das-Choudhury and V. K. Krishna Menon.

He agreed with the Members that entry of 6 lakh refugees in Tripura was a great burden on the administration of that State. The Government were trying to relieve as much burden as possible. At the same time he made it clear that it was not Government's intention to remove these refugees to other distant places and create a feeling in their minds that they were going to be settled there.

Replying to the discussion on the 26th May, 1971, the Prime Minister, Shrimati Indira Gandhi said that it was only natural that with our own tradition of love for freedom, our involvement with the values of democracy and human rights, we should feel deeply concerned at the happenings in Bangla Desh. Clarifying India's stand in regard to the happenings in Bangla Desh, she pointed out:

"We are told by some countries that while they may disapprove of what is being done by the military rulers, they cannot be a party to the disintegration of Pakistan. Is it suggested that we wish the disintegration of Pakistan? Have we not, as many Members pointed out, at every step tried not only for propriety in our relationship but for friendship also? If there is struggle between the two parts of Pakistan, it is certainly not of our making but of the rulers of Pakistan....."

Commenting on the situation obtaining in Bangla Desh *vis-a-vis* its repercussions on the internal affairs of India, she observed:

"Our experience of the influx of refugees and the preposterous propaganda by Pakistan has reinforced the fact that what is happening in Bangla Desh does have many-sided repercussions on our internal affairs. That is why I have said that this cannot be considered merely as an internal problem of Pakistan. It is an Indian problem. Moreover it is a worldwide problem. The international community must appreciate the very critical character of the situation that has now developed. Any failure to do so may well lead to disastrous consequences for what is happening in Bangla Desh is not just a political or economic problem. It is a problem of the very survival of the people of that whole area, the people of Bangla Desh."

Speaking on the demand for 'recognition' of Bangla Desh, the Prime Minister said:

"The word 'recognition' has echoed from every side, as if recognition by itself could solve the many difficulties which confront the people of Bangla Desh or the many difficulties which our country faces and especially our States on the border, that is, West Bengal, Assam, Tripura and Meghalaya. We have given deep and anxious thought to all aspects of this question. It is, as my colleague has said, constantly under review. We are not waiting to

see what other countries will do in the matter. Whatever decision we take in this or other matters is guided by our own independent assessment of the situation and how our interests in the broadest sense are served".

Reported Discovery of a Pro-Pakistan Espionage Ring in Calcutta

A Calling Attention Notice on the "reported discovery of a pro-Pakistan espionage ring in Calcutta involving a former Cabinet Minister and a Deputy Minister of West Bengal Government and one Ex-Member of Parliament" was tabled by Sarvashri Tridib Chaudhuri, B. K. Daschowdhury, Devinder Singh Garcha, Indrajit Gupta and Samar Guha. The matter was raised in the House on the 3rd June, 1971 by Shri Tridib Chaudhuri (R.S.P.).

Replying, the Minister of State in the Ministry of Home Affairs and in the Department of Personnel (Shri Ram Niwas Mirdha) stated that the Government had seen Press reports about the activities of a Pakistan spy ring operating in West Bengal and the alleged involvement therein of an ex-Minister of the Government of West Bengal and a former Member of Parliament from that State. The State Government subsequently intimated that two persons, Shri Badrudduja, a former Member of Parliament and Dr. Golam Yazdan, a former Minister in the second United Front Government, had been detained under the Maintenance of Internal Security Ordinance, 1971, and that further inquiries were in progress.

Answering questions, the Minister stated that in view of the extraordinary situation obtaining in West Bengal, the action taken by the State Government was a very proper use of the Ordinance and the discretion of the State Government had been properly exercised. The names of persons and political parties who were implicated in the matter as well as the location of the headquarters of the spy ring could not be disclosed in the public interest, he added.

As regards the criticism regarding detention of two persons without trial, the Minister said that the Maintenance of Internal Security Order, under which the State Government had acted, provided a certain procedure for dealing with such matters. The State Government would have to convey to the detenus within five days the grounds of their detention and thereafter the matter would be brought before a three-man Advisory Committee comprising High Court Judges or persons of equal status.

In regard to the suggestion made for holding an open trial, the Minister added that it was too early to say what the State Government would do in the matter. The State Government were still investigating the whole matter and if their investigations reached a certain stage a regular case would be filed and prosecution launched.

Heavy Shelling by Pakistani Soldiers on Eastern Border

A Calling Attention Notice on the "reported heavy shelling by Pakistani soldiers in Dalu Sector of Meghalaya's Garo Hills District on the 25th May, 1971, as a result of which 22 persons including 9 Indian Border Security Force personnel were killed" was tabled by Sarvashri Mukhatiar Singh Malik, Samar Guha, Atal Bihari Vajpayee, K. M. Madhukar and P. Venkatasubbaiah. The matter was raised in the House on the 27th May, 1971 by Shri Mukhtiar Singh Malik (J.S.).

Replying, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant informed the House that at 4.30 A.M. on the 25th May, 1971, Pakistani troops in strength supported by heavy mortars attacked the Border Security Force checkpost at Kilapara situated about 500 yards away from Dalu. The Border Security Force detachment fought back the attack gallantly but they were overwhelmed by the superior numbers of the Pakistani troops and the post was overrun. As a result of this attack, 9 Border Security Force personnel were killed and 2 were missing. In addition, 13 civilians were killed and injured in this attack. However, the Border Security Force contingent at Dalu stemmed the advance of the Pakistani troops and beat them back from the Indian territory.

Answering questions, the Minister said that the Commandant of the battalion had himself led the reinforcement and it was as a result of the counter-offensive taken by them that the situation was brought under control and the border post was taken back from Pakistani troops.

In reply to a question whether the Government would be prepared to use the Army in case of the security so needed it, the Minister stated: "naturally, depending on the nature of the situation we faced on the border, wherever necessary, the army would certainly be used".

Reported Intrusions of Pakistan Army into Indian Territory on the East Bengal Border

A Calling Attention Notice on the 'reported intrusions of Pakistan Army into Indian territory on the East Bengal Border, killing of a large

number of Indian citizens including some Border Security Force personnel, large scale destruction of property and violation of Indian air space by Pakistan aircraft in that sector' was tabled by Sarvashri P. K. Deo, Ramsahai Pandey, Inderjit Gupta, N. K. Sanghi and Atal Bihari Vajpayee. The matter was raised in the House on the 24th May, 1971 by Shri P. K. Deo (Swa.).

Replying, Shri Ram Niwas Mirdha, Minister of State in the Ministry of Home Affairs and in the Department of Personnel informed the House that the Pakistani army in its attempt to extend itself upto the Indo-East Bengal Border had intruded into Indian territory seven times and resorted to firing across the border into our territory on 43 occasions. Border Security Force patrols on border duty had been attacked and in all, four members of the Force had been killed and 105 injured in these incidents. A number of huts and houses on Indian territory had been burnt or damaged.

The Minister added that since the 30th March, 1971, there had been eleven violations of Indian air space in the Eastern Sector by Pakistani aircraft. In respect of seven of these incidents, protests had already been lodged while in respect of the others they were being lodged shortly. The continuance of such attacks on and intrusions into Indian territory and violation of our air space did certainly pose a serious threat to peace in the region. Our security forces were fully alive to their responsibility and were keeping constant vigil along the borders. The Minister assured the House that Government were carefully watching all these developments and would not hesitate to take such steps as might become necessary to preserve the integrity of our territory and safeguard the interests of our people.

Answering questions, Shri Mirdha said that it was not correct to say that Government had been complacent in this matter. They were in touch with all the world Governments. The United Nations Secretary-General had also issued an appeal for sending all assistance to deal with the refugee problems that had been created. The representatives of the U.N. Commission for Refugees were also here for making an on-the-spot survey. Further, Government had given clear instructions to the security forces on the border to deal firmly with all intrusions and other similar things that happened there. He assured the House that everything possible would be done to meet the situation as and when it developed.

General Insurance (Emergency Provisions) Bill

Moving a Motion that the "General Insurance (Emergency Provisions) Bill" be taken into consideration on the 2nd June, 1971, the Minister of Finance, Shri Yashwantrao Chavan told the House that in view of the growing demand for nationalization of banks, the Government had come forward with certain proposals to take over the management, ultimately ownership, of the entire structure of general insurance.

Counting the arguments of non-availability of large funds and low profitability, generally advanced against nationalisation of insurance business, the Minister said that funds were small because general insurance business had confined itself to the narrow field of industry and commerce in spite of the scope for expansion. As regards the question of low profitability, he argued that if it were so, there was no point in opposing the proposal for nationalisation. He, however, added that it was not merely the question of profitability alone that mattered, because there were certain assets which were becoming available for social purposes.

At the present juncture, the Government was not taking over ownership, but were taking over only the management on payment of compensation at Rs. 30 lakhs per month, which had been worked out on the basis of annual profits distributed during the last three years.

He informed the House that under the Bill, the Government proposed to take over the management of 64 Indian, (including three subsidiaries of the Life Insurance Corporation) and 42 foreign insurers who were covered by the Ordinance. The total number of employees in these companies was 25,000.

The discussion on the Bill lasted for three hours in which as many as 17 Members took part*.

Replying to the debate, the Minister of Finance reiterated that Government would ultimately nationalise the insurance business. At present, he added, the Government would take such steps as were pos-

*Sarvashri Somnath Chatterjee, Vikram Mahajan, S. M. Banerjee, S. R. Damani, H. M. Patel, Ramsahai Pandey, Nawal Kishore Sharma, Virendra Agerwal, K. Suryanarayana, Salehbhoy Abdul Kader, Era Sezhiyan, Yamuna Prasad Mandal, Shibban Lal Saksena, Baburao Jangluji Kale, B. R. Shukla, Shashi Bhushan and C. M. Stephen.

sible under the Constitution. He, however, felt that it was quite essential to go into the question of amending the Constitution with a view to regulating the right of property in such a way that there was "no disparity and concentration of wealth".

Referring to the question raised by various Members regarding retention of the same persons in charge of management, who never had any faith in nationalisation, the Minister said that the Government could make use of such experts and their appointments would be made provisionally.

The House then adopted the Motion and passed the Bill.

Report of Commission on Car Prices

Raising a half-an-hour discussion on the 'Report of Commission on Car Prices' in the House on the 31st May, 1971, Shri S. M. Krishna (Cong.) held both the Government and the Automobile Manufacturers responsible for cent-per-cent increase in the price of passengers cars during the last decade. He pointed out that one of the contributory factors for the high price of cars was the rise in the price of spare parts and components. A reduction in the car price to the extent of Rs. 300 to Rs. 400 was possible, if the price of tyres was reduced.

He contended that a car was no longer an item of luxury and as such, the Government should take steps to bring down its price, and advocated the nationalisation of Automobile industry.

Replying to the discussion, the Minister of State in the Ministry of Industrial Development, Shri Ghanshyam Oza stated that the estimated demand of cars according to the Planning Commission would be about 80,000 units in 1973-74 as against the present production of 35,000 units. The Government were, therefore, putting up a plant in the public sector. In addition a plant for 50,000 units was also being put up in the private sector. The present difficulty, he said, was transitory and the position would ease before 1973-74.

The Minister agreed that the rising price of tyres, was also adding to the cost of motor cars. He hoped that with the increased production of the existing units and by setting up of new ones in the private sector, it would be possible to meet in full the requirement of tyres and tubes for cars by 1973-74. The Government would then be able to check the price of cars as it was not quite commensurate with the production costs.

The manufacturers had taken unilateral action in fixing the prices. When the Government intervened and refixed the prices by a statutory order, the parties went to the Supreme Court. Under orders of the Supreme Court, an Inquiry Commission was appointed. While the Commission's Report was being considered, the Court passed an interim order fixing the prices. He added that the matter would come up in August, 1971 and if, according to the final order, the prices were fixed at a lower level, the manufacturers would refund the difference to persons who had bought cars from them.

Sugar Policy

Making a statement regarding 'Sugar Policy' in the House on the 25th May, 1971, the Minister of Agriculture, Shri Fakhruddin Ail Ahmed recalled that complete control on sugar was imposed in April, 1963 on account of the low production of sugar that year and the increase in its prices. The control continued in this form upto the 1966-67 season, when sugar production was one of the lowest in recent years. With a view to encouraging the production of sugarcane as well as of sugar through the incentive of higher cane-prices, the Minister said that the policy of partial decontrol of sugar was introduced from 1967-68 season. Under this modification a major part of the production of sugar was procured by Government at fixed prices, mainly for controlled distribution to the domestic consumers and a portion released to the factories for sale in the free market. The objective of this policy was fully achieved during the years 1967-68 and 1968-69 as on the one hand the consumer could obtain his requirements at reasonable prices fixed by Government, the factories on the other hand could realise higher prices for the free-sale sugar and pay higher prices for sugar cane to the growers.

Continuing, the Minister informed the House that with the substantial increase in production and accumulation of stocks of sugar with the factories, the situation had materially changed. In view of this easy supply and stock position, the Government have, therefore, decided to remove all control on prices, distribution and movement of sugar with immediate effect. Releases of sugar from factories for sale to whole-salers would, however, continue to be regulated in order to maintain reasonable and stable prices in the market and to ensure availability of adequate supplies throughout the year. By a process of judicious releases, it would also be ensured that there were always adequate reserve stocks of sugar in the country to meet future contingencies. He

hoped that the steps would help in removing the present strain in the distribution system and enable the consumer to get his requirements at competitive prices throughout the country. Further, in order to protect the interests of the sugarcane growers, control over minimum prices of sugar-cane to be paid to the growers would continue and minimum prices would be fixed for each crop season, as in the past.

We affirm that democracy is neither material happiness nor the supremacy of numbers. Democracy is essentially a permanent effort to find the right political means in order to assure to all citizens the right of the free development and of maximum free initiative, responsibility and spiritual life.

—KONRAD ADENAUER

POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN STATES

(April 1—May 31, 1971)

Andhra Pradesh

Fresh Efforts to solve Telengana Problem

Chief Minister Shri Brahamananda Reddy, on May 21, 1971, denied that a new formula to resolve the Telengana tangle was under discussion. He told newsmen that the Telengana problem existed to the extent that there were certain grievances regarding economic backwardness of the region and representation in the services. "Beyond this no Telengana problem exists", he said. Shri Reddy stated that the best solution of the problem was the Prime Minister's eight-point plan which was being implemented.¹

Efforts to find a solution to the Telengana problem began in New Delhi on May 29, 1971, with a meeting between Prime Minister Shri-mati Indira Gandhi and the Telengana Praja Samati leader, Dr. Chenna Reddy. No concrete proposal was reported to have been discussed at this meeting. Earlier, the Telengana leader had separate meetings with the Planning Minister, Shri Subramaniam and the Minister of State for Home Affairs, Shri K. C. Pant.²

Speaking to the newsmen after his meeting with the Prime Minister, Dr. Chenna Reddy said: "This marks the beginning of another effort at finding a solution." He added that the people of Telengana had given expression to their urge for separate Statehood through agitation and achieving success in the recent Lok Sabha elections. The Telengana Praja Samiti, as the representative of the people, reflected this urge and had taken up the matter with the Union Government: Dr. Reddy hoped that any proposal that may emanate from the current discussions would be satisfactory to the people of Telengana.³

¹*Hindustan Times*, May 22, 1971.

²*Ibid.*, May 30, 1971.

³*Ibid.*

Assam**Law Minister and Deputy Speaker resign:**

The Chief Minister, Shri Mahendra Mohan Choudhury, announced in the State Assembly on May 20, 1971 that Shri Abdul Matlib Mazumdar, Assam's Minister for Law, had resigned and that he had forwarded Shri Mazumdar's resignation letter to the Governor recommending its acceptance. In his letter to the Chief Minister, Shri Mazumdar gave no reason for this resignation. However, according to Congress Legislature Party sources, Shri Mazumdar had volunteered to resign at a party meeting on May 19, following presentation to the Assembly of a report of the Committee of Privileges relating to a complaint by a Member that the Minister had given incorrect and misleading information to the House regarding conviction of certain persons in connection with food adulteration. While the Committee had accepted the unconditional apology tendered by Shri Mazumdar and recommended that the matter might be dropped, it had also suggested that the merit of the case "needs to be taken up by the Government."⁴

On the same day, the Speaker, Shri Mohianta Das announced in the House that the Deputy Speaker, Shri Jogen Saikia, had also resigned his office and that the election of a new Deputy Speaker would be held on May 24. Later, speaking to newsmen in his Chamber the Speaker said that Shri Saikia, who was then in Budapest, attending the World Peace Assembly, had resigned on grounds of health and had sent in his resignation from New Delhi.⁵

Bihar**Opposition Parties Forge New United Front**

On March 31, six Opposition Parties, namely the Congress (R), the C.P.I., the P.S.P. and the splinter groups of the All-India Jharkhand Party, the Hul Jharkhand and the B.K.D., joined into a new political combination termed the Progressive Vidhayak Dal (PVD). Shri Bhola Paswan Shastri, former United Front Chief Minister, was elected leader of the PVD. A letter signed by the leaders of these parties was sent to the Governor, informing him about the formation of the PVD and the election of Shri Shastri as its leader.⁶

⁴*Hindusthan Standard*, May 21, 1971.

⁵*Ibid.*, May 21, 1971.

⁶*Hindustan Times*, April 1, 1971.

On the same day, the Opposition notified the Speaker of its intention to move a motion of no-confidence against the Government the next day *i.e.* April 1. However, when the Assembly met on that day, there was no mention of the no-confidence motion in the Order Paper, the motion having been withdrawn reportedly by the PVD leaders, when they met the Speaker in his Chamber, as they felt that they could not provide a stable alternative Government.⁷

The proceedings of the Assembly on April 1 were marked by uproarious scenes and a token walkout by the entire Opposition. The Assembly was adjourned *sine die* in the afternoon.⁸

Expansion of Ministry

The SVD Ministry, headed by Shri Karpoori Thakur (SSP), was further expanded on April 5, 1971, when six more Ministers—two of Cabinet rank and four Ministers of State, were added to it. Yet another expansion of the Ministry came on April 10 when five more Ministers of State were sworn in. With this fifth expansion of the 109 day-old SVD Ministry, the overall strength of the Council of Ministers stood at 52—25 of whom were Cabinet Ministers and 27 Ministers of State; the representation of the various parties in the Council of Ministers being SSP—12, Congress (O)—9, Jana Sangh—8, Janta Party—4, Jharkhand Party—4, BKD—3, Indian Socialist Party—3, Shoshit Dal—2, Hul Jharkhand—1, Swatantra—1, Independents—5.⁹

On April 24, Shri Inamul Hai Khan and Shri Ram Briksh Ram, both of the SSP, were sworn in as Cabinet Ministers.¹⁰

S.V.D. Partners Critical of Ministry Expansion

The action of the Chief Minister in inducting two more SSP Ministers in his cabinet came in for sharp criticism from the Jana Sangh, a major constituent in the ruling SVD. The Vice-President of the State Jana Sangh, Shri Thakur Prasad, demanded the dropping of the

⁷Hindustan Times, April 1, 1971 and Hindustan Standard, April 7, 1971.

⁸Searchlight, April 2, 1971.

⁹Searchlight and Indian Express, April 6 and 11, 1971; The Statesman Weekly, April 17, 1971, p. 3.

¹⁰Indian Express, April 25, 1971.

two SSP Ministers immediately and warned that if this was not done, the Jana Sangh would have to "reconsider its attitude towards the Ministry."¹¹

Soon after the Jana Sangh leader's criticism of the expansion of the Ministry, two SSP MLAs, Sarvashri Taneshwar Azad and Sitaram Rajak, issued a joint statement, protesting against what was termed as "unprincipled Cabinet expansion". Their protest was on the ground that the backward Muslims, Harijans and women had been persistently denied adequate representation in the Cabinet. Earlier, about a dozen other SSP MLAs were reported to have threatened to form a separate bloc in the Assembly, if their demand for proper representation to the background sections of the people in the Ministry was not conceded by the Chief Minister.¹²

The Chief Minister, Shri Karpoori Thakur, said on April 25 that there would be no further expansion of his Ministry. He clarified that in the previous day's swearing-in of two Cabinet Ministers no expansion of the Ministry was involved; only two Ministers of State had been upgraded to Cabinet rank.¹³

Strains in Ruling Coalition—Ministries, MLAs Quit

Shri Tulsidas Mehta (SSP), a Minister of State in the SVD Government, tendered his resignation to the Chief Minister on April 27, 1971. Later, Shri Mehta told the Press Trust of India (PTI) that he had resigned over "fundamental differences" with the functioning of the SVD Ministry. Within a week of his resignation, eight MLAs including one Independent, announced the withdrawal of their support to the SVD Ministry. Seven of them—three from Congress (O) and two each from the BKD and the Shoshit Dal—also made it known that they had shifted their support to the Congress (R) led PVD which constituted the main Opposition.¹⁴

On May 3, following reports that some 12 legislators, including some Independents, had withdrawn their support to the SVD Government, Shri Ram Jaipal Singh Yadav, leader of the Congress (R) Party in the State Legislature, said that his party and its allies had

¹¹*Hindustan Times*, April 26, 1971.

¹²*Ibid.*

¹³*Ibid.*

¹⁴*Ibid.*, April 28, 29 and May 3, 1971

acquired absolute majority' and that he would soon meet the Governor to demand that the next session of the Assembly be convened earlier than June 1. Later, on May 11, some Opposition leaders, including the leader of the Legislature Parties of the Congress (R) and the CPI, met the Governor and demanded dismissal of the SVD Ministry which, they said, had been "reduced to a minority". They also claimed that the PVD was in a position to "give a stable and good Government to the State."¹⁵

As the Opposition mounted its pressure against the SVD Government, the strength of the ruling coalition was further eroded. Thus, the Information Minister, Shri Inamul Hai Khan (SSP), who had been elevated to Cabinet rank on April 24, announced on May 17 that he had resigned from the Government as he felt that his party (*i.e.* the SSP) "was consistently deviating from its declared policies to keep the Ministry going."¹⁶

On the same day, the Bihar Socialist Party, a splintered group of the PSP and a constituent of the SVD, decided to pull out of the ruling coalition. The Executive of the Party, which had eight members in the State Assembly, called upon all its three Ministers in the SVD Government to resign forthwith and work for toppling the Ministry headed by Shri Karpoori Thakur. The three Ministers, however, refused to abide by these "directives" and decided not to quit the Government.¹⁷

On May 18, another constituent of the ruling coalition, the BKD, with seven Members in the Assembly, threatened to withdraw its support to the Government, as it had been "flouting the decisions of the coordination Committee".¹⁸

Stability of the Ministry—Governor Disclaims Authority to decide the Issue.

Meanwhile, speaking to newsmen in Patna on May 17, the Governor, Shri Deva Kant Barooah, expressed the view that the Governor was not the competent authority to decide whether a Ministry

¹⁵*Hindustan Times*, May 4 and 13, 1971.

¹⁶*Ibid.*, May 18, 1971 and *The Statesman Weekly*, May 22, 1971, p. 3.

¹⁷*The Statesman Weekly*, May 22, 1971, p.3 and *Hindustan Times*, May 19, 1971.

¹⁸*Hindustan Times*, May 19, 1971.

was stable or not. It was the business of the elected legislature to decide on the floor of the House whether a Government was in a majority.¹⁹

PVD Decides to Censure Government

On May 19, the PVD was reported to have "finally decided" to table a no-confidence motion against the SVD Government of Shri Karpoori Thakur on the first day of the State Assembly's budget session, due to begin on June 1, Speaking to newsmen, the Congress (R) leader, Shri Ram Jaipal Singh Yadav, said that the PVD had mustered a strength of 160 in the State Assembly which had then an effective membership of 312, and was thus in a position to provide a viable and stable alternative to the SVD Ministry which had been reduced to a minority.²⁰

More Defections from SVD and Exit of Karpoori Thakur Ministry

Between May 20 and 31 the strength of the ruling SVD was further depleted by a spate of defections and resignations by Ministers. The main events of this period preceding the eventual exist of the SVD Ministry are listed below in order of time:

May 20: One Congress (O) MLA crossed over to the Congress (R).²¹

May 23: Three more Congress (O) MLAs crossed over to the Congress (R) and informed the Governor of their decision to withdraw support to the SVD Government.²²

May 29: Congress (O) Minister of State Shri Bhishma Prasad Singh submitted his resignation to the Chief Minister.²³

Two SSP MLAs crossed over to the Congress (R) and withdrew their support to the SVD Government.

¹⁹*Ibid.*

²⁰*Ibid.*, May 20, 1971.

²¹*Ibid.*, May 21, 1971.

²²*Ibid.*, May 24, 1971.

²³*Ibid.*, May 30, 1971.

May 30: Two Ministers of State—Shri Ram Prasad Shahi (Congress—O) and Shri Satya Narain Biswas (Independent)—resigned from the Government and pledged their support to the no-confidence motion proposed to be moved by the PVD on June 1.²⁴

May 31: The three BKD representatives in the SVD Government, including a Cabinet Minister, Shri Shankar Dayal Singh, and two Ministers of State, Sarvashri Durga Charan Das and Jamaluddin, submitted their resignation to the Chief Minister. Another Cabinet Minister, Shri Mahavir Prasad (Shoshit Dal), sent in his resignation later in the night of May 31.²⁵

According to UNI, another Minister of State, Shri Ballabh Saran (Independent), also resigned on May, 31.²⁶

Two more SVD supporters, one from the Jana Sangh and the other from the SSP were reported to have crossed over to the Congress (R).²⁷

With these changes in the party affiliations, the total strength of the Opposition PVD had reportedly risen by May 31 to 177 in the 312-member State Assembly. The strength of the Congress (R), the leading constituent of the PVD, was now claimed to be 108 as against 83 on April 15.²⁸

Early on June 1, the first day of the Budget session, Shri Karpoori Thakur submitted the resignation of his Ministry to the Governor. The resignation of the SVD Ministry, which was formally announced in the Assembly at 11 a.m. by the Speaker before adjourning the House *sine die*, came barely two hours before the no-confidence motion, sponsored by the SVD, was to be tabled. The 162 day-old SSP-led Ministry was the eighth coalition Government in Bihar to collapse since the 1967 general elections.²⁹

²⁴The Hindustan Time, May 31, 1971.

²⁵Ibid., June 1, 1971.

²⁶Ibid.

²⁷Ibid.

²⁸Ibid., June 1, 1971 and *Conparlist*, April 1971, p. 10.

²⁹Ibid., June 2, 1971. The Karpoore Thakur Ministry was installed in office on Dec. 22, 1971.

In his letter of resignation to the Governor, a copy of which was also forwarded to the Speaker of the Assembly, Shri Karpoori Thakur had suggested the immediate dissolution of the House to be followed by a fresh mid-term poll. However, the Governor invited the PVD leader, Shri Bhola Paswan Shastri, to form a new Government. Shri Thakur was asked to continue till alternative arrangements were made.³⁰

Formation of PVD Ministry

A three-man Progressive Vidhayak Dal Ministry, headed by Shri Bhola Paswan Shastri, leader of the PVD and an Independent member of the Bihar Assembly, was sworn-in at Patna on June 2. The two other Ministers sworn in along with Shri Shastri were Shri Ram Jaipal Singh Yadav, leader of the State Congress (R) Legislature Party, and Shri Haricharan Soy, Chief of the All-India Jharkhand Party (Horo faction).³¹

Speaking to newsmen at Raj Bhavan, the new Chief Minister made it clear that the strength of his Ministry would not exceed 11 per cent of the State Assembly's total strength of 319 members. He also said that the CPI and the PSP, both constituents of the PVD, had been requested to participate in the Government and were expected to take a final decision on the matter in a day or two.³²

Corruption cases against Ex-Ministers

In reply to a question, Shri Ram Niwas Mirdha, Union Minister of State for Home Affairs, informed the Rajya Sabha on May 27, 1971 that cases under the Indian Penal Code and the Prevention of Corruption Act had been registered against the former Chief Minister of Bihar, Shri K. B. Sahai, and three other Bihar ex-Ministers. Shri Mirdha further said that the investigations which were in progress would conclude in the next few months.³³

³⁰*Hindustan Times*, June 2, 1971.

³¹*Ibid.*, June 3, 1971.

³²*Ibid.*

³³*Indian Express*, (New Delhi), May 28, 1971.

Gujarat

Congress (O) Again Forms Ministry

The Congress (O) regained power in Gujarat on April 7, 1971, when its leader, Shri Hitendra Desai, was again sworn-in as Chief Minister. It may be recalled that only a week earlier, on March 31, Shri Hitendra Desai had tendered the resignation of his Ministry following a spate of defections from the Congress (O) Legislature Party. According to reports, the Congress (R) Leader of the Opposition Shri Kantilal Ghia, having expressed to the Governor his inability to form an alternative Government, the Governor invited Shri Desai to form a new Government after he was satisfied that Shri Desai enjoyed the support of 93 members (81 of Congress O, 10 Swatantra, 1 Jana Sangh and 1 Independent) in the 164 — member State Assembly.⁸⁴

The other colleagues of Shri Desai—12 Ministers and 13 Deputy Ministers were sworn in on April 8. The new Ministry included all the members of the previous Congress (O) Ministry. Four new persons were appointed Deputy Ministers.⁸⁵

Government withdraws Official Bills

The Gujarat Assembly had a "one-day session" on April 28, 1971, which was mainly convened to pass a Bill seeking to increase the passenger-tax by two per cent, as provided for in the current year's budget. However, when the Assembly met, the Government withdrew the said Bill as also another official Bill, viz., the Gujarat Agricultural Produce Market (Amendment) Bill. According to reports, the two Bills were withdrawn as the Government was not sure of the complete support of its main ally, the Swatantra group, and, therefore, thought it prudent to avoid a trial of strength.⁸⁶

After the 'one day session' the Speaker adjourned the Assembly *sine die*.⁸⁷

⁸⁴*Hindustan Times*, April 1, 7 and 8, 1971.

⁸⁵*Ibid.*, April 9, 1971.

⁸⁶*Free Press Journal and Hindustan Times*, April 29, 1971.

⁸⁷*Hindustan Times*, April 29, 1971.

Imposition of President's Rule

The 34-day old Hitendra Desai Ministry was faced with a sudden crisis on May 10, when 12 MLAs, including seven from the Congress (O), four from the Swatantra Party and one Independent, withdrew their support to the Government. Deputy Speaker Shri Vasantbhai Mehta, was among the Swatantra MLAs who withdrew support to the Government.³⁸

The four Swatantra legislators declared themselves as Independents, while the rest joined the Congress (R). With these changes in party affiliations, the Party position in the State Assembly, which had then an effective strength of 163 (five seats being vacant), was reported to be: Congress (O)—74, Congress (R)—62, Swatantra 11, PSP—3, Jana Sangh—1, Independents—12. While the Chief Minister claimed that he continued to enjoy majority support, this claim was disputed by Shri Chimanbhai Patel, the new leader of the Congress (R) Legislature Party.³⁹

On May 12, the Gujarat Governor sent a report to the President recommending Central take-over of the State administration in view of the defections from the Congress (O) Legislature Party and the continued political instability which precluded the possibility of any party or combination of parties forming a Stable Government.⁴⁰

In his report, the Governor also mentioned that the Chief Minister, Shri Hitendra Desai, had advised him to dissolve the State Assembly, allowing Shri Desai to continue as caretaker Chief Minister till fresh elections were held. The Governor observed that since Shri Desai's majority was in doubt his advice could not be accepted, more so, when the State Budget had yet to be passed. In the circumstances, the Governor felt that it would be incongruous for Shri Desai to head a caretaker administration.⁴¹

Acting on the Governor's report, the President issued on May 13 a Proclamation dissolving the Gujarat Assembly and taking over the

³⁸*The Statesman Weekly*, May 15, 1971, p. 3 and *Hindustan Times*, May 11 and 12, 1971.

³⁹*Ibid.*

⁴⁰*The Statesman Weekly*, May 15, 1971, p. 7 and *Hindustan Times*, May 14, 1971.

⁴¹*Ibid.*

administration of the State. This was the first time in the history of the 11-year old State that it had been placed under President's rule.⁴²

Former C.M's Decision "Not Valid"

The decision announced by Shri Hitendra Desai before he resigned as Chief Minister, to make secondary education free in Gujarat was found "not valid" as it has been arrived at by the State Cabinet.⁴³

Kerala

Inquiry Reports on Charges of Corruption and Nepotism:

Early in April 1971, certain allegations of corruption against some Kerala Ministers and officials were the subject of much comment in the newspapers and also figured in the Questions raised in the State Assembly. The allegations arose out of an inquiry report by Shri K. K. Ramankutty, a senior Indian Administrative Officer and a Member of the Kerala Revenue Board, on a proposal to acquire land for the Kerala Agricultural University. According to the report, political influences were behind the decision to pay a "fabulous price" of Rs. two crores for a privately-owned rubber estate, when equally suitable sites were available at an outlay of Rs. 30 lakhs. The report stated that the decision to acquire the estate was taken at the "highest level" and that the various entries on the file were only formalities required to give it "the colour of an official decision." The report also criticised some senior officials, including the Chief Secretary, for succumbing to political pressure. Shri Ramankutty concluded by saying that he had been offered the Vice-Chancellorship of the Agricultural University by the State Chief Secretary with a view to influencing him into giving a favourable report.⁴⁴

Persuant to pressing demands, the report was placed on the table of the House on April 1, 1971. In a statement in the Assembly, the Chief Minister, Shri C. Achutha Menon, said that the Government rejected the Ramankutty report "as its findings were not based on facts, but upon inferences and speculations which have no relation to reality." At the same time, the Chief Minister announced the Government's decision to subject the entire matter of land acquisition for

⁴²*The Statesman, Weekly*, May 15, 1971 p. 7 and *Hindustan Times*, May 14, 1971.

⁴³*Hindustan Times*, May 22, 1971.

⁴⁴*Hindu*, April 6, 1971, *Free Press Journal*, April 12, 1971, *Hindusthan Standard* April 14, 1971, *Statesman* (Calcutta), April 22, 1971 and *The Overseas Hindustan Times*, May 1, 1971.

the Agricultural University to a judicial inquiry under the Commission of Inquiry Act, and named Mr. Justice M. K. Issac of the Kerala High Court as the Inquiry Commission.⁴⁶

About the same time, another inquiry report dealing with certain appointments in the Government-owned Travancore-Cochin Chemicals Limited was submitted by the State Home Secretary Shri S. Narayanaswami. The report pointed out that in 1970 the Travancore-Cochin Chemicals authorities had on their own made 84 temporary appointments in spite of prior orders requiring that all appointments were to be turned over to the Public Service Commission and no interim appointments were to be made by the Travancore-Cochin Chemicals authorities. The report also questioned the propriety of the written tests and interviews conducted by the Travancore-Cochin Chemicals and the choice of certain persons for appointment. The State Government accepted the report of Shri Narayanaswami and promptly ordered the cancellation of the impugned appointments, including that of a nephew of the Chief Minister.⁴⁶

No-confidence Motion

At the end of a two-day debate on April 7, a no-confidence motion notice of which had been given by leaders of the CPM, ISP, SSP, KTP, KSP, the Congress (O) and an Independent member on April 5, was rejected by 69 votes to 48 in the Assembly. Thirteen Kerala Congress Members present in the House remained neutral at the time of voting.⁴⁷

The debate on the motion was dominated by the charges of corruption and nepotism which had figured in the report of Shri Ramankutty and Shri Narayanaswami. Replying to the debate, the Chief Minister said that his party had nothing to do with the acquisition of land for the Agricultural University and added that the Government had accepted the report on Travancore-Cochin Chemicals and called for the explanation of the Managing Director who had made the irregular appointments (including that of his nephew).⁴⁸

⁴⁶*Hindustan Times*, April 6, 1971 and *Hindustan Standard*, April 14, 1971.

⁴⁶*Hindustan Standard*, April 14, 1971 and *Statesman* (Calcutta), April 22, 1971.

⁴⁷*Hindu* and *Hindustan Times*, April 6 and 8, 1971.

⁴⁸*Ibid.*, *Times of India* (Bombay), April 13, 1971 and *Compartist*, April 1971, p. 8

Enquiry Commission's Findings on Charges against Former Minister

The Velu Pillai Commission found a former Finance Minister of Kerala, Shri P. K. Kunju, guilty of "favouritism, nepotism and impropriety", in the appointment of his son-in-law, Shri K. A. Mohammed, as the Deputy Director of State Lotteries. Speaking to newsmen on May 4, 1971 the Chief Minister, Shri Achutha Menon, said that the Enquiry Commission had cleared Shri Kunju of all other charges including clearance of his personal debts during his term as Finance Minister.⁴⁹

Madhya Pradesh

Move for removal of Speaker Falls Through

The Madhya Pradesh Assembly on April 5, 1971 voted permission for a Jana Sangh motion, notified a fortnight earlier, seeking removal of the Speaker, Shri Kashi Prasad Pande, for his "failure to protect the rights of Members." The motion was taken up for discussion on April 10 with the Deputy Speaker, Shri Ram Kishore Shukla presiding over the debate.⁵⁰

Initiating the debate, the Jana Sangh party leader, Shri V. S. Pradhan, said that Shri Pande had failed to protect the rights of Members, particularly of the Opposition, pointing out, *inter alia*, that though notices of 298 adjournment motions had been given in the present Assembly, only two of them were admitted. The motion was opposed, among others, by the Chief Minister, Shri S. C. Shukla, who said that Shri Pande had given maximum accommodation to the Opposition and had maintained the standards of impartiality expected of his high office. The motion was finally rejected by the House by a voice vote.⁵¹

Mysore

Assembly Dissolved

Following the exit of the Congress (O) Ministry headed by Shri Virendra Patil, and the subsequent imposition of President's Rule in Mysore on March 27, 1971, the Governor further explored the possibility of forming an alternative Government in the State. In a report on the political situation in the State sent to the President on April 13,

⁴⁹Hindustan Times, May 5, 1971.

⁵⁰Ibid., April 6 and 11, 1971.

⁵¹Ibid., April, 11, 1971 and *Comparlist*, April 1971, p. 9.

the Governor said that since no party, singly or in combination, was in a position to form a stable Government in the State, the dissolution of the Assembly was the only alternative. The President accordingly accepted the Governor's recommendation and dissolved the Mysore Assembly on April 14.⁵²

President's Rule Extended

A statutory resolution seeking approval of the Presidential Proclamation of March 27, 1971, providing for Central takeover of the Mysore administration, was adopted by the Lok Sabha on May 24, 1971. With the adoption of an identical resolution by the Rajya Sabha on May 25, Parliamentary approval was accorded to the extension of President's rule in Mysore for another six months.⁵³

Replying to the debate on the resolution in the Rajya Sabha, the Minister of State for Home Affairs, Shri K. C. Pant, assured the House that elections to the Mysore Assembly would be held as soon as possible after the completion of an intensive revision of electoral rolls, which the Election Commission was undertaking in respect of the electoral rolls not only of Mysore, but other States also. The revision, Shri Pant said, was expected to be over by October and then steps would be taken to hold elections on the basis of the revised electoral rolls.⁵⁴

Orissa

New United Front Ministry.

A three-party United Front Ministry, headed by Shri Biswanath Das, assumed office in Orissa on April 3, 1971 at the end of a 84-days spell of President's rule. The new Ministry consisted of 14 Ministers, including the Chief Minister, who did not belong to any party. The other Cabinet Ministers included six each from the Swatantra Party and the Utkal Congress and one from the Jharkhand Party.⁵⁵

⁵²*Hindustan Times*, April 15, 1971.

⁵³*Hindustan Times*, May 25 and 26, 1971.

⁵⁴*Ibid.*, May 26, 1971.

⁵⁵*Hindustan Times and Indian Express*, April 4, 1971. For party position in the Orissa Assembly after the March 1971 mid-term elections see Appendix V.

New Speaker and Deputy Speaker

Shri Nand Kishore Mishra (Swatantra) was re-elected Speaker of the Orissa Assembly on April 12, 1971. Shri Mishra who was the nominee of the ruling United Front, secured 73 votes against 60 polled by the Opposition candidate, Shri Ignace Majhi (Jharkhand).⁶⁶

Later, on May 6, Shri Narayan Birbara Samanta (Utkal Congress), also a nominee of the ruling coalition, was elected Deputy Speaker, polling 74 votes as against the 57 votes secured by his Opposition rival, Shri Bhagbata Prasad Mohanty (PSP).⁶⁷

Tamil Nadu

Ministers and Presiding officers to draw Full Pay

According to the Tamil Nadu Payment of Salary Act, 1951, the Chief Minister and other Ministers are entitled to a salary of Rs. 1,000 per month. But when the DMK was first voted to power in 1967, the members of the State Cabinet had accepted a voluntary cut of 50 per cent. On April 29, 1971, the Tamil Nadu Ministers were reported to have decided to have the self-imposed cut restored and draw their full salary of Rs. 1,000 per month with effect from March 15, 1971, the date on which the present DMK Ministry was sworn in after the recent mid-term elections to the State Assembly. The Speaker of the State Assembly and the Chairman of the Legislative Council will also henceforth received their full pay of Rs. 1,000 per month.⁶⁸

Governor Suggests Arbitration for Tamil Nadu-Mysore dispute over Cauvery Waters

Shri Ujjal Singh, the outgoing Governor of Tamil Nadu, suggested on May 19 that the Cauvery Waters dispute between Tamil Nadu and Mysore be settled by arbitration, as the two States had failed to iron out their differences through negotiation. Shri Ujjal Singh was speaking at a party got up by the State Chief Minister to bid farewell to him and Shrimati Ujjal Singh.⁶⁹

⁶⁶*Hindustan Times*, April 13, 1971.

⁶⁷*Ibid.*, May 5, 1971.

⁶⁸*Hindu*, April 29, 1971.

⁶⁹*Ibid.*, May 20, 1971.

Uttar Pradesh

New Congress (R) Ministry sworn in

Following the fall of the five-and a half month-old SVD Government headed by Shri T. N. Singh on March 30, 1971, the Governor had invited the Congress (R) leader Shri Kamalapati Tripathi to form the Ministry. A small seven-man Congress (R) Ministry, headed by Shri Tripathi, was sworn in at Lucknow on April 4.⁶⁰

Ministry Expanded

In the first expansion of the Congress (R) Ministry in U.P., led by Shri Kamalapati Tripathi, 31 new incumbents—eight Cabinet Ministers, 15 Ministers of State and eight Deputy Ministers—were sworn in by the Governor on May 21, raising its strength to 38. This excluded two—a Minister of State and a Deputy Minister—whose appointment had been announced, but who were not present to take the oath.⁶¹

West Bengal

Democratic Coalition Ministry Assumes Office

A 25-member 'Democratic Coalition' Ministry, headed by Shri Ajoy Mukherjee (Bangla Congress), was sworn in at Calcutta on April 2, 1971.⁶² The Council of Ministers included 20 Cabinet Ministers and five Ministers of State. Shri Bejoy Singh Nahar, the leader of the Congress (R) Legislature Party, was sworn in as Deputy Chief Minister. The six 'Democratic Coalition' partners were represented in the new 25-man Ministry, as follows:—⁶³

Congress (R).....	18	(14 Cabinet Ministers and 4 Ministers of State)
Muslim League.....	3	(2 Cabinet Ministers and 1 Minister of State)
Bangla Congress.....	1	(The Chief Minister himself)
Gorkha League.....	1	
SSP (Dissident).....	1	
PSP (Dissident).....	1	

⁶⁰Hindustan Times, March 31 and April 5, 1971.

⁶¹Ibid., May 22, 1971.

⁶²For Party position in the West Bengal Assembly after the March 1971 mid-term elections see Vol. XVII, No. 2 (April, 1971) of this Journal.

⁶³Hindustan Standard, April 3, 1971 and The Statesman Weekly, April 10, 1971, p. 4.

Incidentally, this was the fourth Ministry to be sworn-in in West Bengal since the Fourth General Elections in 1967.⁶⁴

One more Minister, Prof. Prabodh Sinha of the PSP, was sworn in on May 2, raising the strength of the Democratic Coalition Ministry to 26.⁶⁵

New Speaker and Deputy Speaker

At its first meeting after the March 1971 mid-term Assembly elections, the West Bengal Assembly, on May 3, elected its new Presiding Officers. Shri Apurbalal Majumdar (Forward Bloc), the nominee of the ruling Democratic Coalition, was elected Speaker defeating the Opposition nominee, Shri Benoy Krishna Chowdhury (CPI-M) by 140 to 132 votes. The contest for Deputy Speakership was also won by the ruling coalition, with its nominee Shri Pijush Kanti Mukherjee (Congress-R), defeating his Opposition rival, Shri Mohammed Illias Razi (Worker's Party) by a margin of 12 votes. Shri Mukherjee secured 142 votes against the 130 votes polled by Shri Razi.⁶⁶

Government wins Confidence Vote

On May 15, a no-confidence motion against Shri Ajoy Mukherjee's Democratic Coalition Ministry was rejected by the State Assembly by 141 to 132 votes. A day earlier, the Motion of Thanks on the Governor's Address was passed by a voice vote, Opposition amendments to the Motion having been rejected by 140 to 132 votes following a "physical counting".⁶⁷

In another trial of strength between the ruling Coalition and the C.P.I.(M)-led Opposition on May 17, the House turned down by 136 to 130 votes a non-official resolution, moved by a CPI(M) member demanding "immediate and unconditional withdrawal of the orders under Section 144 Cr. P. C. and the Central Reserve Police," and

⁶⁴*The Statesman Weekly*, April 10, 1971, p. 4.

⁶⁵*Statesman* (Calcutta), May 3, 1971.

⁶⁶*The Statesman Weekly*, May 8, 1971, p. 4 and *Hindustan Times*, May 4, 1971.

⁶⁷*The Hindustan Times*, May 15&16, 1971 and *The Statesman Weekly*, May 22, 1971.

adopted, instead, a substitute resolution put forward by a CPI Member, which directed the State Government "not to promulgate orders under Section 144 Cr. P. C. or deploy police or CRP forces to curb legitimate democratic movements."⁶⁸

Assembly Prorogued

The West Bengal Assembly adjourned *sine die* on May 17 and was prorogued by the Governor on the following day.⁶⁹

Bye-election Countermanded

Shri Ajit Biswas, the Forward Bloc candidate in the bye-election to Calcutta's Shyampukur Assembly Constituency, was short at several times and killed on May 18. During the mid-term election to the State Assembly, held in March this year, the election in this constituency had to be countermanded following the murder of Shri Hemanta Basu, veteran Forward Bloc leader and a candidate for the Assembly. The bye-election had also to be countermanded as the last date of withdrawal of candidature had ended on May 15.⁷⁰

Influx of Refugees from Bangla Desh

With the genocides and reign of terror let loose by the West Pakistan Army in Bangla Desh, an endless stream of refugees has been entering West Bengal and other Indian States bordering Bangla Desh since the beginning of April 1971. By the end of May, about four million Bangla Desh evacuees had entered West Bengal. The staggering influx of refugees had imposed severe strains—political, social and economic on the State. In a letter to the Prime Minister, Shrimati Indira Gandhi, the West Bengal Chief Minister, Shri Ajoy Mukherjee, was reported to have stressed that the situation had assumed gigantic proportions and unless the refugees were dispersed soon to other States, the West Bengal Government would find it impossible to tackle the situation. He was also said to have urged that the Centre should take the entire responsibility of looking after the refugees.⁷¹

⁶⁸Hindusthan Standard, May 18, 1971.

⁶⁹Ibid., and Hindustan Times, May 19, 1971.

⁷⁰The Statesman Weekly, May 22, 1971, p. 4.

⁷¹Hindusthan Standard, May 30, 1971 and Hindustan Times, June 2 and 4

UNION TERRITORIES

Delhi

Corporation Elections

The **Jana Sangh** retained its hold on the Delhi Municipal Corporation securing 54 of the 100 seats in the civic body for which elections were held on May 2, 1971. The Congress (R) won 41 seats. The other results were: Congress (O)—1, CPI—1, Independents—3.⁷²

Cca

New Deputy Speaker

Shri S. K. Desai of the ruling Maharashtravadi Gomantak Party was elected Deputy Speaker of the Goa Assembly on April 7, 1971. In a straight contest, Shri Desai secured 16 votes as against 14 secured by Shri J. B. Gaokar in a 32-member House, including the Speaker. One vote was declared invalid. The election was necessitated by the resignation of Shri Manju Gaokar who held the office previously.⁷³

Earlier, on March 25, a motion seeking the removal of Shri Manju Gaokar from his office was admitted in the Assembly. The motion was tabled by two members of the ruling party who levelled several charges against Shri Gaokar, including misuse of office, personal gains and open participation in politics. Shri Dayanand Bhandodkar, the State Chief Minister, speaking on the motion said that he had nothing personal against Shri Gaokar but the way he had conducted himself during the current political crisis was "unworthy of a person who held the high office of the Deputy Speaker." After replying to the charges levelled against him, Shri Gaokar resigned from his office.⁷⁴

⁷²*Hindustan Times*, May 5, 1971.

⁷³*Hindustan Times*, March 26 and April 8, 1971.

⁷⁴*Hindustan Times*, March 26, 1971, and *Free Press Journal*, March 25 1971.

Summaries of Books

RELUCTANT PARTNERSHIP: A CRITICAL STUDY OF THE RELATIONSHIP BETWEEN GOVERNMENT AND INDUSTRY
by Eric Moonman: Published by Victor Gollancz Ltd., London; 1971;
224 p.

This book written by an industrial consultant and a former member of British Parliament provides a critique of the relationship between Government and industry in Britain and offers a number of proposals for making both government and industry more effective. A systematic approach to Government intervention in industry is suggested in order to avoid many of the difficulties and failures in decision-making which exist to-day in Great Britain.

In an attempt to trace government's involvement with industry in Great Britain, the various roles that governments have played in their relationships with industry over the last 150 years are examined.

In the case of the trade union movement and of factory legislation the government found itself legislating as arbitrator between the demands of the employers and the needs of the workers. Government's role was that of arbiter of social justice—a role which governments still play today in their relationship with industry.

In times of emergency, war and economic depression, the government's role was a controlling one, aimed at husbanding the nation's resources and using them with the utmost efficiency—the methods varied, sometimes direct control was necessary, sometimes an advisory role was sufficient. The lessons learned during these periods of crisis have been taken to heart, and government's role has extended to one of sponsorship and investment for the future.

Government can thus be said to have a three-fold responsibility in its involvement with industry. First, in the provision of jobs, and the maintenance of the flow of work both nationally and regionally; secondly, in the provision of services, *e.g.*, fuel, transport, communications; thirdly, in the management of the nation's resources.

It is **this third** area which remains controversial; for, while it seems to be **generally** agreed that it is the responsibility of the government

to develop both natural and industrial resources in terms of the present and future needs of the nation, there is still one sector of the Conservation Party, which thinks that the development of industry is best left to industry itself.

The present study, however, purports to show that this philosophy is wrong. Not only is it necessary for government to be actively involved in industrial affairs in the nation's interest, but industry must recognize that it needs the help government can give. To argue otherwise is to put the clock back.

In making government more effective in its relations with industry, the role of the civil service is also important. The use of new techniques, both social science and managerial, is being introduced in the Civil Service, but the transformation will, inevitably, take time. The performance of the Civil Service, especially in regard to industry, could, however, be improved more quickly by a change in Civil Service attitudes.

It is not suggested that civil servants should abandon their own high standards, but they should recognize that the academic approach to problems does not operate in the market-place of industrial affairs, and they must get out into that market-place and discover the facts for themselves.

Government's relations with industry would be helped, too, by a lessening in the secrecy with which the reasons for decisions are shrouded. This springs partly from the tradition of anonymity in the Service, a tradition which is considered to be outdated. Provided only that it does not compromise the Minister's responsibility to Parliament, it is suggested that there must be more disclosure of information in this field, but for which there is little hope of getting industry to co-operate with government objectives.

If Government is to be involved with industry, as it must, and if its actions are to be received with credibility by industry, then it is essential that government is as well equipped to cope with changes as industry, and that it is at least as well informed about particular industries as industrialists are, and has a better over-all knowledge of affairs than anyone.

Governments have something positive to contribute to industry, particularly in developing new technologies and increasing efficiency. The

use of modern methods, rationalization, specialized training in management and related techniques of development and improved communication systems are important in this connection.

Much of what industry must do to become more efficient must be done by industry from within, but the various advisory boards which government has provided can assist it at all levels: Government's main function is to see that these agencies know what their functions are and that they are properly equipped to perform them.

Industry may believe it will operate best when left alone but the realities of the modern world drive it into partnership of some kind with government. Government, even if opposed in principle to involvement with industry, finds the same realities driving it.

CONTEMPORARY ISSUES IN CANADIAN POLITICS by Frederick Vaughan, Patrick Kyba and O. P. Dwivedi: Prentice-Hall of Canada, Ontario; 1970

This volume is a collection of articles and essays concerning some important features of government and politics in Canada, and have been divided into five sections: federalism, constitutional issues, parliament and the executive, the public service, and the judiciary.

Some of the important points made in these articles, which are of general interest and relevant to conditions obtaining in countries having a parliamentary system of government, are as under:

Federalism in a Socialistic System

(By Pierre Elliott Trudeau)

The basis of a socialist ideology is to work out a certain set of human values, for the fostering of which society is held collectively responsible.

This basis of a socialist critique is to state clearly what the provincial governments can do and fail to do, and what the federal government can do and does not do, each within its respective jurisdiction.

Finally, the basis of socialist action is to define the various ways of striving towards socialist goals under a federal constitution, and to lead each community towards such goals as it can hope to attain.

Cooperative Federalism

(By *W. R. Lederman*)

Inevitably and increasingly, federal and provincial governments are involved with one another and are dependent on one another. Federal-provincial conferences and major consultations of various kinds go on constantly at all official levels.

Moreover such co-operative federalism contains important elements of flexibility for meeting some of the needs of change. It provides opportunities for innovation that may help greatly to establish more satisfactory relations between the federal government on the one hand and the provincial governments on the other.

Civil Liberties and the Constitutional Bill of Rights in Canada

(By *Kenneth Kenaghan*)

Legislative or even constitutional guarantees alone are not adequate to ensure the defence of civil liberties. The ultimate efficacy of all civil liberties legislation, including a charter of human rights, lies in the extent to which such statutory directives conform to strong national sentiments.

A Democratic Approach to Civil Liberties

(By *Peter H. Russel*)

Those who would attend to the citizen's liberty should first and foremost address themselves to the democratic qualities of the state's political process. The most direct means of establishing uncoercive government is to evolve a social and political system in which government decisions correspond as closely as possible to the wishes of the governed. This is the democratic approach to civil liberty. Where Government activity cannot be made thoroughly responsive to public demand, and there are many areas where of necessity this must be the case, the effective civil libertarian must look beyond the traditional legal remedies to new institutional forms that make it equally convenient for all to challenge arbitrary treatment by government.

Canadian Charter of Human Rights

(By *Pierre Elliott Trudeau*)

Existing human rights measures in Canada are limited in scope. The Canadian Bill of Rights emphasizes political freedoms (speech,

assembly, religion) and legal rights (freedom from arbitrary deprivation of life, liberty or property, and equality before the law). Other federal legislation and most provincial legislation is confined to prohibitions against discrimination in employment, admission to trade union membership, or the provision of accommodation.

It is suggested that there be included in a constitutional bill those rights which have been legislatively protected in Canada, and to add to them those linguistic rights which are recommended by the Royal Commission on Bilingualism and Biculturalism. Rights to be included in a bill of the sort under consideration may fall into five broad categories: political, legal, egalitarian, linguistic, and economic.

The Canadian Parliament and Cabinet in the Face of Modern Demands
(By R. G. Robertson)

The main problem is to reconcile the mass, complexity, and technical sophistication of the decisions required for government today with the continued handling of those decisions by the representatives of the people under a parliamentary system.

The main adjustment must begin in Parliament. Democracy will not work well, and it will probably not last if Members of Parliament and Ministers have as little immediate contact with the people as recent pressures of work have imposed.

The greatest single gain for every aspect of the governing process would come from shorter sessions of Parliament. These would not only enable the Members to better discharge their role of keeping contact with the people, but they would add dramatically to the time that Ministers could spend on their main role—that of governing.

In the case of the mass of work Ministers must do, a real problem arises in the way in which the day-to-day responsibility to Parliament is to be made real and effective. There must be changes from present methods or else we run the risk of a steady reduction in the efficiency of government in coping with growing needs, together with a shift of effective decision—making from the Ministers, where it ought to be, into the hands of the civil servants. Somehow the relentless daily servitude the Ministers now face when Parliament is in session must be lessened. The scale of the task of governing is simply incompatible with it.

Several undramatic things would help make the system work better. Limitation of each Minister's responsibility to answer questions in Parliament to two days a week instead of five would provide about six hours of extra time per Minister per week. Requirement of notice for all questions would eliminate a lot of time now spent in "boning up" on questions—that are never asked—and eliminate some of the public damage that now results from wrong or confusing replies by unprepared Ministers.

The other place to strive for improvement is in the structure and operation of the Cabinet. No problem has received more thought in recent years. A good deal has been done through greater use of Cabinet Committees where a limited group of Ministers can have an initial discussion of questions with the officials most knowledgeable about them. Beyond this, the device that has been most often suggested is the one the British have adopted of a distinction between the "Cabinet" and the "Ministry". There is no question but that the Cabinet is too big for effective discussion. There is equally no question but that many departments are too big for control by a single Minister. The solution of more Ministers with fewer in the Cabinet seems obvious.

The Speakership of the Canadian House of Commons: Some Proposals
(By Devis Smith)

The Speaker is the servant, not of any part of the House, nor of any temporary majority in the House, but of the best interest of the House as this interest has been distilled in the practices of the House over many generations. The successful exercise of his duty requires above all that the Speaker shall be impartial and shall be seen to be impartial.

The election of the Speaker: One aspect of the Speaker's election deserves reconsideration: this is the custom that the nomination to the Chair is proposed by the Prime Minister and seconded by a Minister.

The Speaker's position as the independent servant of the entire House could be symbolized by arranging his formal nomination to be

made by two private members, one from the government side and one from the opposition side, after consultation and agreement among all parties on a suitable candidate. While possessing the confidence of the majority party, he would not be its official candidate for this office. The means of nomination would discourage the suspicion that the Speakership is given as a reward for party services.

The adoption of this reform would require only a change in practice on the part of the Prime Minister. He would have to ensure consultation among the parties on the nominee, through the usual channels, and arrange for the candidate's nomination by backbenchers on both sides of the House.

If the Speaker is to possess the confidence that members of the judiciary are normally accorded, he must hold office on judicial terms; he should not have to plan for another career, most possibly political, after a short term in the Chair. He should be encouraged by a guarantee of secure tenure to regard the Speakership as a career which needs to be undertaken for its own sake alone. He should be able to expect ten, fifteen, or twenty years in the office, rather than four or five.

The argument for competence in the Chair reinforces the case for continuity. A Speaker with long experience is not only likely to be above suspicion of partisanship, but also to be a more capable Speaker than a temporary one.

The dignity of the Speaker: The Speaker must be rewarded sufficiently to balance the tension, the sacrifice of a party career, and the abandonment of a private occupation, that commitment to the Chair involves. The rewards of the office must be enough consistently to attract men of talent; and they must be enough to free the Speaker from any financial dependence which might compromise his position as the servant of the whole House. The Speaker's perquisites should, further, illustrate and reinforce his prestige as the leading member of the House of Commons: they must be the sufficient outward and visible signs of his pre-eminence.

The Speaker in retirement: If Speakership is to gain the reputation for absolute aloofness from politics that the office requires, the

nature of the Speaker's retirement is also a matter of concern. The convention must be established that a retiring Speaker departs altogether from the partisan political scene. This convention, like others involved in the creation of a continuing Speakership, demands a substantial sacrifice from Speakers, and must be offset by compensating privileges, if it is to be acceptable.

The ex-Speaker must be assured of financial security, so that he will not be forced for economic reasons to turn again to a political career. A special pension in addition to his normal parliamentary pension is desirable: and this pension should be made a statutory charge upon the Consolidated Fund.

Public appointments of ex-Speakers must certainly be governed by scrupulous conditions. They must either be automatic, involving no individual's discretion by the Prime Minister, or they must be made only after consultation and agreement with the leaders of the opposition parties. The offices themselves must be above political reproach, like the Speakership.

Political Rights of Canadian Public Servants

(By O. P. Dwivedi and J. P. Kyba)

Canadian public servants have restricted themselves in any expression of their views on any political controversy. They indicate publicly neither their approval or disapproval of government policy nor express themselves on matters of party politics. There are no statutory restrictions whatsoever preventing Canadian public servants from criticising governments. They do not criticise simply because they adhere to the traditions of "civil service neutrality" and "ministerial responsibility." In their desire to serve all political parties when in power with equal devotion and detached impartiality they have effectively deprived themselves of their right to discuss matters of public concern, whether political or non-political in nature.

There is no doubt that the creation and maintenance of public confidence in the neutrality of the public service is very important to the proper functioning of any democratic institution. It is also admitted that the abolition of political neutrality throughout the public service would have severe repercussions on the doctrine of ministerial respon-

sibility, and that both unified direction of policy and parliamentary control of the executive would suffer if the Government's chief advisers were politically partisan. Further, the doctrine of political neutrality protects the public servant. He does not have to defend his actions publicly, and his anonymity preserves the constitutional fiction of his political non-commitment and thus ensures his permanency in office whenever there is a change in the governing political party.

RECENT LITERATURE OF PARLIAMENTARY INTEREST

I. BOOKS

General

Alliances: Latent War Communities in the Contemporary World (New York, Holt, Rinehart and Winston, 1970).

Appearance and Reality in International Relations by Grant Hugo (London, Chatto and Windus, 1970).

Codification of Public International Law by R. P. Dhokalia (New York, Manchester University Press, 1970).

Essay on the State Legislative Process by Donald G. Herzberg and Jess Unruh (New York, Holt, Rinehart and Winston, 1970).

Future of the International Legal Order by Falk A. Richard and Cyril E. Black (Princeton, N. J., Princeton University Press, 1970).

Idea of the Jewish State by Ben Halpern (Cambridge, Harvard University Press, 1969).

International Law Reports, 1919—22 (London, Butterworths, 1968).

International Law Reports, Ed by E. Lauterpacht (London, Butterworths, 1969-70).

Law of Delay: Interviews and Outerviews by Northcote C. Parkinson (London, John Murray, 1970).

Local Communities and National Politics: A Study in Communication Links and Political Involvements by Yogesh Atal (Delhi, National Publishing House, 1971).

Modern Introduction to International Law by Michael Akehurst (London, George Allen and Unwin, 1970).

New Democratic Theory by Kenneth A. Megill (New York, Free Press, 1970).

Politics, the Constitution and the Warren Court by Philip B. Kurland (Chicago, University of Chicago Press, 1970).

Reflection on the Middle East Crisis by Herbert Mason (Paris, Mouton, 1970).

Significance of Gandhi as a Man and Thinker by K. G. Saiyidain (New Delhi, Publications Division, Ministry of Information and Broadcasting, 1970).

Soviet Relations with India and Pakistan by Devendra Kaushik (Delhi, Vikas Publications, 1970).

Subnational Politics: Readings in State and Local Government by Joseph F. Zimmerman (New York, Holt Rinehart and Winston, 1970).

Transfer of Power: 1942—47 Constitutional Relations between India and Britain (London, H. M. Stationary Office, 1971).

Africa

Elections in Africa: A Special Issue of the Election Archives, *Ed.* by Shiva Lal (New Delhi, Editor, 1971).

Canada

Contemporary Issues in Canadian Politics by Frederick Vaughan and others (Scarborough, Prentice Hall, 1970).

China

Contemporary Chinese Law: Research Problems and Perspectives by Jerome Alan Cohen (ed) (Cambridge, Harvard University Press, 1970).

India

Communist Party and India's Foreign Policy by Taufiq Ahmed Nizami (New Delhi, Associated Publishing House, 1971).

Disinherited State: A Study of West Bengal 1967—70 by Sankar Ghosh (Bombay, Orient Longman, 1971).

Essays in Indian Politics and Foreign Policy by A. Appadorai (Delhi, Vikas Publications, 1971).

Freedom of the Press in India: Proceedings of a Seminar held in Srinagar, May 1970 *Ed.* by A. G. Noorani (Bombay, Nachiketa Publications, 1970).

Introduction to the Constitution of India (5th ed.) by Durga Das Basu (Calcutta, S. C. Sarkar, 1971).

Limited Elite: Politics and Government in Two Indian Cities by Donald B. Rosenthal (Chicago, University of Chicago, 1970).

New India 1885: British Official Policy and the Emergence of the Indian National Congress by Briton Marton (Berkeley, University of California Press, 1969).

Our Legislatures by B. S. Gorla Ed. (Dehra Dun, Radiant Press—Publishers, 1969).

Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly (Chandigarh, Punjab Vidhan Sabha Secretariat, 1971).

Pakistan

Pakistan in Crisis 2nd Ed. by G. S. Bhargava (Delhi, Vikas Publications, 1971).

U.K.

Conservative Party from Peel to Churchill; Based on the Ford Lectures delivered before the University of Oxford in the Hilary Term of 1968 by Robert Blake (London, Eyre and Spottis Woode, 1970).

From Kingdom to Commonwealth: The Development of Civil Consciousness in English Political Thought by Donald W. Hanson (Cambridge, Harvard University Press, 1970).

Halsbury's Statutes of England; 3rd Ed., Managing Ed. A. D. Yonga (London, Butterworths, 1970).

Problems of Parliamentary Reforms in Britain by John Freeman (New Delhi, Institute of Constitutional and Parliamentary Studies, 1970).

Standing Orders of the House of Lords; Relating to Public Business, 1970 (London, H.M.S.O., 1970).

Statutory Instruments, 1970, (London H.M.S.O., 1970).

U.S.A.

Intervention and Revolution: the United States in the Third World by Richard J. Barnett (London, Macgibbon and Kee, 1970).

Rhetoric of Revolt by Paul D. Brandes (New Jersey, Prentice-Hall, 1971).

USSR

Decisions of the Soviet of the Union and the Soviet of Nationalities on Standing Committee (Moscow, Progress Publishers, 1967).

Interest Groups in Soviet Politics by H. Gordon Skilling and Franklyn Griffiths, ed. (Princeton, Princeton University Press, 1971).

Yugoslavia

Contemporary Yugoslavia: Twenty years of Socialist Experiment by Jozo Tomasovich (and others); ed by Wayen S. Vucinich (Berkeley, University of California, 1969).

II REPORTS

A. PARLIAMENT

RAJYA SABHA

Committee on Petitions

Twenty-Seventh Report of the Committee on Petitions (March 25, 1971).

B. STATE LEGISLATURES

Gujarat

VIDHAN SAHBA

Public Accounts Committee

Fifth Report of the Public Accounts Committee (Third Assembly) on Appropriation Accounts and Finance Accounts 1967-68 and Accounts Report thereon (Nov. 23, 1970).

Committee on Subordinate Legislation

Third Report of the Committee on Subordinate Legislation (Third Assembly) (Dec. 3, 1970).

Haryana

VIDHAN SABHA

Public Accounts Committee

Third Report of the Public Accounts Committee, 1970-71 on the Appropriation Accounts of the Haryana Government for the year 1966-67 and 1967-68 and the Audit Reports, 1968 and 1969 (Feb. 2, 1971).

Committee on Subordinate Legislation

Third Report of the Committee on Subordinate Legislation, 1970-71 (Feb. 3, 1971).

Jammu and Kashmir

LEGISLATIVE ASSEMBLY

Committee on Government Assurances

Twelfth and Thirteenth Report of the Committee on Government Assurances (1970).

Kerala

LEGISLATIVE ASSEMBLY

Committee on Public Undertakings

First Report of the Committee on Public Undertakings (Fourth Assembly), 1970-71: The Kerala State Road Transport Corporation (March 25, 1971).

Pondicherry

LEGISLATIVE ASSEMBLY

Committee on Government Assurances

Second Report of the Committee on Government Assurances (Third Assembly) (April 13, 1971).

C. FOREIGN

Australia

Parliamentary Standing Committee on Public Works

Report relating to the Proposed Construction of Administration Office Block 6, 7 and 8 and on Information and Display Building, Darwin, Northern Territory (Second Report of 1970).

Report Relating to the Proposed Construction of High Schools at Casuarina (Darwin) and Alice Springs Northern Territory (First report of 1970).

Inter-Parliamentary Union

Fifty-Seventh Conference Held at New Delhi on 30th Oct. to 7th Nov., 1969: Report of the Australian Delegation, Canberra (1970).

Senate Select Committee

Report on Air Pollution: Part II—Minutes of Evidence (1970).

Report on Medical and Hospital Costs, June 1970: (1970).

U.K.

HOUSE OF COMMONS

Select Committee on House of Commons (Services)

Fourth Report of the Select Committee on House of Commons (Services): Security in the House of Commons: Session 1970-71 (Dec. 9, 1970).

U.N.

General Assembly

Youth: Its Education in the Respect for Human Rights and Fundamental Freedoms, Problem and Needs, and its Participation in National Development: Report of the Third Committee (1970).

III. ARTICLES

General

Comparison of Political Factionalism in Japan and India by J. A. A. Stickwin (*Politics and History*, December 1970, pp. 361—74)

Indian Political System: Need for New Research Angles by V. Subramaniam and N. Srinivasan (*Economic and Political Weekly*, April 24, 1971, pp. 867—869, 874).

Lenin on Peace and Peaceful Co-existence by Mohan Kumaraman-galam (*India Quarterly*, January—March 1971, pp. 57—64).

United States Role in Africa by W. A. E. Skurnik (*Current History*, March, 1971 pp. 129—135, 176).

Constitution

Constitution After the Poll (*Parliamentary Studies*, Vol. 15(3) March, 1971, pp. 16-17).

Constitutional Feasibility of the Institution of Lokpal by Balram K. Gupta (*Supreme Court Journal*, Vol. 44(9) May, 1971, pp. 19—35).

Constitution Needs Amendment by Jaisukhlal Hathi (*INFA Feature*, April 12, 1971).

Conventions as Cornerstones of Democracy by C. Venganna (*Parliamentary Studies*, Vol. 15(3), March 1971, pp. 16-17).

Conventions of our Constitution by A. G. Noorani (*Indian Express*, May 4, 1971).

Directive Principles and Fundamental Rights, by Justice O. Chinappa Reddy (*Janta*, May 23, 1971 pp. 4—7 & 10).

Fundamental Rights Vs. Directive Principles by A. G. Noorani (*Indian Express*, May 25, 1971).

Judiciary, Commitment and Constitution by C. R. Rathee (*INFA Feature*, April 10, 1971).

Indian Constitution by B. T. Ranadive (*Indian Left Review*, March-April 1971, pp. 37—57).

Indian Constitution and Social Change by P. C. Joshi (*Indian Left Review*, Vol. 1(2), March-April, 1971, pp. 58—64).

Moves to Undermine the Judiciary. (*Public Affairs*, Vol. 15(5), May 1971, pp. 112—114).

Union-State Relations

Discretionary Powers of State Governors in India by Bishwanath Singh (*Journal of the National Academy of Administration*, Vol. 15(4) October-December 1970, pp. 121—136).

Parliament and State Legislatures by R. A. Gopalaswami (*Swarajya*, May 13, 1971, pp. 6-7).

Some Aspects of Centre-State Relations by D. R. Gadgil (*Opinion*, March, 1971, pp. 9—18).

State Governors in India: A Study in Union-State Relations by Michael Potts (*Parliamentary Studies*, Vol. 15(5) May 1971, pp. 20—30).

Unstated Case for Autonomy by Mohit Sen (*Economic and Political Weekly*, Vol. 6(17) April 24, 1971, pp. 859-60).

Democracy and Parliament

Coalition and Democracy by Y. M. Sirsikar (*Seminar* (139) March, 1971, pp. 19—25).

Concept of Socialism by Navin Chandra Joshi (*The Indian Review*, May 1971, pp. 17—21).

Democracy: A Powerful Weapon against Secessionist Tendencies by M. B. Lal (*Capital*, April 8, 1971).

Democracy Vs. Demonocracy by R. R. Diwakar (*INFA Feature*, April 24, 1971).

Face Lift for New Parliament (*Times of India* March 31, 1971).

Fourth Lok Sabha: A Souvenir, 1967—70 by Lok Sabha Secretariat, (New Delhi, Government of India Press, 1971).

House with no Opposition by V. B. Kulkarni (*Sunday Standard*, April 11, 1971).

Influence of Parliamentary Behaviour on Regime Stability by Gerhard Lowenborg (*Comparative Politics*, Vol. 10(4) Oct., 1970 pp. 177—200).

Legislators in a Democratic Set-up by M. R. Pai (*Swarajya*, April 3, 1971, pp. 11-12).

Ordinance Raj in India by S. K. Rau, (*INFA Feature*, April 26, 1971).

Parliamentary Democracy: Form and Content by Chalapati M. Rau (*Young Indian* Vol. 1 (24—26) May 27, 1971, p. 11).

Presidential Form for India by Y. S. Mehta (*Parliamentary Studies*, Vol. 15(3), March, 1971, pp. 13—15).

Three Approaches to Socialism by Dr. Karni Singh (*Socialist India*, May 29, 1971, pp. 16-17).

Elections

Anatomy of Election (*Parliamentary Studies*, Vol. 15(4) April 1971, pp. 13—15).

Election and Electoral Reforms in India by K. Santhanam (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec. 1970, pp. 503—506).

1971 Elections and India's Future by M. R. Pai (*Freedom First*, (227) April, 1971, pp. 1-2, 11).

Electoral Laws and Procedures—Some Do's and Dont's by H. K. Ghazi (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec. 1970, pp.533—542).

Election Outcome by V. M. Tarkunde (*Radical Humanist* Vol. 35 (13) April 1971, pp. 1—4).

Election Petitions—Expediting Disposal by G. S. L. Srivastava (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec. 1970, pp. 521—532).

Election Practices and Machinery—Need for Reform by B. Shiva Rao., (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec. 1970, pp. 477—489).

Electoral Reform and Party System in India: A Plea for Proportional Representation by C. P. Bhambri (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec., 1970, pp. 507—15).

Electoral System in Democratic and Totalitarian States by Iqbal Narain and H. A. S. Jafri (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec., 1970, pp. 550—67).

Electors Should Control the Elected by D. V. Gundappa (*Public Affairs*, Vol. 15(5), May 1971, pp. 100-01).

Fifth Lok Sabha Election 1971: Prophecy and Outcome by E. P. W. de Costa (*Social Action*, April—June, 1971, pp. 115—125).

General Elections in India: A Special Feature (*Indian and Foreign Review*, Vol. 8(12) April 1, 1971 pp. 11—16).

Indian Electoral System: A Plea for Reform by L. K. Advani (*Journal of Constitutional and Parliamentary Studies*, Oct.—Dec. 1970, pp. 457—476).

Mass Elite Interaction by K. Seshadri (*Seminar*, (139) March 1971, pp. 26—30).

Mid-term Poll and After by A. Appadoraj (*Eastern Economist*, April 9, 1971, pp. 643-44).

Model Constitution for Voter's Councils (*Radical Humanist*, Vol. 35(13) April 1971, p. 46).

Money Makes the M.P.: Stupendous Cost of Campaign by K. C. Khanna (*Times of India*, March 31, 1971).

Non-Voters and Compulsory Voting by Dipak B. R. Chaudhuri (*Parliamentary Studies*, Vol. 15(4), April 1971, pp. 20-21).

Poll Analysis: Nation Betrayed by Clever Manipulation of Electoral Polls by R. Krishnamurthy (*Political and Economic Review*, Vol. 2(6) April 14, 1971 pp. 16-17).

Poll Analysis: The Fraud Prepertrated on the Nation by R. Krishnamurthy (*Political and Economic Review* Vol. 2(7), April 21, 1971, pp. 7, 10).

Poll Verdict: Prelude to a New Polarisation by Sachidanand Sinfia (*Point of View*, Vol. 2(11), May 15, 1971 pp. 10-11 and 13).

Recent Election—A Study by R. K. Rajagopalan (*The Indian Review*, May 1971, pp. 33—36).

Three Elections by Surinder Suri (*Seminar*, (139) March 1971, pp. 12—15).

Twenty years on the Campaign Trail by Inder Malhotra (*Times of India* March 31, 1971).

Votè in Indian Tradition by G. N. Das (*Hindu*, May 2, 1971).

Youth: New Factor at the Polls by Hasan Suroop (*Hindustan Times*, May 16, 1971).

Political Parties

Alliance That Never Was by S. V. Raju (*Freedom First*, May 1971, pp. 7-8).

Ideological Bases of the CPI (ML) by A. K. Roy (*United Asia*, Jan.—Feb. 1971 ,pp. 49—51).

Indian Political System—Need for Research Angles (*Economic and Political Weekly*, Vol. 6(17) April 24, 1971, pp. 867—874).

Jan Sangh: Retreat to Base One by M. K. (*Mainstream*, Vol. 9(38), May 22, 1971, pp. 13-14).

Jan Sangh: Search for Scapegoats by D. R. Goyal (*Hindustan Times*, April 13, 1971).

Left after the Election by O. P. Sangal (*Mainstream*, Vol. 9(35), May 9, 1971, pp. 11—13).

Origin of the Big Communist Split by Topping Audrey (*Hindu*, May 27, 1971).

SSP: Between Two Fires by Chitta Ranjan (*Mainstream*, Vol. 9(36), May 8, 1971, pp. 9—11).

SSP: End of Death Wish by C. N. Chitta Ranjan (*Mainstream*, Vol. 9(36), May 8, 1971 pp. 9—11).

Socialist Movement , What Next by S. M. Joshi (*Mainstream*, Vol. 9(34) April 24, 1971, pp. 13—15).

Signs of New Power Groups in Ruling Congress by G. K. Reddy (*Hindu*, May 5, 1971).

Tamil Nadu: D.M.K. Rediscovering Its Identity (*Mainstream*, Vol. 9(33) April 17, 1971, pp. 12-13, 40).

Public Administration

Leadership in Local Government by S. N. Singh (*Quarterly Journal of Local Self-Government Institute*, Vol. 41(3), Jan.—March, 1971, pp. 305—309).

National Building Code and Local Bodies by B. S. Krishnamachari (*Civil Affairs*, April, 1971, pp. 7-8).

People's Perception of Village Panchayat under Panchayati Raj by N. K. Jaiswal (*Quarterly Journal of the Local Self-Govt. Institute* Vol. 41(3), January—March, 1971, pp. 267—273).

Rural Local Government and Political Parties with special Reference to India and England by B. S. Bhargava (*Quarterly Journal of the Local Self-Govt. Institute*, Vol. 41(3) January—March, 1971, pp. 276—280).

Urban Political Executives (The Social Background of Municipalities in Andhra Pradesh) by Ram G. Reddy and M. Kistaiah, (*Indian Journal of Political Science*, Vol. 32(1) January—March, 1971 pp. 61—70).

Administrative Mind in a Developing Nation: an Empirical Exploration by Kuldeep Mathur (*Journal of Public Administration*., Vol. 16(4) Oct. Dec., 1970, pp. 575—596).

Public Service Ethics in the Context of Social Justice by S. W. Shiveshwarkar (*Socialist India*, Vol. 2(23) May, 1971, pp. 16-17).

APPENDIX I

Statement showing the activities of the state Legislatures during the period 1st February to 31st May, 1971

Sessions held	No. of Questions										Committees at work	
	Bills Passed		Starred		Unstarred		Short Notice		Name of the Committee		Sittings held	No. of reports presented
	Govt.	Private Members	Recd.	Admtid.	Recd.	Admtid.	Recd.	Admtid.				
1	2	3	4	5	6	7	8	9	10	11	12	
Gujarat Legislative Assembly												
*One (From 15-3-71 to 28-4-71)—15 sittings.	4	—	587	331	407	174	66	13	Public Accounts Committee Estimates Committee	—	1	—
									Committee on Public Undertakings		1	2
									Business Advisory Committee		2	3
									Committee on Government Assurances		1	1
									Committee on Private Members' Business		1	1

* There was no sitting from 31-3-71 to 27-4-71 due to adjournment of the Assembly.

	1	2	3	4	5	6	7	8	9	10	11	12
										Committee on Govern- ment Assurances . . .	5	1
										Committee on Privileges . . .	4	—
										Committee on Subordi- nate Legislation . . .	5	1
										Library Committee . . .	14	—
Tamil Nadu Legislative Assembly												
One (From 22-3-71 to 3-4-71)—10 sittings.	7	—	2316	1332	119	119	17	7	Public Accounts Commi- tee Estimates Committee . . .	5	7	—
									Committee on Govern- ment Assurances . . .	3	—	—
									Committee on Subordi- nate Legislation . . .	3	—	—
									Rules Committee . . .	3	—	—
Uttar Pradesh Vidhan Sabha												
One (From 22-3-71 to 5-4-71)—7 sittings	2	—	1263	706*	—	37**	966	53	Public Accounts Commi- tee Estimates Committee . . .	28	25	—
									Committee on Govern- ment Assurances . . .	18	—	—

Uttar Pradesh Vidhan Parishad		Committee on Subordi- nate Legislation . . .	18
One—8 sittings	2		
	—		
	1002		
	830		
	186		
	126		
	24	Committee on Public Undertakings . . .	11
	6	Committee on Government Assurances . . .	15
		Committee on Petitions . . .	5
		Rules Committee . . .	4
		Joint/Select Committee on U.P. University and Degree College student Union, Bill, 1970 . . .	1
		<i>Ad-hoc Committees</i> Committee on Games & Cultural Activities . . .	8
		Committee to deal with unfair means adopted by Candidates appearing in Examination conducted by U.P. H.S. Education Council	4
		Committee on Utility of Upper Houses in Demo- cracy	2

*311 notices were received as Short Notice Questions but were admitted as Starred Questions.

**19 notices were received as Starred Questions but were admitted as Unstarred Questions and 18 notices were received as Short Notice Questions but were admitted as Unstarred Questions.

APPENDIX II

List of Bills passed by the State Legislatures during the period 1st February to 31st May, 1971.

GUJARAT

- The Gujarat Veterinary Practitioner Bill (Bill No. 28 of 1969).
- The Bombay Provincial Municipal Corporation (Gujarat Amendment) Bill (Bill No. 3 of 1971).
- The Gujarat (Supplementary) Appropriation Bill (Bill No. 4 of 1971).
- The Gujarat Appropriation (Vote on Account) Bill (Bill No. 5 of 1971).

HARYANA

- The Punjab Entertainments Duty (Haryana Amendment) Bill, 1971.
- The Punjab State Tube-well (Haryana Amendment) Bill, 1971.
- The Northern India Canal and Drainage (Haryana Amendment) Bill, 1971.
- The Haryana Housing Board Bill, 1971.
- The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Haryana Validation Bill, 1971.
- The East Punjab Utilization of Lands (Haryana Amendment) Bill, 1971.
- The East Punjab Molasses (Control) Haryana Amendment Bill, 1971.
- The Haryana Prevention of Beggary Bill, 1971.
- The Haryana Appropriation Bill, 1971.
- The Haryana Appropriation (No. 2) Bill, 1971.
- The Punjab Motor Vehicles Taxation (Haryana Amendment) Bill, 1971.
- The Punjab Urban Immovable Property Tax (Haryana Amendment) Bill, 1971.
- The Public Waqfs (Extension of Iimitation) Haryana Amendment Bill, 1971.
- The Punjab Passengers and Goods Taxation (Haryana Amendment) Bill, 1971.
- The Haryana Aided Schools (Security of Services) Bill, 1971.

- The Punjab Prohibition of Cow Slaughter (Haryana Amendment) Bill, 1971.
- The Punjab Labour Welfare Fund (Haryana Amendment) Bill, 1971.
- The Punjab Village Common Lands (Regulation) Haryana Amendment Bill, 1971.
- The Punjab Cooperative Societies (Haryana Amendment) Bill, 1971.
- The Punjab Ayurvedic and Unani Practitioners (Haryana Amendment) Bill, 1971.
- The Punjab Gram Panchayat (Haryana Amendment) Bill, 1971.
- The Punjab Sugarcane (Regulation of Purchase and Supply) Amendment) Bill, 1971.

JAMMU AND KASHMIR

- The Jammu and Kashmir Appropriation Bill, 1971.
- The Jammu and Kashmir Appropriation (No. 2) Bill, 1971.
- The Jammu and Kashmir Appropriation (No. 3) Act, 1971.
- The Jammu and Kashmir Appropriation (No. 4) Act, 1971.
- A Bill to amend the Stamp Act, Samvat 1977, the Jammu and Kashmir Motor Vehicles Taxation Act 1957 and the Jammu and Kashmir General Sales Tax Act, 1962.
- A Bill to amend the Jammu and Kashmir Representation of People Act, 1957.
- A Bill to amend the Jammu and Kashmir Urban Immovable Property Tax Act, 1962.
- A Bill to provide for the Permanent Settlement of Displaced persons and for matters connected therewith.
- A Bill further to amend the Jammu and Kashmir Weights and Measures (Enforcement) Act, 1961.
- A Bill to provide for Rationalization of the production and supply of Electricity and Generally for taking Measures conducive to Electrical Development.

NAGALAND

- The Nagaland Eviction of Persons in Unauthorised Occupation of Public Land Bill, 1971.
- The Appropriation (No. 1) Bill, 1971.
- The Appropriation (No. 2) Bill, 1971.

ORISSA

- The Bihar and Orissa Excise (Orissa Amendment) Bill, 1971.
- The Orissa Irrigation (Amendment) Bill, 1971.

UTTAR PRADESH

Uttar Pradesh Vineyog (1970-71 Ka Annupurak) Vidheyak, 1971.

Uttar Pradesh Vineyog (Lekha anudan) Vidheyak, 1971.

TAMIL NADU

The Tamil Nadu Agricultural University Bill, 1971.

The Tamil Nadu Slum Areas (Improvement and Clearance) Bill, 1971.

The Tamil Nadu Appropriation (Vote on Account) Bill, 1971.

The Tamil Nadu Appropriation Bill, 1971.

The Tamil Nadu Buildings (Lease and Rent Control) Amendment Bill, 1971.

The Tamil Nadu General Sales Tax (Amendment) Bill, 1971.

The Motor Vehicles (Tamil Nadu Amendment) Bill, 1971.

GOA, DAMAN AND DIU

The Goa, Daman and Diu Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans Bill, 1971.

The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Bill, 1971.

The Goa, Daman and Diu Supplementary Appropriation Bill, 1971.

The Goa, Daman and Diu Administration of Evacuee Property (Third Amendment) Bill, 1971.

The Goa, Daman and Diu Salaries and Allowances of Ministers (Third Amendment) Bill, 1971.

The Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1971.

The Goa, Daman and Diu Appropriation (Excess Expenditure) Bill, 1971.

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1971.

The Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Third Amendment) Bill, 1971.

The Goa, Daman and Diu Appropriation Bill, 1971.

PONDICHERRY

The Hindu Marriage (Pondicherry Amendment) Bill, 1971.

The Appropriation (No. 1) Bill, 1971.

The Appropriation (Vote on Account) Bill, 1971.

The Appropriation (No. 2) Bill, 1971.

The Pondicherry Town and Country Planning (Amendment) Bill, 1971.

The Pondicherry Landing and Shipping Fees Bill, 1971.

The Pondicherry General Sales Tax (Amendment) Bill, 1971.

The Parliamentary Secretary (Payment of Special Allowance and Prevention of Disqualification) Bill, 1971.

The Pondicherry Industrial Establishments (National and Festival Holidays) (Amendment) Bill, 1971.

TRIPURA

The Appropriation (Vote on Account) Bill, 1971.

The Appropriation (No. 2) Bill, 1971.

The Appropriation (No. 3) Bill, 1971.

The West Bengal Security (Tripura Re-enacting) Amendment Bill, 1971.

APPENDIX III

Ordinances issued during the period 3rd April, 1971 to 31st May, 1971.

Title of Ordinance	Date of promulgation	Date on which laid before the Houses of Legislatures	Date of cessation	Remarks (whether subsequently withdrawn or approved or replaced by the Bill introduced)
1	2	3	4	5
Centre				
The West Bengal Security (Tripura Re-enacting) Second Amendment Ordinance, 1971.	3-5-71	24-5-71		
The Maintenance of Internal Security, Ordinance, 1971	7-5-71	24-5-71		
The General Insurance (Emergency Provisions) Ordinance, 1971	13-5-71	24-5-71		
The Bengal Finance (Sales Tax) (Delhi Validation of Appropriation and Proceedings) Ordinance, 1971	18-5-71	24-5-71		
The Gold (Control) Amendment Ordinance, 1971	20-5-71	24-5-71	..	
The Delhi Sikh Gurdwaras (Management) Ordinance, 1971.	20-5-71	24-5-71		
Jammu & Kashmir				
The Jammu and Kashmir Land Revenue (Amendment) Ordinance	9-2-71	17-3-71	..	Was replaced by Legislation, namely A Bill to amend the Jammu and Kashmir Land Revenue Act, 1966

1	2	3	4	5
Orissa				
The Bihar and Orissa Excise (Second Orissa Amendment) Ordinance, 1970 (O.O. No. 7/70).	23-12-70	4-5-71		Replaced by the Bihar & Orissa Excise (Orissa Amendment) Bill, 1971 passed on 4-5-71
The Orissa Irrigation (Amendment) Ordinance, 1971.	7-1-71	4-5-71		Replaced by the Orissa Irrigation (Amendment) Bill, 1971 passed on 4-5-71.
Tamil Nadu				
The Tamil Nadu Slum Areas (Improvement and Clearance Ordinance, 1971 (Tamil Nadu Ordinance 10 of 1971).	15-1-71	22-3-71	4-5-71	The Tamil Nadu Slum Areas (Improvement and Clearance) Bill, 1971 (L. A. Bill No. 3 of 1971)
The Tamil Nadu Agricultural University Ordinance, 1971 (Tamil Nadu Ordinance 2 of 1971).	13-2-71	22-3-71	26-4-71	The Tamil Nadu Agricultural University Bill, 1971 (L.A. Bill No. 2 of 1971).
The Tamil Nadu Buildings (Lease and Rent Control) Amendment Ordinance 1971 (Tamil Nadu Ordinance 3 of 1971).	19-3-71	24-3-71	4-5-71	The Tamil Nadu Buildings (Lease and Rent Control Amendment Bill 1971 (L.A. Bill No. 6 of 1971).

1	2	3	4	5
The Motor Vehicles (Tamil Nadu Amendment) Ordinance 1971 (Tamil Nadu Ordinance 4 of 1971)	27-3-71	24-3-71	4-5-1971	The Motor Vehicles (Tamil Nadu Amendment) Bill, 1971 (L.A.) Bill No. 8 of 1971.
The Madurai City Municipal Corporation Ordinance 1971 (Tamil Nadu Ordinance No. 5 of 1971)	27-4-71	12-5-71		..
Uttar Pradesh				
The U.P. Antarrim Zila Parishad (Continuance) Ordinance, 1971.	31-12-70	22-3-71	3-5-71	Repealed
The U.P. Universities and Degree Colleges (Students Union) Ordinance, 1971	14-1-71	22-3-71	7-4-71	Withdrawn.
The Kanpur & Meerut Universities (Transitional Provisions) Ordinance, 1971.	16-1-71	22-3-71	28-4-71	Repealed
The U.P. High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Ordinance, 1971.	16-1-71	22-3-71	3-5-71	Repealed

LOK SABHA

(Party-wise)

Sl. No.	Name of Party/Group	Strength
1	Congress Party	351
2	C.P.I. (M) Group	25
3	C.P.I. Group	24
4	D.M.K. Group	23
5	Jan Sangh Group	22
6	Congress Opposition Group	16
7	United Independent Parliamentary Group	12
8	Other Parties	32
9	Unattached	12
	TOTAL	517
	(excluding the Speaker)	(3 vacancies)

APPENDIX V
PARTY POSITION
IN
STATE LEGISLATIVE ASSEMBLIES

States	Seats	Cong (R)	Cong (O)	Swat.	J.S.	CPI	CPI (M)	SSP	PSP	Rep. Other Parties	Ind.	Nom.	Muslim League	Forward Bloc	DMK	Total	
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Andhra Pradesh (as on 25-3-71)	288	182	13	16	3	10	7	1		2	28 (a)	14	1				277 (b)
Haryana (as on 31-5-71)	81	55 (c)	6		4						10 (d)	3					78 (e)
Himachal Pradesh (as on 19-11-70)	63	43 (ee)			7	2						11					63
Jammu & Kashmir (as on 31-12-70)	75	61			4						3 (f)	3					71 (g)
Kerala (as on 19-6-71)	134	33	4			16	32	6	3		27 (h)	1		11			133 (i)
Madhya Pradesh (as on 17-11-70)	297	192			65	1		8	3		20 (j)	5	1				295 (k)
Maharashtra (as on 26-12-70)	271	191	13		6 (l)	8	2	6	7	2	23 (m)	10	1	1	1		271
Meghalaya (as on 17-11-70)	41	4									34 (n)		3 (o)				41
Nagaland (as on 31-5-71)	52										52 (p)						52
Orissa (as on 31-5-71)	140	49	1	34		4	2		4		37 (q)	4					135 (r)
Punjab (as on 31-5-71)	104	29			7	4	2	2	1		58 (s)	1 (t)					102 (u)
Rajasthan (as on 5-12-70)	184	113	1	28	18	1		6			11 (v)	6 (w)					184
Tamil Nadu (as on 31-5-71)	235		15	6		8			4		1 (x)	4	1	6	6	182 (y)	233 (z)
Uttar Pradesh (as on 31-5-71)	426	220	61	2	42	4	1	18	3		60 (aa)	4					415 (bb)
Goa, Daman & Diu (as on 31-5-71)	32	3									26 (cc)	2					31 (dd)
Pondicherry (as on 31-5-71)	30	7	3			3						2				15	30
Tripura (as on 31-5-71)	30	19				2	2				7 (ff)						30

(c) 3 seats are vacant.

(ee) Including 3 nominated Members.

(f) National Conference.

(g) 4 seats are vacant.

(h) Kerala Congress—14; Revolutionary Socialist Party—6; Indian Socialist Party—3; Kerala Socialist Party—2; Karshaka Thozhilali Party—2.

(i) Excluding the Speaker.

(j) Lok Sevak Dal—16; Pragatisheel Vidhayak Dal—4.

(k) 2 seats are vacant.

(l) Includes 1 Independent.

(m) Peasants and Workers—21; Hindu Sabha—1; Shiv Sena—1.

(n) All Party Hill Leaders Conference.

(o) Affiliated to All Party Hill Leaders Conference.

(p) Nagaland National Organisation (Ruling)—43; United Front of Nagaland—7; Seats vacant—2.

(q) Jana Congress—1; Utkal Congress—32; Jharkhand—4.

(r) Excluding Speaker—; 4 seats vacant.

(s) Akali Party—57; Shriomani Akali Dal (Panj Kaunsali)—1.

(t) Hon'ble Speaker.

(u) 2 seats are vacant.

(v) Bhartiya Kranti Dal.

(w) Including the Speaker.

(x) Tamil Arasu Kazhagam.

(y) Including 1 affiliated Member.

(z) Excluding the Speaker; 1 seat is vacant.

(aa) Bhartiya Kranti Dal—59; Muslim Majlis—1.

(bb) Excluding the Speaker and Deputy Speaker; 9 seats are vacant.

(cc) Maharashtra wadi Gomantak (Bandodkar Group)—10; Maharashtra wadi Gomantak (Naik Group)—4; United Goans (Sequeira Group)—7; United Goans (Progressive Group)—5.

(dd) Excluding the Speaker.

(ff) They belong to Congress Legislative Party (Socialist).

N.B.

I. Cong (R) in this statement stands for the Congress led by Shri D Sanjivayya and Cong. (O) for the Congress led by Shri Sadiq Ali, both at the Centre as well as in the States.
II. No information received at all from Assam, Bihar and West Bengal, Gujarat, Mysore and Manipur were under President's rule as on 31-5-71. Latest information not received from J & K, Madhya Pradesh, Maharashtra, Meghalaya and Rajasthan.

APPENDIX VI

PERSONNEL OF THE VARIOUS PARLIAMENTARY COMMITTEES FOR THE YEAR 1971-72.

Committee on Public Accounts

LOK SABHA

1. Shri Era Sezhiyan-Chairman
2. Shri Bhagwat Jha Azad
3. Shrimati Mukul Banerjee
4. Shri C.C. Desai
5. Shri K.G. Deshmukh
6. Chaudhuri Tayyab Husain Khan
7. Shri Debendra Nath Mahata
8. Shri Mohammad Yusuf
9. Shri B.S. Murthy
10. Dr. Laxminarain Pandey
11. Shri Ramsahai Pandey
12. Shrimati Savitri Shyam
13. Shri Vijay Pal Singh
14. Shri G. Venkataswamy
15. Shri Niranjan Varma*

RAJYA SABHA

16. Shri S. B. Bobdey
17. Shri B. K. Kaul
18. Shri Niranjan Varma*
19. Smt. Vidyawati Chaturvedi
20. Shri Thillai Villalan
21. Shri Shyam Lal Yadav
22. Shri Sheel Bhadra Yajee

*He resigned w.e.f. 17-6-1971.

Committee on Estimates

1. Shri K.N. Tewari-Chairman
2. Shri Maganti Ankinedu
3. Shri K.M. Asgar Hussain
4. Shri Aziz Imam
5. Shri Hamendra Singh Banera
6. Shri Narendra Singh Bisht
7. Shri A. Durairasu
8. Shri Krishna Chandra Halder
9. Shri A. K. M. Ishaque
10. Shri T. Kiruttinan
11. Shri Liladhar Kotoki
12. Shri K. Lakkappa
13. Shri G. S. Mishra
14. Shri Piloo Mody
15. Shri Mohan Swaroop
16. Shri D. K. Panda
17. Shri S. B. Patil
18. Shri T. A. Patil
19. Shri Shibban Lal Saksena
20. Shri H. P. Sharma
21. Shri Ram Ratan Sharma
22. Shri Shiv Kumar Shastri
23. Shri Somchand Solanki
24. Shri C. M. Stephen
25. Shri Komareddi Suryanayana
26. Shri Venkatrao Tarodekar
27. Shri Krishnarao Thakur
28. Shri N. Tombi Singh
29. Shri Nanjibhai Ravjibhai Vekaria
30. Shri N. P. Yadav

Committee on Public Undertakings

1. Shri M. B. Rana—*Chairman*
2. Shri K. Balathandayutham
3. Shri Dinen Bhattacharya
4. Shri G. Bhuvarahan
5. Shri Khemchandbhai Chavda
6. Dr. N. N. Kaillet
7. Shri S. N. Misra
8. Shri Amrit Nahata
9. Shri P. Parthasarathy
10. Dr. V. K. R. V. Rao

Business Advisory Committee

1. Shri R. V. Bade
2. Shri S. M. Banerjee
3. Shri Dinen Bhattacharya
4. Shri Narendra Singh Bist
5. Shri Tulsidas Dasappa
6. Shrimati Subhadra Joshi
7. Shri Raja Kulkarni
8. Shri Nihar Laskar
9. Shri Ramsahai Pandey
10. Shri P. Parthasarathy
11. Shri Raj Bahadur
12. Shri B. Shankaranand
13. Shri Digvijaya Narain Singh
14. Shri G. Viswanathan

The Speaker is the Chairman of the Committee.

Committee of Privileges

1. Shri R. D. Bhadare—*Chairman*
2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri H. R. Gokhale
6. Shri Jagannathrao Joshi
7. Shri H. N. Mukerjee

8. Shri M. Muthuswamy
9. Shri Chintamani Panigrahi
10. Shri Raj Bahadur
11. Shri A. K. Sen
12. Dr. Shankar Dayal Sharma
13. Shri Satyendra N. Sinha
14. Shri P. Venkatasubbaiah
15. Shri Chandrajeet Yadav

Committee on Absence of Members from the Sittings of the House

1. Shri S. C. Samanta—*Chairman*.
2. Shri Amarsingh Chaudhari
3. Shri Chutten Lal
4. Shri Pratap Keshari Deo
5. Shri C. D. Gautam
6. Shri Dattajirao Baburao Kadam
7. Shri Robin Katoki
8. Shri M. Kathamuthu
9. Shri Gajadhar Majhi
10. Shri Iswar Marandi
11. Shri Mohammad Yusuf
12. H. H. Maharaja Narendra Singh
13. Shri S. Radhakrishanan
14. Shri Pravinsinh Solanki
15. Shri Maddi Sudarsanam

Committee on Government Assurances

1. Dr. G. S. Melkote—*Chairman*
2. Shri Anand Singh
3. Shri M. Deiveekan
4. Shri V. Shanker Giri
5. Shri Krishna Chandra Halder
6. Shri Popatal M. Joshi
7. Shri T. D. Kamble
8. Shri Sat Pal Kapur

9. Shri Inder J. Malhotra
10. Shri Paokai Haokip
11. Shri R. Balakrishna Pillai
12. Shrimati B. Radhabai Ananda Rao
13. Shri C. K. Jaffer Shariff
14. Shri Hari Kishore Singh
15. Shri Ram Chandrá Vikal

Committee on Petitions

1. Shri Anant Prasad Sharma—*Chairman*
2. Shri Ziaur Rahman Ansari
3. Shri Tridib Chaudhuri
4. Shri G. Y. Krishnan
5. Shri K. Lakkappa
6. Shrimati T. Lakshmikanthamma
7. Shri G. S. Mishra
8. Shri Monoranjan Hazra
9. Dr. Laxminarain Pandey
10. Shri Anantrao Patil
11. Shri Devendra Satpathy
12. Shri P. M. Sayeed
13. Shri Ramdeo Singh
14. Shri Sheo Nath Singh
15. Shri Vijay Pal Singh

Committee on Private Members' Bills and Resolutions

1. Shri G. G. Swell—*Chairman*
2. Shri Banamali Babu
3. Shrimati Jyotsna Chanda
4. Shri D. D. Desai
5. Shri Mohinder Singh Gill
6. Shri Mahi Ram Godara
7. Shri J. M. Gowdara
8. Shri M. K. Krishnan

9. Shri Yamuna Prasad Mandal
10. Shri Narain Chand Parashar
11. Shri K. Lakkappa
12. Shri Ramavatar Shastri
13. Shri Kedar Nath Singh
14. Shri Sant Bux Singh
15. Shri Amarnath Vidyalankar

Committee on Subordinate Legislation

1. Shri Vikram Mahajan—*Chairman*
2. Shri Salehbhoy Abdul Kadar
3. Shri H. K. L. Bhagat
4. Shri G. Bhuvarahan
5. Shri M. C. Daga
6. Shri Dharnidhar Das
7. Shri T. H. Gavit
8. Shri Samar Guha
9. Shri Subodh Hansda
10. Shri M. Muhammad Ismail
11. Shri V. Mayavan
12. Shri D. K. Panda
13. Shri P. V. Reddy
14. Shri R. R. Sharma
15. Shri Tulmohan Ram

Rules Committee

1. Shri Syed Ahmed Aga
2. Shrimati Mukul Banerjee
3. Shri Jyotirmoy Bosu
4. Shri Shivaji Rao Deshmukh
5. Shri Devinder Singh Garcha
6. Shri H. R. Gokhale
7. Shri M. Kalyana Sundaram
8. Chaudhari Tyyab Husain Khan

9. Shri Raj Bahadur
10. Shri Sakti Kumar Sarkar
11. Shri R. P. Ulaganambi
12. K. P. Unnikrishnan
13. Shri Atal Bihari Vajpayee
14. Shri Indulal Yajnik

The Speaker is the Chairman of the Committee.

Joint Committee on Salaries and Allowances of members of Parliament

LOK SABHA

1. Shri Chhatra Peti Ambesh
2. Shri Maganti Ankineedu
3. Shri Frank Anthony
4. Shri K. G. Deshmukh
5. Shri Saroj Mukherjee
6. Shri P. M. Sayeed
7. Swami Ramanand Shastri
8. Shri S. D. Somasundaram
9. Shri R. V. Swaminathan
10. Pandit D. N. Tiwary

RAJYA SABHA

11. Shri Swaisingh Sisodia
 12. Shri B. K. Kaul
 13. Shri A. D. Mani
 14. Shri M. Srinivasa Reddy
 15. Shri J. S. Tilak
-