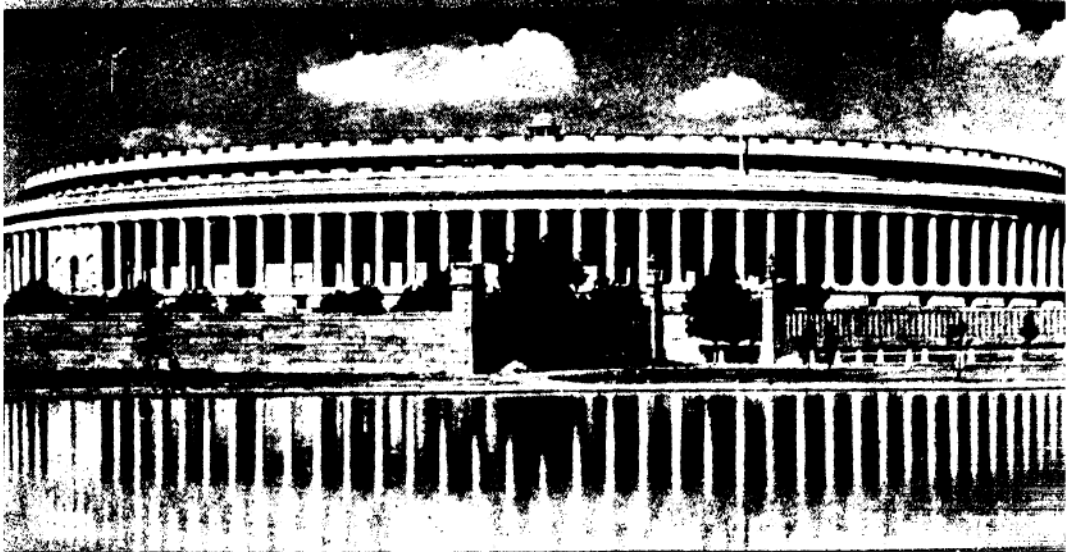


VOLUME XX, No. 2  
APRIL-JUNE, 1974

# The Journal Of Parliamentary Information



# THE JOURNAL OF PARLIAMENTARY INFORMATION

*Editor: S. L. SHAKDHER*

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

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

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

Copyright for the articles, notes and reviews published in the Journal are those of the authors and the Lok Sabha Secretariat does not accept any responsibility for them.

Copyright for the articles, notes and reviews published in the Journal vests with the Lok Sabha Secretariat and prior written permission from the Editor should be obtained for the reproduction of any material from the Journal. A copy of the publication in which an article is so reproduced should be sent to the Editor.

Correspondence concerning the subscription and sales should be addressed to the Sales Branch, Lok Sabha Secretariat, Parliament House, New Delhi-110001.

*Price per copy: Rs. 3.00*

*Annual Subscription: Rs. 12.00*



CONTENTS

	PAGE
EDITORIAL NOTE . . . . .	211
ADDRESSES AND SPEECHES	
Address by the President to Parliament at the Commencement of the First Session of the year 1974 . . . . .	213
Address by Dr. G. S. Dhillon, Speaker, Lok Sabha at the Conference of Presiding Officers held at Gandhinagar on the 29th December, 1973 . . . . .	222
Felicitations by the Indian Parliamentary Group to the Speaker and the Secretary-General . . . . .	236
Felicitations to Dr. Govind Das, M.P. . . . .	244
Birth Centenary of late Shri Vithalbhai Patel . . . . .	245
Tributes to late Shri Kamal Nath Tewari, M.P. . . . .	246
ARTICLES	
Inter-Parliamentary Cooperation : Objectives, Tasks and Challenges by S. L. Shakhder, Secretary-General Lok Sabha . . . . .	248
Social Justice and Weaker Sections by B. S. Murthy, M. P. . . . .	263
Parliament and the Government by Babubhai M. Chinai M.P. . . . .	269
Association of Members of the Upper House with Committees of Lower House or constitution of Joint Committees of the two Houses . . . . . by D.N. Mithal, Secretary, U.P. Legislative Assembly . . . . .	274
Parliament and Government's Price Policy for Crude Oil — Part I by Research and Information Service, Lok Sabha Secretariat . . . . .	286
European Parliament by B.R. Goel, Rajya Sabha Secretariat. . . . .	303

	PAGE
<b>SHORT NOTES</b>	
I. Parliamentary Events and Activities	
<i>by</i> Conference Branch, Lok Sabha Secretariat . . . . .	317
II. Privilege Issues	
<i>by</i> Committee Branch I, Lok Sabha Secretariat . . . . .	326
III Procedural Matters	
<i>by</i> Table Office, Lok Sabha Secretariat and Research and Information Service, Lok Sabha Secretariat . . . . .	335
IV. Constitutional and Legal Matters—Summoning of the U.P. Assembly	
<i>by</i> Research and Information Service, Lok Sabha Secretariat . . . . .	338
<b>SESSIONAL REVIEW</b>	
Fifth Lok Sabha—Ninth Session	
<i>by</i> Research and Information Service, Lok Sabha Secretariat . . . . .	341
Rajya Sabha—Eighty-sixth Session	
<i>by</i> Research Unit, Rajya Sabha Secretariat . . . . .	364
State Legislatures	
<i>by</i> Research and Information Service, Lok Sabha Secretariat . . . . .	371
<b>PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS IN THE STATES</b>	
<i>by</i> Research and Information Service, Lok Sabha Secretariat . . . . .	376
<b>SUMMARIES OF BOOKS</b>	
1. Bhawani Singh: <i>Council of States in India—A     Structural and Functional Profile.</i> . . . . .	384
2. B.O. Nwabueze: <i>Constitutionalism in the Emergent     States ;</i> . . . . .	391
3. F. La Mond Tullis: <i>Politics and Social Change in     Third World Countries</i>	
<i>by</i> Research and Information Service, Lok Sabha Secretariat . . . . .	399
<b>RECENT LITERATURE OF PARLIAMENTARY INTEREST</b>	
<i>by</i> Research and Information Service, Lok Sabha Secretariat . . . . .	405
<b>APPENDICES</b>	417

## EDITORIAL NOTE

As during the past few years, two important addresses—one by the President while opening the Parliament's Budget Session and the other by the Speaker at the last Conference of Presiding Officers of Legislative bodies in India—are being published in this issue.

Though still somewhat uncommon, the subject of inter-parliamentary cooperation has of late assumed considerable importance all over the world. A great deal of public enthusiasm and parliamentary interest in this field has been generated in this country by the recent election of the Speaker and the Secretary-General of Lok Sabha as the President of the Council of the Inter-Parliamentary Union and the President of the Association of Secretaries-General of Parliaments respectively. The European Parliament signifies the concrete shape taken by inter-parliamentary cooperation in Europe. This issue contains two separate articles on the theme.

It is heartening to see the keen interest being taken by Members of Parliament in making contributions to the Journal. Shri B. S. Murthy, M.P. in his article on "Social Justice and Weaker Sections" has pleaded for necessary reforms in the judicial system and for legal aid to the weaker sections of our society. Shri Babubhai M. Chinai, M.P. in his article on 'Parliament and the Government' has made some pointed references to the decision-making apparatus in the country.

Shri D. N. Mithal has in his article extensively dealt with a problem faced by the Uttar Pradesh Legislature. As for Parliament, it may be stated that Financial Committees are primarily committees of Lok Sabha and are not Joint Committees of the two Houses. However, where Members of the Rajya Sabha are associated with them, as in the case of the Committees on Public Accounts and Public Undertakings, they have equal rights with the Members of Lok Sabha to vote and take part in the proceedings of the Committees.

In the context of the current world-wide oil crisis, an analysis of the impact of India's Parliament on the Government's price policy

for crude oil becomes a matter of topical interest. The first part of an article on the subject published in this issue endeavours to present the factual position.

Sometimes, Parliament and the State Legislatures are faced with problems involving interpretation of the provisions of the Constitution. With this issue, brief notes on 'constitutional and legal matters' arising from time to time in India and abroad are proposed to be included in the Journal in a separate section. The present number contains clarification of a point raised by a member in the Lok Sabha.

—S. L. Shukdher

**ADDRESS BY THE PRESIDENT TO PARLIAMENT AT THE  
COMMENCEMENT OF THE FIRST SESSION OF THE YEAR 1974**

[The President of India, Shri V. V. Giri, addressed the two Houses of Parliament assembled together in the Central Hall of Parliament House on February 18, 1974 and outlined the policies of the Government of India on various issues and the legislative programme for the session. Reproduced below is the text of the President's Address.

—Editor]

Honourable Members,

You reassemble at a time of difficulty and trial. The people face many hardships as a result of high prices, scarcity of essential commodities and interruptions in production and supply caused by strikes, *bundhs* and unrest, which in some parts of the country have taken a violent turn. The international oil crisis has cast an uneasy shadow on the economy. These unforeseen events have undoubtedly slowed down the pace of our social and economic development. In this situation, the people's mood is one of understandable anxiety. I have deep sympathy with the people, particularly the poor sections, who have had to suffer.

2. Seldom has a country faced such gigantic problems in quick succession, year after year, as we have these last three years. It has been a continuous testing of the nation's mettle. The nation has survived these difficulties and has not allowed them to come in the way of its basic endeavours towards development. This is no mean achievement and should not be ignored, even though positive aspects are apt to be overlooked in difficult times.

3. There have been a number of welcome developments. One of these is the manner in which the people of Andhra Pradesh have solved the problem of intra-regional tensions which only a year ago appeared insurmountable. I congratulate all sections of the people of that State on the wisdom and spirit of accommodation which they displayed. The six-point formula which has been evolved should lead to fuller integration and to the accelerated development of the backward areas of the State.

4. Two other hopeful trends are in the economic sphere: the rise in export earnings and the improvement in the performance of public undertakings. Until about two years ago, the low rate of growth of our exports was a cause for considerable anxiety. However, since 1972-73, there has been a marked improvement. In that year, our exports increased by 22 per cent. In the first eight months of 1973-74, despite a variety of constraints, exports have increased by 20.8 per cent. We are confident that with a greater national effort, exports can be pushed up substantially.

5. Only about two years ago, the continuing losses of our public enterprises were a cause for concern. It is, therefore, a matter of satisfaction that consequent to a number of measures taken by Government, our Central Public Undertakings, taken together, have increased their production and earned a net profit for the first time in 1972-73. This year the position is expected to be much better. The utilisation of capacity will generally increase, the profits of some units are expected to be higher and in others the losses will be considerably reduced.

6. The rise in prices and the scarcity of food articles, particularly in deficit States, is of prime concern to the people and the Government. The expectation that the good *kharif* harvest of 1973 would help to stabilise prices has not materialised. Partly, this is due to the internal inflationary situation. The provision of work and relief on a hitherto unprecedented scale to the people of drought affected areas, without jettisoning investment on Plan programmes and the requirements of defence, has necessitated increased deficit financing. The situation also reflects the effect of the international economic crisis on our country. The steps towards detente between nations in different parts of the globe had raised hopes of a favourable climate for the speedy progress of developing nations. However, the international economic situation has created new and complex problems. The international monetary crisis, followed by the steep rise in the prices of many commodities, has affected poorer countries like India more than others. The prices of almost all commodities that we have to import have gone up by two to four times in the past few months, while the prices of our own exports have risen, if at all, only marginally.

7. The serious situation created by these developments has been aggravated by hoarding and speculation by unscrupulous traders and by interruptions in production and movement caused by lapses on the part of management and by some misguided sections of organised classes. Stocks are also being hoarded by producers and

affluent consumers. All these sections of our people must realise that they cannot survive unless the nation as a whole survives. Resort to violence and *bundhs* only worsens the situation. The poor suffer the most. Government will deal firmly with hoarding and with attempts to interrupt production movement and distribution.

8. Supplies to deficit areas and vulnerable sections of society can be maintained through the public distribution system only if there is adequate procurement of grains. Appreciating the need to compensate the farmer for the rise in the cost of production, Government increased procurement prices substantially for the current *kharif cereals*. While the procurement of rice is satisfactory in many States, it is unfortunate that the procurement of coarse grains did not gather momentum. The *kharif* procurement season has still several months to go. The situation has been studied in detail, State by State, and Government has indicated the steps to be taken by State Governments. This year's experience in procurement and distribution will be fully considered in taking corrective action for the coming *rabi* season. I wish to impress upon the State Governments, with all the earnestness at my command, the importance of achieving procurement targets. It has to be realised that the Central Government can distribute only as much quantity as the State Governments procure and make available to it. Therefore, all State Governments, whether they be of surplus or deficit States (which also have surplus areas), should give over-riding importance to this matter and to the checking of hoarding and smuggling.

9. Judged by world standards, we consume very little oil. Yet the increased prices of crude oil alone will cast on us an additional burden of rupees eight hundred crores a year in foreign exchange. This poses an unprecedented challenge to our economy.

10. We can understand the anxiety of oil producing countries to conserve their depleting reserves of crude. We also appreciate their desire to strengthen and diversify their economies through investments financed by larger revenues from their exports of oil. We extend our support fully to them in their efforts to secure a dominant role in the international trade in oil which has hitherto been controlled by a handful of private oil companies. We have cordial relations with oil-exporting countries. The adverse impact of the rise in oil prices on the economies of developing countries like India is recognised by the friendly countries in Western Asia. We have to devise ways and means of ensuring that this genuine concern is adequately reflected in concrete measures. We are in close touch

with oil producing countries and hope that we can find just solutions through appropriate mutual arrangements.

11. We have satisfactory reserves of coal and a sizable potential of hydro-electric power. We possess the technology for nuclear power generation. We are hopeful that our efforts at oil exploration will yield results. Given a little time and the necessary resources, we should be able to develop these to meet our needs. But the intervening years will be difficult and will call for the most disciplined effort on our part and understanding from our friends.

12. Government is organising a massive effort to develop our indigenous sources of energy and to maximise our earnings from exports. Efficient and increased production of our own sources of energy and of export-oriented industries, utmost economy in the use of oil products and selective restraints on domestic consumption of exportable goods are essential for the success of this effort. I appeal to all sections of the people to co-operate fully with the measures that will be taken by Government.

13. The search for oil, on-shore and off-shore, will be pursued with vigour. The exploration which has begun in one off-shore area will be intensified. We have already a joint venture for production of crude oil in Iran. The Oil and Natural Gas Commission has started exploration in a prospective area in Iraq and similar ventures elsewhere are under consideration.

14. Schemes for the generation of power will be given high priority. Special attention is being paid to improving the working of existing units and the earlier commissioning of projects which are in an advanced state of construction. This will add a sizable quantum of power. In addition, a large number of projects are to be taken up and completed during the Fifth Five Year Plan period. The necessary approvals for these projects have been given and in the case of thermal plants, the coal fields from which coal will be supplied have been identified and linked up for particular projects. A co-ordinated development of coal fields, transportation and power plants will be ensured. This massive programme calls for the re-organisation of the electricity industry.

15. The key to the success of our efforts in insulating our projected targets of economic growth from the rise in prices of oil lies in larger production and transport of coal. Department of Mines and the Railways have to gear themselves to the task of raising and moving the coal to various centres of consumption. The State



Governments on their part should ensure that necessary basic facilities like power and feeder roads are made available. A great responsibility rests on the managements and the one and a half million workers of the mines and the Railways. With their co-operation the production of coal will be increased in 1974-75 to 90 million tonnes, if not more, and a steady flow will be maintained to keep the wheels of industry running smoothly.

16. In the present situation, the maintenance of production, particularly in essential sectors, is an obligation we owe to our people. In recent months, the workers have been experiencing considerable economic difficulties. In spite of this, our workers, who have a proud heritage of patriotism, know very well that the situation can be improved only if the social tasks of production are viewed in the larger national perspective. Therefore, workers have to make a supreme effort to increase production and to ensure quick and uninterrupted movement. This is the only way in which they can contribute to relieve the shortages faced by the common people.

17. The Draft Fifth Five Year Plan provides the framework and the programme to tackle the twin problems of food and fuel. The strategy for agriculture is based on a combination of the application of new technology and widening the base of production. The emphasis is on programmes for command areas and marginal areas on the one hand and for the small farmers on the other, so that the very process of increased production ensures wider distribution region-wise as well as between different sections of the people. The Plan gives special importance to the development of power, coal, oil and transport and of industries like fertilizers which are vital for agriculture. In a number of sectors, a large part of the out-put levels envisaged in the Plan is based on the assumption of full and more efficient utilisation of existing capacities. This is as much a part of the Plan as new investment.

18. For the first time integrated sub-plans are being prepared within the overall framework of State Plans for the development of backward areas, including hill and tribal areas, so that all sections of the people achieve certain minimum levels of social consumption in elementary education, rural health, drinking water, provision of home sites, slum clearance, rural roads and rural electrification. The endeavour will be to integrate the services under health, family planning, nutrition, education and social welfare at the field level.

19. It is a measure of the maturity of our democracy that notwithstanding the present economic difficulties, a fifth of our population is exercising franchise this month in elections to State assemblies. I appeal to all political parties to ensure peaceful conduct of the elections. We are proud of our record in this regard, as free and peaceful elections constitute an important feature of a stable democracy. Successful democracy consists not only of the freedom to choose but of a realisation that in spite of differences, the parties in power and in opposition abide by certain basic rules of conduct, the more important of which is the avoidance of all forms of violence and extra-constitutional methods.

20. Early this month, Gujarat has come under President's rule. It is the responsibility of all citizens to help in the establishment of a climate of self-restraint and co-operative effort so that the people's hardships can be alleviated.

21. In the year under review, our foreign policy was pursued with vigour and registered some notable successes. Relations with our neighbours, particularly Bangladesh, Bhutan, Nepal and Sri Lanka, as also Burma and Afghanistan, saw noticeable improvement in building up a policy of peace, friendship and mutually beneficial co-operation.

22. The human problem of the persons stranded in Paksistan, Bangladesh and India after the conflict of 1971 is on the way to satisfactory resolution following the historic initiative taken by India and Bangladesh. The three-way simultaneous repatriation began in September last and is expected to be completed before the middle of this year. My Government is prepared to enter into negotiations with Paksistan to implement the rest of the Simla Agreement. We sincerely hope that the Government of Paksistan also desires this.

23. We have maintained a constant dialogue with Bangladesh on all issues of mutual interest. The Governments of both the countries have made concerted efforts to further strengthen friendly relations and co-operation in commercial and economic fields.

23. I am happy to say that the exchange of visits by our Prime Minister and the Prime Minister of Sri Lanka has resulted in the activation of economic relations and co-operation between the two countries. The question of the status of all persons of Indian origin in Sri Lanka has been finally resolved and considerable progress has been made in finding a solution to other questions.

25. The visit of our Prime Minister to Nepal and of the King and Queen of Nepal to India symbolised the close relations between us, which are based on mutual trust and commonality of interests. We admire greatly the resolve of the Government of Nepal to advance the economic and social interest of its people, a task in which we have been privileged to participate according to the wishes of the Government of Nepal.

26. Our friendly relations with Afghanistan are being developed and strengthened further by mutual co-operation in many fields. Several projects in which we will be able to participate under our technical and economic co-operation programme have been identified in Afghanistan.

27. During my visit to Malaysia in March 1973, I had expressed our support to the Declaration of November 1971 by Indonesia, Malaysia, Philippines, Thailand and Singapore that South-east Asia should be a zone of peace and neutrality. Along with other countries of the region, we have always urged that the Indian Ocean should be a zone of peace and should be free from military bases of big powers. This has been emphasised by the General Assembly of the United Nations and the non-aligned countries who met at Algiers last year. It is, therefore, a matter of deep concern and disappointment to us that the United Kingdom and the United States of America have entered into an agreement for the establishment of a military base in the island of Diego Garcia in the Indian Ocean. We consider that the establishment of the military base is against the interests of peace and we sincerely hope that the wishes of the people of this region and of the United Nations will prevail in this matter.

28. We attach the greatest importance to our friendly relations with countries of West Asia. We are pursuing these in the emerging context of greater economic exchanges between developing countries. We have concluded agreements with the Republic of Iraq covering many fields of such co-operation. The growing friendship between India and Iraq is reflected in the positive response of Iraq in finding a solution to the problems arising from the rise in oil prices.

29. Our view that no stable peace can be established in West Asia without the vacation of Israeli aggression from all occupied Arab territories and the restoration of the rights of the Arab people of Palestine is well-known. There have recently been some positive

developments and we hope that the West Asia Peace Conference will lead to lasting peace and stability in this region.

30. As a result of the high-level visits recently exchanged between Iran and us, there has been a better understanding of each other's policies and many new avenues of mutually beneficial co-operation have been identified. Government will pursue these vigorously.

31. Yet another milestone was reached in our relations with the Soviet Union with the exchange of views and the Agreements that were signed when we had the pleasure of playing host to General Secretary Brezhnev in November 1973. The Agreements put the economic relationship between the two countries on a long-term footing. We are gratified that Indo-Soviet friendship has progressively attained newer levels of maturity and co-operation.

32. In June 1973 our Prime Minister visited Yugoslavia. I paid a visit to Rumania and Czechoslovakia in October 1973. Later in the year, we welcomed General Secretary Dr. Gustav Husak of Czechoslovakia and an agreement on economic co-operation was signed with Czechoslovakia. President Tito's visit last month gave yet another opportunity for a detailed exchange of views on recent developments affecting non-aligned countries.

33. There has been a conscious effort on the part of my Government and that of the United States of America to strengthen relations on the basis of equality and mutuality of interests. An important result of this is the agreement on the question of U.S. rupee funds in India.

34. The conclusion of the Commercial Co-operation Agreement with the European Economic Community is a significant step and with this, our relations with the enlarged Community have started well. We are confident that trade and economic co-operation between the Community and India will grow fast in the coming years.

35. The views exchanged during the visits of the Prime Ministers of two sister countries of the Commonwealth—Australia and New Zealand—indicated the enlightened stand of these leaders on world issues, their commitment to peace and their increasing interest in the development of India and other countries of Asia. The visit of our Prime Minister to Canada in June 1973 helped to further strengthen the close ties between the two countries.

36. Our relations with African countries are close and co-operative. The Vice-President visited Tanzania recently and participated

in the tenth anniversary of the Revolution in Zanzibar. In line with our well-known support for the struggle of the African peoples against colonialism and racism, we hail the emergence of the new State of Guinea-Bissau.

37. Close co-operation with other non-aligned countries has been one of the important aspects of our foreign policy. The Prime Minister attended the Fourth summit on non-aligned countries in Algiers in September, 1973. The Conference demonstrated a large measure of agreement in the political field and also the resolve of member countries to co-operate with one another more concretely.

38. Hon'ble Members, the basis and nature of relationships between the countries of the world are changing rapidly; so also many concepts which held sway during the last two decades. Amidst all this, it is a matter for satisfaction that the basic tents of our foreign policy since Independence have been consistently vindicated.

39. During this session you will consider the demands for grants for the next financial year and the pending and new legislative business. Government will bring before Parliament a Bill to amend the Prevention of Food Adulteration Act to enable more vigorous enforcement. Among other measures are the Bills for establishing Central universities at Pondicherry and Hyderabad, a Bill to further amend the Ninth Schedule to the Constitution and a Bill to amend the Agricultural Refinance Corporation Act to enable it to extend assistance directly to Area Development Corporations.

40. Hon'ble Members, I summon you to the exacting tasks of 1974. The formidable challenges that the nation faces can be turned into an opportunity by a determined people. I have no doubt that as the representatives of the people, you will give the right lead in a spirit of dedication and constructive co-operation and that the country will overcome the present difficulties and emerge stronger and more united to advance along the chosen path.

ADDRESS BY DR. G. S. DHILLON, SPEAKER, LOK SABHA AT  
THE CONFERENCE OF PRESIDING OFFICERS HELD AT  
GANDHINAGAR ON THE 29TH DECEMBER, 1973\*

It is with immense pleasure that I join hands with our host, the Speaker of the Gujarat Legislative Assembly in extending a hearty welcome to all of you assembled here for this Conference of ours, for the first time in the new Capital of Gujarat, Gandhinagar. Speaking for myself—similar must be the feelings, I am sure, of many of my colleagues here—this is one occasion every year which I look forward to rather keenly—with a feeling of something like genuine anticipation; for even more than the benefit we may derive from our exchange of views, our sharing of experience, on the specific problems that are brought up here, I have always valued the very fact of our meeting every year, for the invisible gains we carry home with us from the Conference; for, we go back invariably with a feeling of replenished strength and of renewed faith in the task we are called upon to perform in these somewhat disturbed times. This is what invests this annual homing of ours with a special significance and meaning.

We are partaking of Gujarat hospitality perhaps for the second time; we had earlier met once at Rajkot in 1955. The happy convention that we have of rotating the Conference venue has served to keep us constantly reminded of our rich common trust—the splendrous mosaic that is Bharat to which each region has added its own special hues—the precious heritage committed to our care, to cherish and nurture. While each of her peoples have brought their own special gifts to the common treasure trove, Gujarat has stood unique in that she epitomises all that is basic and all that is lasting in the culture and traditions of this ancient land.

Gujarat symbolises the soul and spirit of India with its roots in the hoary past, but ever progressive, forward-looking and young. It is a land sanctified by the feet of Lord Krishna who, legend has it, established here his kingdom on earth and ruled from Dwaraka. It is hallowed by the memory of the Father of the Nation. It is a land lit aglow by the light of a long line of her torch bearing sons and daughters. Neminath who rose to be the 22nd Jain Thirthankara; the famed epic poet Magh; the renowned grammarian Hemchandra

---

\* Edited version of the Address.

charya; the immortal Meerabai, the Vaishnava saint-poet Narasimha Mehta; the great social and religious reformer Dayanand Saraswathi, the founder of Arya Samaj and last but not the least, the great Ranji a legend in cricket—are hailed from here. Diverse cultural influences have met and harmonized here down the centuries. Gujarat's arts and architecture are a witness to the great eclecticism of her people. In modern times, Gujarat has ever stood in the forefront of the country's struggle for freedom and has given to the Nation, besides Gandhiji, leaders like the Grand Old Man of India Dadabhai Naoroji, one of the founders of the Indian National Congress and Sardar Vallabhbhai Patel, the Architect of India's Unity; Thakker Bapa, that friend of the forgotten humanity; the eminent man of letters K. M. Munshi. And, above all, how can we as Presiding Officers forget that it was Gujarat which gave us our first ever elected Speaker Vithalbhai Patel and the first Speaker of the sovereign Parliament of India, Speaker Mavalankar.

A happy coincidence it is that in the birth centenary year of our first Speaker Vithalbhai Patel we should be meeting here in his home State Gujarat. The thought of Vithalbhai Patel calls to mind a man of heroic mould, a courageous Speaker who in the face of overwhelming odds unflinchingly asserted the dignity and authority of the Chair and laid securely the foundations of his office in India. There never was perhaps a Speaker who had greater reverence for his office and strove more to 'magnify' it. On this occasion one is reminded of Vithalbhai Patel particularly because of the great value he attached to this institution of ours, the Presiding Officers Conference, as an important forum for discussion of all vital questions facing the Legislatures in this country. By his example of dignity, unbending uprightness and impartiality, Vithalbhai Patel has left us traditions which should remain a permanent inspiration to the incumbents of the Chair in India.

As we look around we realize that we are passing through somewhat abnormal times. Wherever we turn, there are problems, we indeed have a feeling that we are overrun by them on every side and every day. Despite substantial progress in every direction, we witness a general spectacle of disquiet, with everyone clamouring for more and more and none seeming to be in a mood to be satisfied. All those, however, should cause no surprise, much less alarm or dismay; if we can but look beyond the form, into the reality, it would be realised that these are but the normal side-manifestations of a process of growth in a society in transformation. Development spells far-reaching changes in societies and releases forces which are inexorable. The path of

development is not a boulevard of shady trees. The economic histories of what are now advanced countries bear out, if anything, the reality that the struggles for economic liberation can be as relentless as the struggle for political freedom. And, in the present day, when you come to think of it, no nation can standstill even by choice. There is also nothing like a common highway to growth. Each nation has to work out its own destiny—break new clod, find its way, and brave all the thorns of an untrodden ground. Development has to reckon with a country's history and its contemporary mileau—it has to be in consonance with the national ethos and take into account its basic constraints and imperatives. And in a country like ours, of bewildering diversity in habits of thought and living, where centuries of history live side by side, the task of modernisation assumes a dimension of its own.

This by no means easy task has to be accomplished through the process of consensual democratic politics. And it is Parliament and other Legislatures in India that have to be the great mediators in change. For it is there that the national dialogue has to be articulated, there that the contending forces and interests of competitive democratic politics have to meet and come to terms and be harmonized. It is on the legislative floor that the passions of the moment have to be winnowed out and the national grain garnered. And as leaders of the community, it devolves on the legislators to comprehend and interpret the forces of change to the people at large and prepare them to meet the challenges of growth. This is a task in which the Press has also to collaborate and we in India are fortunate to have a highly articulate and mature Press fully alive to the needs of the hour.

All this means new burdens and new responsibilities for us. If the parliamentary institution were to retain its relevance and validity in the new context, we as Presiding Officers have ever to keep before us its destiny, its great ends and purposes. In whatever we do and the way we do, the rules that we frame or administer, the practices and procedures that we devise or follow, it has ever to be our constant care and concern to see that they are apposite to the demands of the changing times.

Before I proceed further, I would like to share with you my happiness over the laurels our country has recently won in two important world parliamentary bodies. At the election which took place during the Inter-Parliamentary Union Council session in Geneva this October, in a straight contest with the British conservative M.P. Sir John Hall, I was elected President of the Inter-Parliamentary Union.



which, as you know, has a membership of 75 countries from all over the world. And, our able Secretary-General Shri Shakhder was unanimously elected as President of the Association of Secretaries-General of Parliaments of the world for a three-year term at the Association's Conference held in Geneva about the same time. Shri Shakhder, as is well known, is a highly respected figure in Inter-parliamentary circles and has for the last over two decades been actively associated with this Association, which has a universal membership spanning every continent. Even more than a personal honour, I look upon these success as a great tribute to India and the prestige in which our parliamentary institutions are held all over the world. In most countries, except some Commonwealth countries, the Permanent Officer of either House of the National Parliament is known as 'Secretary-General'. Hence, with the concurrence of the Prime Minister and the House, I have redesignated the Secretary of Lok Sabha as the Secretary-General of Lok Sabha. The Chairman of Rajya Sabha has also taken similar action in the case of the Secretary of Rajya Sabha. Such a decision become both necessary and urgent because as already mentioned above Shri Shakhder was elected as the President of the Association of Secretaries-General of Parliaments.

I shall now proceed to apprise you of some of the developments in procedure and practice at the Centre since we met last.

It has been a long-standing practice in Lok Sabha that on the day the President addresses both Houses of Parliament assembled together, a brief sitting of Lok Sabha is held half-an-hour after the President's Address at which only formal business, like laying of papers on the Table, statements by Ministers and introduction of Bills etc., is transacted. Items which involve discussion are normally not put down on that day. One of the items of business for the opening day of the Budget Session this year was obituary references. Among those, about whom obituary reference was to be made was Shri C. Rajagopalachari, former Governor General of India. The question arose whether the House should be adjourned immediately after obituary references. The matter was considered at a meeting with Leaders of Parties and Groups and it was decided that no business need be put down after the obituary references. The only business to be put down before the obituary references was lying on the Table by the Secretary of a copy of the President's Address. Accordingly, only these two items of business were transacted on that day and all other items such as laying on the Table of Ordinance and of Proclamation issued under Article 356 of the Constitution, presentation of Reports of Committees, which were normally taken up on the opening day, were put down on the next day only.

I may now turn to certain changes made in the Question procedure in the Lok Sabha. Under the existing rules, notices of questions for answer on a day are not accepted more than 21 days in advance of that day. Only, in the case of members sending their notices by post, they are allowed an additional four days over the period of 21 days. This period of four days has now been extended to seven days, with the result that notices of questions received between 28 and 21 days in advance are deemed to have been received at 10.00 hours on the 21st day.

Normally, the maximum number of questions that may be included in the List of Questions for Written Answers for a day is 200. It has been decided that when questions relating to the States under President's Rule are included in the List for any day the maximum number of questions that may be included in the List will be 225. Thus, Questions relating to States under President's Rule which come between serial numbers 201 to 225 are being included in the List of Questions for Written Answers.

In case of Starred Questions, where requisite information is not readily available with Government, under our current procedure, the Minister concerned can request the Speaker in advance for postponement of the question to a subsequent date. Such a postponed question will have the same priority in the List of Starred Questions for the subsequent date as it had obtained in the earlier list.

As you know there is a specific procedure to be followed when allegations are made in the House. During the Winter Session last year when the House was about to take up a short duration discussion on Guru Gobind Singh Medical College at Faridabad, the Deputy Speaker, who was in the Chair, informed the House that a member had written that he would mention certain names during that discussion and a copy of the member's letter has been sent to the Minister concerned. In this context the Deputy Speaker recalled an earlier ruling given by the Chair that in such cases mere mention of names was not enough and that the subject matter of the allegation should also be indicated by the Members intending to make the allegation. The Deputy Speaker, however, pointed out that the case on hand stood on a different footing in that the Minister concerned himself had conceded in the House earlier that certain irregularities had taken place in regard to Guru Gobind Singh Medical College and observed that the Member could not therefore be prevented from mentioning the names.

On August 23, 1973 during questions on the statement made by the Minister of External Affairs on a Calling Attention Notice, a demand was made that the Minister should be asked to lay on the Table the correspondence containing instructions issued by the Government to the Netaji Enquiry Commission not to seek any help from the Government in Taiwan. The Minister stated that he had already mentioned the substance of what had been suggested to the Commission and it was not customary to make public the entire correspondence. On points of order being raised in this regard, I pointed out that the practice was that if a Minister did not agree, Government correspondence was not laid on the Table. Actually the second proviso to Rule 368 lays down that if a Minister gives in his own words a summary or gist of any despatch or State paper, it shall not be necessary for him to lay the relevant papers on the Table. In view of this I suggested that if members felt that the Minister had not given a correct summary, I would see the relevant letter sent by the Government to the Commission. By the time the member again raised the matter in the House on September 5, 1973, I had seen the relevant letter and so assured the House that what the Minister had stated in the House was a correct summary of the communication sent to the Commission.

As every one of you will agree, it is always a painful step for the Chair to have to name a member but when sometimes things are pushed to such an extreme, the Chair is left with no alternative. During the last Budget Session a member tabled a notice of an adjournment motion on the price rise. I disallowed the notice on the ground that price rise was a continuing phenomenon and not a matter of recent occurrence. As soon as the proceedings relating to a calling attention notice put down for that day were over, the member sought to make a submission with regard to his notice which I did not permit. Some members urged that the adjournment motion regarding price rise should be allowed since, they argued, price rise was not a continuing situation in view of the statement made by the Minister of Food and Agriculture on February 21, 1973 that the prices had in fact gone down in some cases. There were interruptions by members during which the members who had tabled the adjournment motion cast aspersions on the Chair alleging partiality. I, then, directed the member either to withdraw his remarks or withdraw from the House. As the Member persisted in disobeying the Chair and was aspersive towards the Chair, I had to name him. A motion that the Member be suspended from the service of the House for two days was then moved by the Minister of Parliamentary Affairs and adopted by the House. As the member did not leave the House, the Marshal approached him under my direction.

Members belonging to the Opposition Groups then virtually surrounded the member. As the noisy scene continued, some Leaders of the Opposition Groups came to me for consultations in which the Minister of Parliamentary Affairs also joined. Thereafter, a member—leader of the DMK Group—moved that the suspension of the member be terminated forthwith and the words objected to by the Chair be expunged. I accepted the motion on the assurance of the Opposition Leaders that such scenes would not be repeated. The motion was then put to vote and adopted.

I am sure you must have read in the newspapers about the case where Lok Sabha recently rescinded its own earlier recommendation. Let me recapitulate the main facts of the case. The Committee of Privileges of Fourth Lok Sabha, in their Twelfth Report presented to the House on 24th November, 1970, had reported that Shri S. C. Mukherjee, then Deputy Iron and Steel Controller, had deliberately misrepresented facts and given false evidence before the Committee on Public Accounts of Lok Sabha in 1968. The Committee of Privileges expressed the view that Shri Mukherjee deserved to be censured and the disapproval and displeasure of the House in respect of the contempt of the House committed by him should be conveyed to him and to the Government of India for such disciplinary action against him as they might deem fit. When this report of the Committee was considered by the House on December 2, 1970, the House adopted a motion that Shri Mukherjee be summoned before the bar of the House and be reprimanded and that the Government in the light of the gravity of the offence administer to the officer maximum punishment under the law and report the same to the House. In pursuance of that motion, the officer was summoned at the bar of the House and reprimanded by the Speaker on the 9th December, 1970. The Ministry of Steel and Heavy Engineering was also asked to take necessary action against Shri Mukherjee regarding "maximum punishment under the law" to be administered to him in the light of the Resolution adopted by Lok Sabha.

On April 25, 1973, a member drew the attention of the House to the non-implementation by Government of the aforesaid recommendation of the House regarding punishment to be given by Government to Shri Mukherjee. Thereupon, the late Shri S. Mohan Kumaramangalam, then Minister of Steel and Mines, made a statement stating the constitutional and legal difficulties which had arisen in implementing the recommendation of the House in this regard. On May 11, 1973, the Lok Sabha adopted a motion that the question of implementation of the Resolution adopted by Lok Sabha on December 2, 1970, regarding 'maximum punishment under the

law' to be given by Government to Shri Mukherjee be referred to the Committee of Privileges.

The Committee of Privileges in their Sixth Report presented to the House on November 15, 1973, considered the constitutional and legal implications involved and recommended to the House that the following part of the Resolution adopted by Lok Sabha on December 1, 1970, be rescinded:—

“and the House do further recommend that the Government in the light of gravity of the offence administered to Shri S. C. Mukherjee maximum punishment under the law and report the same to this House.”

The Lok Sabha considered and adopted the above Report of the Committee of Privileges on November 29, 1973 and rescinded its aforesaid earlier decision.

After the House adopted the motion rescinding its earlier decision, I observed that some procedure should be devised by which the House was not placed in a situation to rescind a decision taken by it regarding punishment to be given to an officer of Government found guilty of breach of privilege or contempt of the House. I placed the matter before the General Purposes Committee of Lok Sabha. The consensus in that Committee was that some provision should be made in the Constitution and/or relevant law or rules whereby the provisions of clause (2) article 311 of the Constitution were not applicable to a case of an officer of Government who had been found guilty of, and punished for, a breach of privilege or contempt of the House. I hope the Government will have the matter examined on these lines.

During the last session of Lok Sabha on December 8, 1973, I received a telegram from the Speaker of the Meghalaya Legislative Assembly intimating that a motion of breach of privilege against Shri G. G. Swell, Deputy Speaker of Lok Sabha had been admitted and referred to the Committee of Privileges of the Meghalaya Legislative Assembly. This matter was raised in Lok Sabha on December 10, 1973, by some members on the basis of the news reports appearing in certain newspapers and notices to raise the matter as a question of breach of privilege of Lok Sabha were tabled. The members contended that in this case the Meghalaya Legislative Assembly had not followed the procedure recommended by the Committee of Speakers in their Report adopted by the Presiding Officers Conference in 1956, in all such cases where a member of Parliament or of a State Legislature is alleged to have committed a breach of the other

House or another State Legislature or its members or Committees. I promised to take up the matter with the Speaker of the Meghalaya Legislative Assembly. I accordingly wrote to the Speaker of the Meghalaya Assembly inviting his attention to the convention and practice to be followed in such cases and requesting him to reconsider the matter in the interest of mutual understanding, harmony and goodwill among Legislatures in India.

I shall now refer to few other cases of interest which raised as questions of privilege in Lok Sabha in the recent past. During the Winter Session last year a member made a submission that he had given notice of a privilege motion against the Minister of Parliamentary Affairs over the latter's statement made in the House on the previous day that the member had moved four motions in the session but the record of proceedings did not contain that statement of the Minister. The member alleged that the proceedings of the House had been altered and as such a breach of privilege had been committed. I promised to look into the matter and on the following day when the member enquired about his notice, I explained that the proceedings were taken from the Reporters' copy and it was found that there had been no tampering with the record. Sometimes when several members spoke at the same time, I pointed out, the Reporters were not able to take down the proceedings correctly and in such cases it was left to the Members themselves to correct what they had said. According to the tape-record of the proceedings the member was correct in so far as the Minister had made that statement, but in view of the position explained there was no question of any privilege involved. The member then agreed to my suggestion to drop the matter.

During the Monsoon Session of Lok Sabha, a member referred to the notice of a privilege motion given by him in regard to what had happened in the meeting of the Executive Committee of the Congress Parliamentary Party on the previous day. Another member submitted that the warning issued by the Executive Committee of the Ruling Party that "if the members of their party hobnob with the members of the Opposition, they will do so at their own risk", restricted the freedom of movement, speech and association guaranteed to members of Parliament within the Parliament Estate under Direction 124A(?) (viii) of the Directions by the Speaker, and such restriction constituted a breach of privilege. I ruled that a privilege motion could not arise unless a member alleged that he was obstructed in the discharge of his duties as a member of Parliament. I made it clear further that

members had a right to discuss matters in their party meetings and the party executives had a right to issue directions to their party men.

In the same Session on another occasion, two members sought to bring to the notice of the House under Rule 377 of the Lok Sabha Rules the conduct of the Director of Urban Estates, Haryana, Chandigarh in not permitting members of Parliament to inspect certain documents concerning acquisition of land in Gurgaon District. The members contended that it was a fit case for being sent to the Committee of Privileges. I ruled that no question of privilege was involved in it; if members, felt that they were treated as less than citizens, they had a remedy in the courts; and they had no right to go into any office to see any files that they wanted merely on the ground that they had tabled a notice. I am sure all of you will agree that members cannot have any right higher than what is available to an ordinary citizen.

On December 18 and 19, 1973, a question of privilege was sought to be raised in Lok Sabha on the ground that a warrant of arrest had been issued by a State Government against a member for having written an article in a magazine. I ruled that in such matters a member of Parliament was at par with other citizens. He could not claim the privilege not to be arrested when there was a warrant of arrest on a criminal charge. A suggestion was made that I should go through the relevant article in the magazine and determine whether a warrant of arrest could be issued on that basis. I observed that I could not assume judicial functions. That was a matter for the courts to decide.

On December 18, 1972 when motion for leave to introduce the Mulki Rules Bill was moved by the Minister of State in the Ministry of Home Affairs, it was opposed by a number of members on legal and constitutional grounds, the main objection being that Parliament had no legislative competence to entertain that Bill. Some members wanted to know whether the Attorney General had been consulted on the legal aspects of the Bill and if not, that he should be called to give his opinion. When the Minister explained the Government's stand, I decided to hold over the motion till the following day to consider it from all aspects. Giving my ruling on the following day I held that it was for the House to take a decision on the *vires* of the Bill and that members could take that into account while voting on the motion for leave to introduce the Bill or on the subsequent motions with respect to the Bill. As regards the demand for consulting the Attorney General, I pointed out that since the Government had no doubt about the

competence of the House to take up the legislation, they did not feel any need to call the Attorney General before the House. The motion for introduction of the Bill was then put to vote and adopted by a voice vote.

During the last Budget Session, in Lok Sabha, a member raised a very pertinent point in regard to the Budget documents. On March 23, 1973 during the further discussion on the Statutory Resolution for approval of the Proclamation issued by the President under Article 356 of the Constitution in relation to the State of Orissa and on the Orissa Budget for 1973-74, a point of order was raised that the Budget of the Government of Orissa for 1973-74—and for that matter even the Budget of the Central Government—which had been presented to Lok Sabha, had been signed by the Secretary to the Government of India (Ministry of Finance) and not by a Minister, and in the case of the Budget of the Government of Andhra Pradesh the Budget documents had not been signed by anyone. The point made was that a civil servant was not responsible to the House and that the budget documents ought to have been signed by the Minister concerned. The Minister of State in the Ministry of Finance stated that he had placed on the Table authenticated copies of both the State Budgets. I felt that there was some point in what the members said and that for the future a procedure would have to be devised in this regard. Accordingly, the Ministries of Finance and Railways were requested to ensure that in future whenever any Budget is presented to Lok Sabha the name and designation of the Minister concerned should be printed on the Budget documents.

The Minister of Railways, when presenting the Railway Budget for 1973-74 to Lok Sabha on February 20, 1973 stated that in order to save the time of the House he would skip over some paragraphs from his printed speech, but the full text of his speech, copies whereof would be circulated to the members along with the Budget documents, would form part of the proceedings of the House. Upon some members expressing doubts about the propriety of this procedure, I gave my ruling pointing out that even if the Minister skipped over certain portions, the entire speech would be treated as laid on the Table of the House and therefore go into the record. The Minister, then proceeded to read out his speech skipping over certain paragraphs.

It is not a normal occurrence for a division to be held twice on a motion but that was what happened in Lok Sabha during the voting on a motion regarding suspension of a member from the service of the House. It happened on November 14, 1972 when during the discussion on a point concerning some matter relating to a State Govern-



ment, a member cast aspersion on the Chair that it was using double standards. This led to some interruptions and noisy scenes in the House which continued for some time. The member concerned was asked to withdraw the aspersion, which he refused to do. Ultimately I had to name the member; and on a motion moved by the Minister of Parliamentary Affairs for suspending the member from the service of the House for two days, the House divided. Announcing the result of the division I declared the motion adopted. Some Opposition members, however, represented to me that they had not heard the question being put in the midst of the noise. Suspension of a member, as you know, is no ordinary matter and I did not want any doubts to be lurking in anybody's minds. I therefore agreed to hold the division a second time and ordered the lobbies to be cleared again. The motion was adopted after the second division.

On the same day another interesting incident took place in the House. A member came to the House wearing a badge, superscribed "I am a CIA Agent" which was taken objection to by members from various sections of the House. The Member wanted to make a personal explanation. I had earlier received a letter from the member in this connection. I told the member that he should remove the badge before he could be allowed to speak, since the House did not approve of it. After the badge was removed by the member, I allowed him to make his personal explanation as to why he had been wearing it.

The effectiveness of parliamentary financial control through the Committees depends, as you know, on the implementation by Government of the recommendations of the Financial Committees of Parliament, both in letter and spirit. To this end the Financial Committees follow up their recommendations systematically and bring out what are called "Action Taken Reports". Last year the Public Accounts Committee went a step further and appointed a Sub-Committee to review the impact of their recommendations on Government over a decade and brought out a special Report on "Customs". This was in addition to the usual exercise of following up the recommendations made in the original Reports presented during the previous term. This innovation will, I am sure, be of some interest to the Financial Committees of the State Legislatures as well.

The Rules Committee of Lok Sabha have recently made some recommendations which I am sure would be of interest to all of you. The Rules Committee, at their sitting held on April 5, 1973, recommended that with a view to giving opportunities to a larger number of members to move No-Day-Yet-Named Motions and raise Short Duration Discussions, no one member should move or raise more

than two No-Day-Yet-Named Motions and Short Duration Discussions during a session. In pursuance of this recommendation of the Committee, I have issued a new Direction No. 113C that the No-Day-Yet-Named Motions and Short Duration Discussions shall be arranged in such a way that no member moves or raises more than two of these during a session.

Following the recommendations of the Rules Committee in their First and Third Reports—presented to the Lok Sabha on the 19th April and December 14, 1973 respectively—the International Airports Authority of India, the Industrial Development Bank of India and the Agricultural Refinance Corporation have now been brought within the purview of examination by the Committee on Public Undertakings of Lok Sabha. Necessary amendments have accordingly been made in the Rules of Procedure and Conduct of Business in Lok Sabha.

The Committee on Public Undertakings of Lok Sabha at present consists, as you know of ten members from Lok Sabha and five from Rajya Sabha. Considering that the number of public undertakings has increased to more than a hundred and the work of that Committee has vastly increased, the Rules Committee in their Second Report, presented to Lok Sabha on August 28, 1973, recommended that the strength of the Committee be brought on a par with that of the Committee on Public Accounts,—that is, fifteen members to be elected from Lok Sabha and seven members from Rajya Sabha to be associated with it. Necessary amendments to the Rules of Procedure of Lok Sabha have accordingly been made and from the next term beginning from April 1, 1974 the Committee will consist of twenty-two members instead of the present fifteen. Some of the State Legislatures have also set up Public Undertakings Committees. I expect them to work within the State limits and in co-ordination with the Centre where there is a clash as regards Central Projects. I had an opportunity to receive some Committee members from the States. They had very genuine difficulties above jurisdiction of the Lok Sabha Committee and the State Committees. I am happy that those difficulties and differences were resolved.

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes has so far been constituted in Parliament on a motion moved by Government in Lok Sabha and concurred in by Rajya Sabha. As desired by the Committee, and as also recommended by the Rules Committee, the constitution and functions of the Committee on Scheduled Castes and Scheduled Tribes have also now been incorporated in the Rules of Procedure and Conduct of Business in Lok

Sabha. State Legislatures have also set up such Committees and the Chairman and members of the Punjab Committee met me recently. There is some difficulty about this. The Committee at the Centre discussed the Commissioner's report. Most of the discussions are based on that. They were asking me about the procedures to be followed and the scope of the discussions and I had a good discussion with them. But I will avail of some opportunity to discuss with some of you what should be the respective authority and scope of the Lok Sabha Committee and the State Committee.

Before I conclude, I would like to express, on behalf of all of us, our thanks to our hosts and the Government of Gujarat for the excellent arrangements they have made and all the trouble they have taken to make our stay here thoroughly enjoyable. I am sure all of us would find our sojourn here rewarding and carry home with us happy memories of the place and our meeting here.

With these words, may I thank all of you for the courtesy you have shown me of a patient hearing, and express the hope that our deliberations here in the next few days would be worthwhile and fruitful?

## FELICITATIONS BY THE INDIAN PARLIAMENTARY GROUP TO THE SPEAKER AND THE SECRETARY-GENERAL

[At the Annual General Meeting of the Indian parliamentary Group held in the Central Hall of Parliament House on December 6, 1973, Members of both Houses of Parliament offered their felicitations to Dr. G. S. Dhillon, Speaker, Lok Sabha and Shri S. L. Shakhder, Secretary-General, Lok Sabha on their election as President of the Inter-Parliamentary Union and as President of the Association of Secretaries-General of Parliaments respectively. A resume of the speeches delivered on the occasion is given below.

—Editor]

*Shri Godey Murahari* (Vice-President, IPG); Friends, I would like to move the following Resolution:

"The Indian Parliamentary Group meeting today to felicitate Dr. G. S. Dhillon, President of the Indian Parliamentary Group on his election as President of the Inter-Parliamentary Council, expresses its profound joy over his election and puts on record its great appreciation of his valuable services rendered to the esaid international organisation. His election is a great tribute not only to him but to our Parliament and the country.

The Group also congratulates Shri S. L. Shakhder, Secretary-General of Lok Sabha on his election to the office of the President of the Association of Secretaries-General of Parliaments and places on record its deep appreciation of the commendable work done by him for the Association."

The election of Dr. Dhillon is a very momentous one as an Asian has been elected as the President of an international organisation like the IPU for the first time. All these years, it used to be the privilege of some of the Western nations to get one from among their own delegations elected as the President. It was after some amount of circumspection, that some of the delegations proposed his name. Although there was a stiff opposition to him from Sir John Hall, a Conservative British M.P. and a very well known Member of the IPU who was also its Vice-President, it goes to the credit of Dr. Dhillon and his popularity among various delegations in the Inter-Parliamentary Union that he was elected as its President. All of us are proud that he has been elected as the President of the IPU and hope that his tenure will continue for the full term of three years.



DR. G. S. DHILLON BEFYING TO THE FELICITATIONS.  
*Seated from left to right are Shri. Indira Gandhi, Prime Minister and Shri S. L. SHAKDHER,  
Secretary-General, Lok Sabha*

I would also like to felicitate Shri Shakdher on his unanimous election. This also goes to his credit because he has been very popular amongst the Secretaries-General there.

*Shri Jaisukhlal Hathi:* It is really a proud day for all of us, Members of Parliament, to felicitate today Dr. Dhillon on his election as President of the Inter-Parliamentary Union and Shri Shakdher, Secretary-General, as the President of the Association of Secretaries-General of the world Parliaments. I wholeheartedly support the Resolution, and while so doing, I may say that I have seen our distinguished Speaker working as a Member of the Executive Council of the IPU; I have seen him presiding over the session of the IPU; and I may say that the dignity, decorum and tact with which he conducted the proceedings of the IPU, and the keen interest that he took in its work made him a very popular figure among the delegations of the Parliaments of the world. It was really a pleasure to see people praising Dr. Dhillon for the manner in which he could mix with all the delegations on an equal footing. Very often even where there were different and divergent views, he was able to convince others and whatever resolutions we had to move, it was possible for us to get through our point of view. It is, therefore, a great tribute to us, to our Parliament and to Dr. Dhillon's work that he has been elected as the President of the Inter-Parliamentary Council. I pray and wish that he may have a long parliamentary career so as to enable himself to continue to work ceaselessly and conscientiously in furthering the aims and objects of the Inter-Parliamentary Union.

I may also express my felicitations to Shri Shakdher for his having been elected as the President of the Association of Secretaries-General. It is a tribute to the work that he has done and the keen interest he has taken in the Organisation. I feel today is a unique event for the Parliament of India where both the Speaker and the Secretary-General are elected to a world organisation of the Parliaments. May Parliament of India live long.

*Shri Bhagwat Jha Azad:* The Presidentship of the Inter-Parliamentary Union Council was thus for a western monopoly; our part of the world had no opportunity to provide a single President to the Union. It was, therefore, a matter of great pride and pleasure for all of us, for our Parliament and for India that our Speaker, Dr. Dhillon emerged victorious in a keenly contested election for the office of President and that too against Mr. Hall of the United

Kingdom—our great friend in the Commonwealth. It was particularly gratifying to note that Dr. Dhillon's name was proposed by New Zealand, another Commonwealth country and that the western nations did not vote *en bloc* for Mr. Hall; some of them voted for Dr. Dhillon also. It was no ordinary election and we are deeply beholden to Dr. Dhillon for having brought honour and prestige to our country and Parliament.

Our Secretary-General, Shri Shaktidher has also added to our national honour by getting unanimously elected as the President of the Association of Secretaries-General of World Parliaments. The gratitude of all of us—Members of Parliament—extends to him for bringing glory from abroad.

*Shrimati Indira Gandhi* (Prime Minister): I am always full of admiration for you, Sir, for the manner in which you deal with all of us in the House and that admiration has only been enhanced by this new feather in your turban. I think it was possible for you to gain the support of all sections there due to the way in which you have conducted yourself; they have been watching your work for some time and they have been associated with your work. So, it was only natural that in the light of this experience, they should entrust you with this greater responsibility. This has made all of us, especially those who are here in Parliament, very happy and proud. We are sure that this tribute is not only a tribute to you but also to those ideas for which this Parliament and this democracy stands. So, I should like to offer my very warm congratulations to you, Sir, and to Shri Shaktidher whose victory has been no less great because he managed to get elected unopposed. I am sure, both of you, by your work in the different forums will further raise the respect for India and also give the sort of guidance which we think is very necessary in the world today.

May I, on behalf of myself and my colleagues, give my very good wishes to you, Mr. Speaker and to Shri Shaktidher.

*Shri Shyamnandan Mishra*: It is no mere formal words when I say that we feel extremely happy and proud about this signal honour that has been done to our country and indeed to each one of us in Parliament. May I say, Mr. Speaker, that on occasions like this, words and ideas probably bear repetition; one just cannot escape repeating some of those words said earlier. As Leader of the Indian Delegation Dr. Dhillon has discharged his duties with great distinction. I have seen him function in the conference, and I may

tell you that it will be difficult to find a leader who gives you greater freedom and amplitude; it would be difficult to find a friend more solicitous of your welfare when you are outside; and it would be difficult to find also a better guide in parliamentary affairs than Dr. Dhillon.

I must also say that it is a unique combination that we have in Dr. Dhillon as Speaker, and Shri Shaktidhar, the Secretary-General of our Lok Sabha. You would hardly find a combination like this, which Shri Shaktidhar offers to Dr. Dhillon.

I would like to offer my sincerest congratulations to Dr. Dhillon and also to the Secretary-General—a very sweet and sophisticated person, and also, may I say, a person who has not offended us at any time during the course of our functioning here.

*Shri Jyotirmoy Bosu:* Hon'ble Mr. Speaker Dr. Dhillon, how very delighted we are here to celebrate the victory of your goodself and of the Secretary-General. This has been largely possible because of the overwhelming support from socialist countries and those countries who have some faith and confidence in India.

I wish that Dr. Dhillon and Shri Shaktidhar may both have a very happy and prosperous life.

*Shri Madhu Limaye\*:* Mr. Speaker and Friends, the election of both of you is a matter of great pleasure to us. I offer my hearty felicitations and hope that democracy will flourish in the world in the coming years and the dignity and honour of our Parliament will enhance further.

*Shri Atal Bihari Vajpayee\*:* Mr. Speaker, Sir, we offer our heartiest felicitations to you on your election as President of the Inter-Parliamentary Union. It is not only a proof of your personal popularity but it is also an honour to India, which is the largest democracy in the world. When you preside over the deliberations of this House, we sometimes feel frightened and sometimes uneasy, but outside the House your sweet temperament, cordial behaviour and quality of taking all into confidence leaves not only a permanent mark on our hearts, but whosoever comes in your contact becomes your admirer.

---

\*English translation of the speech delivered in Hindi.



I also offer my felicitations to the Secretary-General, because Shri Shakti Chandra is the man who made efforts behind the scene to get Dr. Dhillon elected as President, mustered the support of various countries and achieved success in cooling down opposition. Though he always works behind the scene, the way he works is evident from his achievements such as we have seen in your election. We felicitate him also.

*Shri Era Sezhiyan:* It is indeed a great pleasure for us Members of Parliament that Dr. Dhillon has been elected as the President of the Inter-Parliamentary Union.

It is indeed a great thing inside the Parliament to get such encomiums from all sections of the Parliament because anybody who comes and sits there gets a different view. But all this is due to the sweet guidance and sobriety of the Speaker himself and I can say that he is one of the most popular Speakers that we ever had inside the House.

Shri Shakti Chandra has been a very great asset to the functioning of parliamentary democracy here. Especially those in opposition, whenever they get doubts they consult the procedure of Parliament written by him or go to the author himself to get an elucidation, and he has been very kind and prompt in helping them.

So, I take this opportunity to offer our felicitations to Dr. Dhillon and Shri Shakti Chandra.

*Shri Indrajit Gupta:* It is quite obvious that Dr. Dhillon is held in very high esteem among the parliamentarians of the world. Otherwise his election would not have been possible. I do not know whether there is any precedent in which both the Speaker and the Secretary-General of the Lower House of a particular country were simultaneously elected to the two highest offices of an international body of this type. I think this is really an unusual achievement.

We are a very old country, an ancient country, with a young Parliament by international standards. It is a matter of pride and satisfaction that our Parliament, which is the product of five General Elections in this country, has gone on stabilising itself and is becoming really an institution which has come to be recognised all over the world as an essential and vital component of democracy in India.

On behalf of myself and my Group I want to add a note of heartfelt felicitations and congratulations to Dr. Dhillon and Shri Shakh-dher not only for their personal achievements, but for the fact that they have brought so much honour and prestige to our country in the councils of the world. I would like to congratulate them.

*Shri Muhammed Sherif*: I congratulate Dr. Dhillon on behalf of my colleagues in Parliament.

With regard to our Secretary-General, Shri S. L. Shakh-dher I appreciate his voluminous work on *Practice and Procedure of Parliament*. He is well known not only in India but abroad also and held in high esteem because of his valuable work on the subject. It is a great pleasure to all of us to know that he was the first Vice-President of the Association of Secretaries-General of Parliaments of the world. I also feel pleasure at his election to the General Body of the International Centre of Parliamentary Documentation which is a select body of higher professional and well known persons of international fame in parliamentary matters.

I extend my good wishes to both our learned Speaker and Secretary-General of Lok Sabha on behalf of my Party, the Indian Union Muslim League.

*Dr. G. S. Dhillon* (Speaker, Lok Sabha): Madam Prime Minister, Mr. Deputy Chairman, Mr. Deputy Speaker and distinguished Members of Parliament, I am indeed very grateful to you for your generous and magnimous remarks over my election and also that of Shri Shakh-dher as President of the Association of Secretaries-General of Parliaments. It is a very rare occasion when one listens to his old and dear friends and colleagues talking good things about him, and sometimes it is embarrassing also. But still I am so much overwhelmed by the kind sentiments that you have expressed. It is not purely a personal victory for both Shri Shakh-dher and myself, but, I think, it is all due to the great name that our country carries, our parliamentary system carries abroad so far as the working of our democracy and its system are concerned.

Mr. Godey Murahari and some other friends who were with us told me that in view of Shri Shakh-dher's election, my chances had become very bleak, because they would not give both the positions to one and the same country. Anyway, I was there. I quite knew that that was not the time when such things should be talked about. After the contest, the counting proved very favourable for us. I got

55 votes and Sir John Hall got 48 votes. Two years back, Shri Shakh-dher had conveyed to me that many of the delegations wanted me to stand for this election. At that time also, Sir John Hall appeared on the spot. Then we thought that it was not good for two Commonwealth countries to fight against each other. This time again he appeared, and it was very difficult at the last hour to accommodate him. His own countrymen told me that it was not very fair on his part to do it. Then I told them that it was not fair on my part also that I should tell him so.

My name was sponsored by our neighbours such as New Zealand, Bangladesh, Nepal and Sri Lanka and in Europe it was sponsored by socialist countries such as Yugoslavia and also by two Scandinavian countries, and also Spain. So, this was quite a mixed voting and I am very happy that the result was quite favourable. I can say that it was a very risky step. In the very presence of our Prime Minister and the Minister of External Affairs, I must say that the general consensus later on proved to be in our favour.

It is also a great pleasure for me to say that in this very Central Hall I am the second IPU President to address Members of Parliament. The first President who came to India and addressed both Houses of Parliament was Lord Stansgate. As a matter of fact, it was he who brought the IPU into being and later on gave a different complexion to its whole working and its constitution. Now, it shall be our very sincere and pleasant duty to try to serve the Afro-Asian Group in this organisation to our utmost. I do feel that they have remained neglected. It is after 82 years that a non-aligned delegate has been elected. At Abijan, we offered that we would accept any African in this position and made it very clear to the other side. But, in spite of that, it did not come about. I am very happy that more than half of the countries of Europe sided with the Asian Group.

On the advice of many of our friends, we are going to invite many other countries who were at one stage or the other left out because there was a dictatorship or failure of democracy or such other things and they have not been able to come back even after the restoration of the parliamentary system. Out of those countries, I count Pakistan and China also as very strong cases and I thought I should convey to you that it shall be my pleasant duty to bring them back to the Inter-Parliamentary Council. I assure you that in our services to the Inter-Parliamentary Council, you will never find anything lacking in conveying our country's good-will and good wishes and in maintaining the high ideals.

I am very grateful to the Prime Minister and her Cabinet colleagues. They were holding a Cabinet meeting and she has been so good as to adjourn the Cabinet meeting and join you in felicitating us. I really admire her. I shall certainly try to see that this feather which you, Madam Prime Minister, mentioned on my turban remains there.

*Shri S. L. Shukdher* (Secretary-General, Lok Sabha): Hon. Speaker, Hon. Prime Minister, Hon. Deputy Chairman, Hon. Deputy Speaker, Hon. Members, I am deeply grateful to you all for the very kind and generous words that you have spoken about me. I assure you that I shall always uphold the traditions of this Parliament and the traditions of the body to which I have been elected. I thank you all.

*Shri Godey Murahari* (Chairman): Before I ask our hon. Speaker to take over the conduct of this meeting, I would request the Members to pass the Resolution, which has been moved, by acclamation.

*[The Resolution was passed by acclamation]*

## FELICITATIONS TO DR. GOVIND DAS, M.P.

A meeting of Members of Parliament was held in the Central Hall on Wednesday, November 21, 1973 to felicitate Dr. Govind Das, M.P. on completion of fifty years of his life as a parliamentarian. The Speaker, Lok Sabha, Dr. G. S. Dhillon presided. As a token of appreciation and regard for his contributions to parliamentary life and to literature, the Speaker presented to him a *tamrapatra* (copper plaque) on behalf of the Members of the two Houses of Parliament. Speaking for all the Members of Parliament, Dr. Dhillon *inter alia* said:

“In honouring Govind Das ji, we honour those great traditions of which he has been so distinguished a representative. We honour him as a great intellectual among politicians and as a man of boundless energy and dauntless courage. A popular man of action, who is respected by all those with whom he has come in contact, he has fought and suffered in the national cause and subordinated every interest to the national interest.”

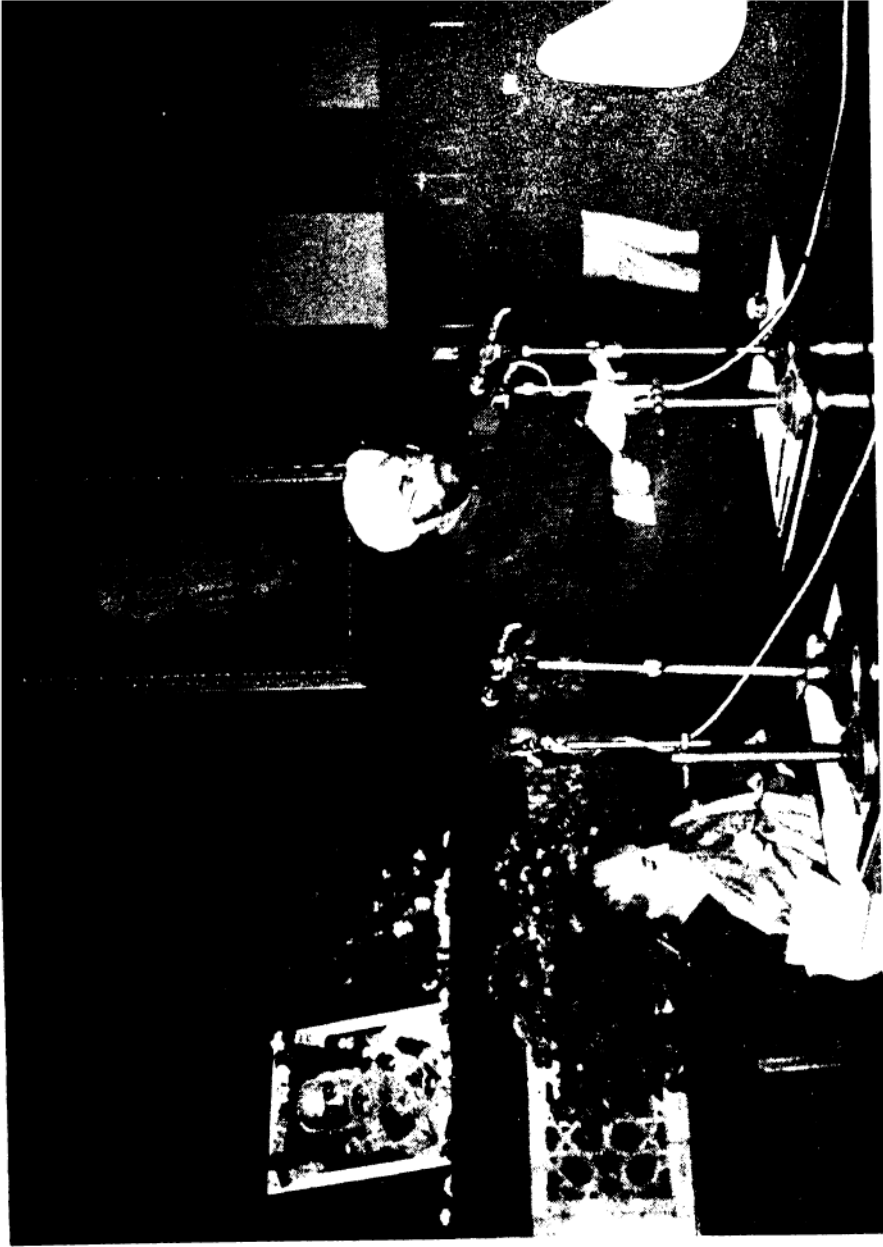
Glowing tributes were paid to Dr. Govind Das also by the Prime Minister, Mrs. Indira Gandhi and Leaders of various Groups in Parliament. Mrs. Gandhi expressing her happiness at all parties joining to felicitate Dr. Govind Das said that perhaps there was no other example in the world where any individual had served the country for such a long period. Other members who put on record their appreciation of the work done by Dr. Govind Das and wished him long and happy life were Shri Dashrath Deb (CPM), Shri S. M. Banerjee (CPI), Shri Atal Bihari Vajpayee (JS), Shri Era Sezhiyan (DMK), Shri Samar Guha (SP), Dr. Karni Singh (U.I.P.G.), Shri Ram Sahai (Cong-O), Shri H. M. Patel (Swa.), Shri Mohammad Sheriff (ML) and Shri Shamim Ahmed Shamim and Shri P. G. Mavalankar (Independents).

Dr. Govind Das expressed his gratefulness to the Members for honouring him on the occasion.

A play written by Dr. Govind Das and staged by Kala Sangam Troupe of Jabalpur Natya Sangh was also presented on Thursday, November 29, 1973 in the Mavalankar Auditorium, New Delhi.



PRIME MINISTER SUBHAS CHANDRA BOSE FELICITATING DR. GOVIND DAS, M.P.  
Seated from left to right are Dr. G. S. Dhilon, Speaker, Lok Sabha  
and Dr. Govind Das, M.P.



DR. G. S. DHILLON, SPEAKER, LOK SABHA PAYING TRIBUTES TO LATE SHRI VITHALBHAI PATEL

*Seated on his right is the Prime Minister, Shrimati Indira Gandhi*

## BIRTH CENTENARY OF LATE SHRI VITHALBHAI PATEL

A meeting of Members of Parliament was held in the Central Hall of Parliament House on Tuesday, December 18, 1973 in connection with the Birth Centenary of late Shri Vithalbhair Patel, who was the President (Speaker) of the Central Legislative Assembly from 1925 to 1930.

Dr. G. S. Dhillon, Speaker of Lok Sabha, who presided over the meeting, said that a great and an uncompromising democrat as Vithalbhair Patel was, he completely identified himself with the spirit of the House, of which he was the President. He was ever mindful of his special responsibility as the custodian of the rights of the members and independence of the House against official encroachment. His casting vote against the first Public Safety Bill was in keeping with the highest parliamentary traditions. His ruling out of order the motion for consideration of the second Public Safety Bill, which was meant for suppression of ordinary human liberties shall always occupy an important place in the annals of the Indian Parliament. It was also mainly owing to his efforts that an independent Secretariat was created for the Legislative Assembly.

Speaking on the occasion, the Prime Minister Shrimati Indira Gandhi described Shri Vithalbhair Patel as one of the greatest parliamentarians and a great patriot who defied foreign rule and outmoded customs and enunciated an integrated social philosophy. Shri Patel, she said, had a constructive approach to problems and was a champion of trade unionism.

Leaders of CPI, Congress (O), Jan Sangh, Swatantra Party, Socialist Party, DMK and some Independents in Parliament also paid tributes to late Shri Vithalbhair Patel for his contribution to country's parliamentary life and the freedom struggle.



## TRIBUTES TO LATE SHRI KAMAL NATH TEWARI, M.P.

Shri Kamal Nath Tewari, a sitting member of Lok Sabha, Chairman of the Estimates Committee of Lok Sabha since 1970 and a member of Panel of Chairmen since 1969 passed away in New Delhi on January 17, 1974. Shri Tewari was also member of the Third and Fourth Lok Sabha. Paying tributes to the departed leader in the House on February 18, 1974 the Speaker, Dr. G. S. Dhillon, observed:—

“Unassuming and friendly, Shri Tewari always had a very warm cheerful disposition. Yet when presiding over the House, he was quite firm in maintaining order and regulating the debates... He was a trusted and intimate colleague of Sardar Bhagat Singh. As a freedom-fighter he can be counted amongst the great revolutionaries. A noted social worker and an agriculturist, he took keen interest in the welfare of Kisans, Harijans and other depressed classes..... As a man of vast experience, Shri Tewari was not only an eminent parliamentarian and distinguished Chairman of the Estimates Committee, and a very able member of the Penal of Chairman, he was also one of our most devoted members and commanded universal respect, and was loved by all sections of the House for his humility, deep culture, sagacity and gentlemanliness. He devoted himself to his duties with zeal till the last moment.... In his death we lost a prominent figure and he will be missed by all of us very much.

Paying her tributes to late Shri Kamal Nath Tewari, the Prime Minister, Shrimati Indira Gandhi observed:—

“Shri Tewari was a veteran revolutionary with a long record of service and sacrifice.....who later became a constructive and conscientious parliamentarian. He was truly a fine man, simple and sincere in his way and style of life, deeply devoted to the cause of the common man and ever-vigilant with regard to the problems that arise or the dangers which threaten us. All sections of the House hold him in esteem for his personal qualities and for the contribution he made from the floor and in various Committees. We specially remember the impartial and very able manner in which he guided the deliberations of this House on those occasions when he was in the Chair.

We mourn the death of an early associate of Bhagat Singh, a spirited satyagrahi, a parliamentarian of note and



SHRI KAMAL NATH TEWARI, M.P.  
*Chairman, Estimates Committee*  
(December 16, 1970—January 17, 1974)

a respected friend and colleague. His was a life of dedication not only to the party but to the country and its progress."

Shri R. K. Sinha M.P., who succeeded Shri Tewari as the Chairman of the Estimates Committee, paying tributes to the departed leader said that it was difficult to believe that the great Tewariji was not amongst them. During the period of ten months that he had worked under Tewariji's Chairmanship of the Estimates Committee, he had developed a sense of admiration and affection for the great man.

Sarvashri H. N. Mukerjee, Atal Bihari Vajpayee, P. M. Mehta, V. Mayavan, Samar Guha, Karan Singh, M. Satyanarayan Rao, Jambawan† Dhote, Ramkanwar, P. G. Mavalankar, Bibhuti Mishra, S. L. Saksena, Shiv Shanker Prasad Yadav and Shrimati M. Godfrey also paid tributes to late Shri Tewari.

The members stood in silence as a mark of respect to the memory of Shri Tewari.

INTER-PARLIAMENTARY COOPERATION  
OBJECTIVES, TASKS AND CHALLENGES\*\*

The institution of Parliament, wherever it exists, represents the people, strives to serve their interests and stands for the protection and promotion of their basic freedoms. In the present-day world where numerous disruptive forces are at work, parliamentarians have a special role to perform in reducing tensions and in promoting peace and understanding, both at home and abroad. By virtue of the place they occupy in society as the elected representatives of the people, they are in a unique position to mould public opinion and to influence their respective Governments. It is in this context, therefore, that inter-parliamentary cooperation has come to assume added importance. The problems with which Parliaments all over the world have to wrestle with are more or less common irrespective of differences in political systems and in socio-economic backgrounds. This has necessitated the establishment of regular contacts and stable links amongst the Parliaments of various countries bilaterally or multilaterally. Exchange of goodwill parliamentary delegations of one country with those of the other, visits of individual Members of Parliament to various countries and regular correspondence are important means of establishing these links and of promoting inter-parliamentary friendship and understanding. While adoption of these means was gradually getting popular, need was felt for a permanent common forum whereunder parliamentarians from different countries could meet periodically to discuss subjects of common interest and thrash out solutions to common problems by learning from each other's experience. After all, the problems that crop up in one Parliament and the solutions that are found have a lot of relevance in other Parliaments. At the level of parliamentary institutions, there is always scope for learning from each other. Need

---

\*Shri Shaktidher is the Secretary-General of the Lok Sabha and the President of the Association of Secretaries-General of Parliaments.

\*\*Adapted from the First Pandit K. Santanam Memorial Lecture delivered by the author on January 27, 1974.

for a common forum was considered imperative also for some sort of cross-fertilization of ideas not only between the older and the younger Parliaments but also between parliamentarians working under different parliamentary systems. Pioneers of the movement were conscious of the fact that the subjects and problems that are discussed at such a forum would at times be more or less the same as are discussed in the United Nations and several other inter-governmental conferences. There is, however, one obvious difference. The discussions at the United Nations or inter-governmental conference can hardly be as candid and open as in an exclusive conclave of free and responsible parliamentarians expressing their unbiased and personal points of view.

The inter-parliamentary cooperation on a world-wide plane is now organized under the Inter-Parliamentary Union, which has as its active members some 74 National Groups of member-countries having a parliament, meaning a legislative body of one kind or another in its widest sense. While the number of member National Groups has grown continuously ever since the Inter-Parliamentary Union came into existence in the year 1888 under the inspiring leadership and guidance of William Randal Cremer, a British M.P., and Frederic Passy, a French Deputy, the Union cannot even now claim to possess a universal character. Besides the I.P.U., there are in existence other well-known parliamentary groupings and organizations like the Commonwealth Parliamentary Association and the European Parliament, and lesser known Asian, Latin-American, Caribbean and Scandinavian regional Parliamentary Groups. These regional associations and groups are helpful in their own spheres and do not in any way run counter to the inter-parliamentary cooperation under the aegis of the Inter-Parliamentary Union.

The first Inter-Parliamentary Conference was held in Paris on June 29 and 30, 1889 with the participation of forty-nine members from only nine Parliaments—France, U.K., Belgium, Denmark, Hungary, Italy, Liberia, Spain and the United States. It was in the year 1892 that the Inter-Parliamentary Conference, meeting at Berne, decided to set up a central organ under the name of the "Inter-Parliamentary Bureau for International Arbitration". Two years later, in 1894, the fifth Inter-Parliamentary Conference, meeting at the Hague, adopted the statutes of the new institution. Thus, a stable organization with its statutes and a permanent Secretariat was established within five years of the convening of the first conference. After the Second World War, particularly during the fifties when newly independent States appeared on the world scene, the hitherto predominance of the European countries declined paving the way to

a more evenly balanced composition of member Groups.

The Inter-Parliamentary Union is a semi-official international association of Parliamentary Groups constituted within the national Parliaments of various countries of the world. The aim of the Union "is to promote personal contacts between members of all Parliaments, and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations". In pursuance of these aims, the Union undertakes continuous studies and seeks solutions to all questions of international character suitable for settlement by parliamentary action and makes suggestions for the development of parliamentary institutions and increasing their prestige, in the form of resolutions adopted at its annual conferences.

Members of the Inter-Parliamentary Union are National Groups constituted in respective Parliaments functioning as such within the territory of a State recognized as a subject of international law. A Parliament as a whole may constitute itself as a National Group, but generally the members of the Union's Groups are enrolled on an individual basis. In each Parliament, however, not more than one National Group can be formed. National Groups are expected to exert a sustained influence within their Parliaments in favour of the general objectives of the Union, and to intervene with a view to securing action on the resolutions adopted by the Inter-Parliamentary Conferences. Apart from their participation in the general activities of the Union, the Groups are encouraged to develop their mutual relations with each other on a bilateral or, multilateral basis.

Inter-Parliamentary Conferences are held annually in the capitals of member-countries on the invitation of their Parliaments. Sixty conferences have been held so far. It may be of interest to recall that the 57th conference was held in New Delhi in November, 1969. The size of the delegation to the conference, as fixed by the Statutes, is related to the size of the country in terms of its population which is represented by each Group and to the size of the Group itself. The conferences are thus a true reflection of parliamentary opinion as represented by the Groups of the Union. The votes at the conference are allocated on a mixed basis, the chief factor being the population.

The conference speaks for the Inter-Parliamentary Union on all problems falling within its scope, and does so by adopting resolutions

which the National Groups are required to bring to the attention of their respective Governments and Parliaments. Apart from its deliberative role, the conference gives its opinion on proposed amendments to the statutes and is competent to elect the members of the Executive Committee on the basis of proposals made by the Inter-Parliamentary Council, the principal directing organ of the Union.

The conference thus provides an excellent opportunity to the representatives of the various National Groups to make an endeavour to exchange ideas and experiences, to find solutions acceptable to all and to develop common ideas regarding the means of making the Union an increasingly effective and significant instrument in the service of peace. These annual gatherings enable the National Groups to unite their efforts in paving the way to the solution of economic, social and political problems of the world whose urgency and seriousness are brought to light in the course of the debates. The task of the Union, I might emphasize, is not so much to intervene in specific situations—it has no means or authority to impose any solutions—but to reiterate unceasingly the principles which, since its creation as a peace organisation, have constantly inspired its action.

The work of the plenary conference is, as a general rule, planned by the standing Study Committees set up within the framework of the Union. There are five Study Committees in existence at present. These are:—

- (1) Committee on Political Questions, International Security and Disarmament;
- (2) Parliamentary and Juridical Committee;
- (3) Economic and Social Committee;
- (4) Cultural Committee; and
- (5) Committee on Non-Self-Governing Territories and Ethnic Questions.

The subjects chosen by the Executive Committee for discussion by the Union are first discussed in the appropriate Study Committees. These Committees, on which all Groups are entitled to be represented, meet some months before the main conference and draw up draft resolutions for submission to the latter.

Meetings of the Inter-Parliamentary Council and the Study Committees are also held in spring each year, about six months prior to the annual conference in host countries. Such meetings are like miniature conferences and representatives, though smaller in number, of almost all National Groups are present. The Study Committees serve as useful instruments for collecting and marshalling facts, assessing and analysing the differing view-points, and embodying agreements in appropriate language. Though these are more or less business meetings, the occasions provided by informal gatherings, receptions and private meetings are utilized by members to discuss matters of current interest and to keep themselves abreast with the events as they develop in various parts of the world.

The principal directing organ of the Union, as mentioned earlier, is the Inter-Parliamentary Council which is composed of two members from each regularly affiliated National Group. The Council elects its President at the time of the annual conference for a period of three years, renewable for a further period of two years. The Council is responsible for convening the annual conferences, to fix their agenda, approve the annual budget of the Union, to set up standing or temporary Study Committees, to propose the names of the President and the Vice-President of the Conference and the Members of the Executive Committee, appoint the Secretary-General of the Union and take all other steps that are necessary for the realisation of the aims and objects of the Union.

An Executive Committee composed of eleven members belonging to different Groups functions as the administrative organ of the Union and discharges the functions delegated to it by the Council in conformity with the Statutes. The President of the Council is the *ex-officio* member and President of the Executive Committee.

The international Secretariat of the Union is known as the Inter-Parliamentary Bureau which is located at Geneva. The Secretariat functions under the overall control of a paid Secretary-General who is appointed by the Inter-Parliamentary Council, with some permanent staff necessary to carry out the functions of the Bureau. Under the directions of the Executive Committee, the Bureau executes the decisions taken by a Conference or the Council.

In 1938, an Association of Secretaries-General of Parliaments was set up to provide opportunities to the Secretaries-General and Clerks of various National Parliaments to exchange ideas on and find solutions to the problems relating to the evolution of parliamentary



practices and procedures. The Association has its own separate organisation which, however, functions within the framework of the Union and is financed from the budget of the Union itself. Normally, the plenary assemblies of the Association and the sessions of its Executive Committee are held at the same time and in the same city in which the annual conference of the Union takes place. The Association works in close collaboration with the Union which draws upon the technical expertise of the Secretaries-General whenever it finds itself confronted with complex problems of parliamentary procedures.

An ideal atmosphere of equality and cordiality prevails at every annual conference of the Union or its Council or even its Study Committees. For those of us who have been attending these conferences and meetings regularly now for several years, the impact is all the more striking. The direct contact of parliamentarians representing different ideologies and shades of opinion with profound respect for each other's views, contributes immensely to the spreading of democratic ideals. Since the Inter-Parliamentary Union is not charged with any executive responsibility nor are delegations sponsored by Governments as such, the atmosphere is invariably free from any tension whatsoever. The delegations are composed of members belonging to various parties or groups in National Parliaments and thus both the Government and Opposition interests are represented. Each delegate is entitled to offer his own views on any matter before the conference and it is quite normal for the same delegation to present more than one point of view. Even at the time of voting, members are at liberty to vote as they like and they are not bound by any official instructions. Nevertheless, among non-Governmental international organisations, the Inter-Parliamentary Union enjoys a position of unique importance; of all the semi-official organisations it stands closest to national Governments and is able to press with effect for the ratification and application of international conventions. In general, it exerts direct influence on Governmental policies in matters involving relations between States.

The Union also conducts a programme of research and studies on parliamentary problems. An International Centre for Parliamentary Documentation was established in Geneva in the year 1965 under the auspices of the Union, to promote parliamentary research and to serve as a repository of comparative parliamentary information. The Centre is expected to further the aims and objectives of the Union by providing facilities to enable parliamentarians and

scholars to improve their knowledge and understanding of parliamentary institutions. It is also designed to encourage a comparative study of legislative and representative institutions and to arrange symposia and seminars. Part of the I.P.U. Secretariat, the Centre works in collaboration with the Association of Secretaries-General of Parliaments and receives guidelines from an international advisory committee of experts<sup>1</sup>.

Among the newly independent countries of the world—countries which gained their political freedom after the Second World War—India was the first to become a member of the Inter-Parliamentary Union. We were fortunate that we had then at the helm of affairs of our Parliament Secretariat an eminent man of vision, wide scholarship and one who was passionately devoted to the parliamentary institution—Shri M. N. Kaul, former Secretary of Lok Sabha and later a Member of Rajya Sabha. It was he, who under the illuminating guidance of the late Speaker Mavalankar and with the massive support of Pandit Jawaharlal Nehru, not only helped in bringing our parliamentary practices and procedure at par with those of the highly developed Parliaments, within a short time of our attaining independence, but also took a leading part in getting affiliation for our Parliament with the Inter-Parliamentary Union and the Commonwealth Parliamentary Association, and in guiding our early delegations and accompanying them to the conferences and meetings of the Inter-Parliamentary Union and other institutions of international character.

India joined the Union in the year 1949 and has ever since been playing an effective and prominent role in its working and deliberations. We have been contributing our mite to the movement for strengthening inter-parliamentary cooperation not only by sending our delegations to the annual conferences or the Study Committees of the Union but also through a regular exchange of delegations, goodwill missions and correspondence. The Indian Parliamentary Group, with the Speaker of Lok Sabha as its *ex-officio* President, functions as the National Group of India for the Inter-Parliamentary Union. Membership of the Group is open to the Members of Parliament. Former Members of Parliament can become Associate Members of the Group with limited rights. While the management and control of all affairs of the Group vest in an Executive Committee, the plenary session of the Group is held every year during a session of Parliament.

---

<sup>1</sup>The author was elected to be one of the five members of the international advisory committee of experts.

Last year was particularly significant for our country insofar as the Inter-Parliamentary Union was concerned. For the first time, an Asian, the Speaker of Lok Sabha, Dr. G. S. Dhillon, was elected as the President of the Union in a keenly contested election and the present author as the President of the Association of Secretaries-General of World Parliaments. This in itself speaks eloquently of the role India has been playing consistently in furthering the inter-parliamentary movement. It is a tribute to Dr. Dhillon's personality and his eminence in inter-parliamentary circles, that despite the fact that the U.K. put up a candidate against him, many of the delegates from Western and Commonwealth countries voted for him against their friend and ally. This is also for the first time that the Presidentship of the Council and of the Association of Secretaries-General of World Parliaments has gone out of the hands of Western countries after a period of more than eighty years. Under the inspiring guidance of a distinguished parliamentarian and Presiding Officer like Dr. Dhillon, the Union is expected to take greater strides in the cause of serving and strengthening the parliamentary institutions.

I may briefly refer to the role played by the other parliamentary associations representing regional groupings and common interests and bonds, particularly the European Parliament and the Commonwealth Parliamentary Association. The European Parliament is a unique parliamentary institution. It is the legislative wing of the European Economic Community of nine Member-States—Belgium, Denmark, West Germany, France, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom. Its uniqueness lies in the fact that it is neither an international assembly nor a legislature of the union of States, federation or a confederation, or of a single sovereign State but is a legislature of nine sovereign States which have also their own national Parliaments. All measures for the benefit and betterment of about 254 million population of the Community are first presented before the European Parliament which consists of 198 members designated by the National Parliaments in accordance with the procedures laid down by each Member-State. Even though the Members of the European Parliament are designated by their national Parliaments, they are not expected to defend national interests. They rather represent and defend the Community interests and the European view when they sit as Members of European Parliament. They also do not vote on national lines and

Members sometimes representing urban and rural constituencies in the same country may vote on opposite sides<sup>2</sup>.

The Commonwealth Parliamentary Association consists of main Branches formed in the National Parliaments of independent member countries of the Commonwealth, State and Provincial Branches formed in State or Provincial Legislatures within member-countries of the Commonwealth, auxiliary Branches formed in Legislatures of countries under responsible government but which are not fully self-governing and affiliated Branches formed in Legislatures of any other parts of the Commonwealth under responsible or representative Government. In India, the Indian Parliamentary Group which is the National Group of the Inter-Parliamentary Union, functions concurrently also as the India Branch of the Commonwealth Parliamentary Association with several Branches functioning in some of the States.

The Association aims at promoting understanding and cooperation for common purposes between those engaged in the Parliamentary Governments of the countries of the Commonwealth by the establishment of a machinery for the exchange of information and by promoting and sponsoring delegations and individual visits between those Members and Members of Legislatures outside the Commonwealth having close political and parliamentary association with them. It also has a full-fledged Secretariat and a Constitution and holds annual meetings at various Commonwealth capitals.

Among all the international institutions, the Inter-Parliamentary Union was the first to promote the idea of creating a world organisation of nations. At that time, as Mr. Andre de Blonay, a former Secretary-General of the Union once said, nobody believed that the governments of the world would ever participate in such an organization whose main purpose would be the strengthening of peace. It can be said without exaggeration that the League of Nations, and later the United Nations, owe a good deal to the members of the Union and to their work for inter-national cooperation. Today, the Union maintains regular official and working relations with many international institutions, and particularly with the United Nations and the specialized agencies. The Secretary-General of the United Nations and the Director-General of its specialized agencies are regularly represented at all the conferences and at the working sessions of the Union, and a great deal of cooperation exists also at the Secretariat level.

---

<sup>2</sup>For a fuller discussion on the European Parliament, see an article on the theme published elsewhere in this issue of the Journal.—Editor.

The Union also maintains and develops steady relations with regional assemblies of a parliamentary character, like the Consultative Assembly of the Council of Europe, the European Parliament, the Commonwealth Parliamentary Association, etc.

On many an occasion the Inter-Parliamentary Union has strongly supported official international organizations, in particular the United Nations, by enlisting Parliamentary support for the implementation of international measures advocated by them.

The Union has been carrying out its mission in this troubled and unstable world suffering from all the strains of rapid evolution caused by scientific and technological advances. Even though it lacked the necessary authority to settle differences between nations, it has been able, through its Conferences, to exert its influence in the creation of a climate of tolerance and mutual respect which is indispensable for the development of international collaboration and which, on many occasions, has led to broader agreements than those achieved in any other international body.

The unequivocal and firm stand that the Union took on the Bangladesh crisis and India's role therein in contradistinction with the ambivalent attitude of the United Nations itself, made the whole world aware of the real issues involved. As a result of the overwhelming vote on the Resolution adopted at the Inter-Parliamentary Conference, we had a better-informed world opinion in favour of Bangladesh and India. It is significant that while Bangladesh has still to become a member of the United Nations, she has already taken her rightful place, with other sovereign nations, in the Inter-Parliamentary Union. Similarly, the bold stand taken by the various National Groups of the Union during the discussions on the West Asian crisis recently and the suppression in Chile established the great relevance of the Union in international relations and considerably enhanced its stature in the eyes of the world at large.

The Inter-Parliamentary Union's meetings bring together men and women holding prominent positions in public life in their respective countries—Speakers and President of Assemblies or Chairmen of Parliamentary Committees, Ministers or former Ministers, leader of political parties or ordinary Members of Parliament etc. All are free to give their own personal views, without committing their governments or Parliaments, but with the authority they derive from their status as representatives of their people, their views do carry conviction and weight. Thus the Union during its debates provokes the

3658 LS—4.

germination and crystalization of new ideas and tendencies, preparing the way for appropriate decisions at governmental level.

The two main objectives of inter-parliamentary co-operation have been the defence of peace and the promotion of parliamentary democracy. These twin objectives are, in fact, closely interlinked. Again, Mr. Andre De Blonay has beautifully and succinctly described the importance of inter-parliamentary cooperation in the following words:

“It is not certain whether a world in which Parliamentary democracy would be safely established everywhere would be spared the horrors of war. But it is certain that a world where Parliament and the freedoms of the people would be suppressed would be a world of dictatorship in which the danger of war would be greater than ever.”

In a recent paper, the present Secretary-General of the I. P. U., Mr. Pio-Carlo Terenzio spelled out the scheme of reorientation and expansion of the activities of the Union. With regard to action for peace, he laid emphasis on improving the work achieved during inter-Parliamentary meetings, on the continuous study of international problems and, above all, on better implementation of the Union's resolutions at the national level and by inter-governmental institutions. To this end, it has been decided that part of the duties of the Inter-Parliamentary Bureau be reoriented so that the Bureau is in a better position to serve as an executive body. Measures have also been devised for the more frequent organisation of specialised meetings with the participation of experts, in case of need, so as to strengthen the Union's relations with international organisations and intensify its work of informing public opinion and interested circles. As regards the promotion of parliamentary institutions, it has been decided that the Union should acquire the necessary means to carry out more detailed studies and hold symposia which, at the end of a cycle of years, would result in a synthesis of factors contributing to the crisis of adaptation affecting Parliaments and the various remedies which might be applied. The Union has also initiated a programme of technical cooperation set up to strengthen the services of the Assemblies of developing countries at their request. The implementation of this programme will enable the Parliaments of those countries, particularly the more recently created Assemblies to improve the technical means at their disposal in order to carry out their tasks more effectively in fields which are becoming

increasingly complex, such as the adaptation and implementation of economic and social development plans. In developing countries, the relevance and importance of Parliaments would be increasingly related to their becoming effective instruments of socio-economic change. This is a separate area. However, future schemes of inter-parliamentary co-operation can ill-afford to ignore the perspective. This becomes even more important when it is realized that the inter-Parliamentary Union of today is no longer an almost exclusively European organisation. The scope of its action has been enlarged to include not only political, but also social, economic and cultural questions. The problems regarding the Third World now constitute an important category on the agenda of the Union. It is to be hoped that the Union will be able to contribute to the development of the Third World countries not only by making their particular problems better known among the parliamentarians of the world, but also by contributing to more effective modernization and institutionalisation in areas of political and socio-economic development.

Many of the I. P. U. Members would like the Inter-Parliamentary Union to progressively become a parliamentary consultative branch of the United Nations. According to them the General Assembly was an assembly of Governments and to supplement it, there should also be an assembly representing the peoples of various countries through their elected representatives. May be in the years to come some progress is made in this direction and if it happens it would be an important and worthwhile development.

The second task, which is no less vital, is that of strengthening parliamentary institutions. In earlier years the study of parliamentary problems did not occupy a prominent place in the meetings and conferences of the Union. Attention was focussed on international problems alone. It was perhaps felt that Parliaments were established institutions whose working hardly needed to be discussed. The situation has since changed considerably. Year after year, more and more time is now devoted to studying the working of the parliamentary institutions and streamlining of their procedures. There are two main causes which explain this change in emphasis. The first is that after a period of rapid expansion, the parliamentary system of all nations of the world has suffered severe set-backs. And even in the countries where Parliaments are firmly established as the basis of political life, there is a growing awareness that unless these institutions adapt themselves to changing conditions, and assimilate new ideas, they would not be able to preserve their position in political

life. It is because the members of the Union are aware of these difficulties, both in the new Parliaments and in the older ones, that they have begun increasingly to turn to the Union for obtaining relevant information and opportunities to discuss the problems facing their respective Parliaments. Parliament is a dynamic, developing institution, constantly adjusting itself to suit the changing needs of society. Any organisation concerned with inter-parliamentary cooperation likewise has to be dynamic and amenable to growth and change.

As the microcosms that continuously mirror the societal moorings and moods, the legislatures are the sheet-anchor of our political culture—of freedom and democracy. The need for a contemporaneous study of the problems and processes with which the legislators have to wrestle with in the discharge of their obligations, cannot be over-stressed. The legislators are not only the supreme representatives of the people, but also the custodians of public policy. If their legitimate role is not to be allowed to get eroded in the context of the growing complexities of modern administration, it is essential that our legislators are adequately equipped with the latest information and enabled to deal effectively with their onerous legislative responsibilities.

The Inter-Parliamentary Union can help in the process by undertaking a study of the training and orientation facilities available to new Members of Parliament in the various countries of the world, and taking an initiative in improving them with a view to helping M.Ps. equip themselves better for their job.

With the multitude of more recently created international organisations working for the preservation and consolidation of peace, the *raison d'être* of the Union has sometimes been questioned. In that context, it should not be forgotten that the Union is the only organisation of international character which is currently working for the development of parliamentary institutions and is dealing with problems facing all the representatives bodies of our age. One such problem is the growing power of the Executives compared with the power of the elected representatives of the people. Since Parliaments represent the people and are thus the best interpreters of public opinion, their position not only in decision-making but also in checking the actions of governments in both domestic and international spheres needs to be strengthened. It is here that the Inter-Parliamentary Union can make valuable contribution to the cause of democracy, increased security and improved international understanding and cooperation.



The Union, of course, suffers from the weaknesses inherent in all international organisations in a world of sovereign nations. While statesmen and parliamentarians like to speak with great eloquence of inter-dependence, brotherhood of nations, solidarity of all people, the main driving force today still is nationalism and the defence of national interests, when it comes to action by Governments. On the one hand, international bodies seem to proclaim high principles, and on the other, the actual conduct of the various Governments does not always take these principles into account.

Secondly, it has been noticed that in actual practice most parliamentarians, instead of feeling personally responsible and acting independently, as is expected of them under the Union's Statutes, often have a tendency to become mere mouth-pieces of their respective governments.

Thirdly, the parliamentarians often forget about the Inter-Parliamentary Union and its objectives once they have completed their deliberations and departed from the venue of the Conference. What is important is that they should remain constantly vigilant for the cause of inter-parliamentary co-operation and zealously work for it even after they return to their countries.

Contrary to the common belief of political thinkers, internationalists and other academics standing for one World, one Government and one Parliament, a robust internationalism is not only not fully compatible with strong nationalism but in a very real and pragmatic sense the latter is the foundation of the former. And, it is only on that basis that the dreams of a united world of peace may one day come true, for it is only strong parts that make a strong body and, in any case, despite Karl Marx and others, nationalism is hardly a dying force in the world of today or tomorrow.

With the growing tendencies of forming associations and groups from local to national and national to regional levels and then on to the international level, one can safely visualize the Inter-Parliamentary Union assuming a more universal character leading to the evolution of a World Assembly of our dreams. For, if the mankind has to survive the nuclear arms race and continuous threats to its existence, the only answer lies in the ideal of One World Government in which process the conversion of the Union into a one World Assembly, with a more unified and better organisation than the European Parliament, would be an important step forward. It is not

utopian to advocate this inasmuch as even the conquest of space and the landing on the moon were also once considered beyond human capacity. If we continue to work assiduously along the lines we have already chosen for ourselves, we shall soon be living in a much better and much happier world with the Inter-Parliamentary Union playing the dynamic role of a catalytic agent in the whole process.

---

## SOCIAL JUSTICE AND WEAKER SECTIONS

Ours is a caste-ridden society and the division is vertical and graded—one below the other. The lower castes suffer from disabilities and are exposed to deliberate discrimination. As such social justice exists more in theory than in practice. The Hindu *dharma* is a divine dispensation and it is not and cannot take care of social justice which is purely of human origin. *Dharma* differs from caste to caste and from man to man in the same caste. The lower castes often fall beyond the pale of *dharma*. This is borne out by what the Hindu law-giver, Manu, had said about the unfortunate 'untouchables'. He said: "The untouchables should live outside the village, should use only earthen pots, dogs and donkies should be their wealth, should wear the clothes taken from dead bodies, should eat from broken pots, should wear iron ornaments and should keep moving from place to place."<sup>1</sup> Could this be accepted as social justice under any civilised dispensation? The *dharma* prescribed for other 'lower' communities is equally abhorrent to modern ideas. Hence is the urgent need to devise methods to make social justice readily available to all persons irrespective of caste or creed.

In ancient India justice was dispensed through the agency of Panchayats. The village has been from time immemorial the basic unit of the Hindu social order. Life in the village was regulated by its panchayat, chosen by common consent or vote of all its residents. In many places separate panchayats were constituted for purposes of settling disputes between the residents. This was an open court sitting in a common place in the village consisting mostly of the elders of all castes. But others also could attend and participate in the proceedings if so inclined. The judgment was delivered by the head of the elders constituting the panchayat. In this system the possibility of hoodwinking either by the complainant or by the accused is limited to the minimum as the others present are

---

\*Shri B. S. Murthy is a Member of Parliament and Chairman of the Railway Convention Committee of Parliament.

<sup>1</sup>*Manusmriti*, Chapter 10, Verses 51, 52.

at liberty to confront, contradict or confirm the evidence marshalled by either party. Legal justice through panchayat is inexpensive, immediate and mostly conforms to accepted ethical codes.

What about the caste hegemony, some one may question. This is taken good care of by the machinations so ingenuously incorporated in the unwritten Code of human conduct. But the surprising thing is that these panchayats did not bother about Manu, nay, sometimes ignored him totally and stuck to social justice. That was why the Hindu society could live for so many centuries as a contented social order. Our panchayats from the beginning conformed unknowingly to the equality clause of our Constitution which says: "The State shall not deny any person equality before the law or the equal protection of the laws within the territory of India."

The British rule in India has introduced unwittingly a change in the social order amongst its people especially the Hindus. The caste system had begun to slowly wither away in spite of the Queen's assurance not to interfere in matters relating to caste and religion. English education had opened the eyes of the rising generation. Many new and far-reaching changes shook the old and decrepit systems of the past. In reality, a new order was ushered in with a great ovation. It was all for the good. But the Panchayati Raj, the village 'republic' suffered heavily and the panchayat court disappeared for a time and when it reappeared in some States, it was completely mangled and looked a scarecrow. Of course, it was not able to discharge the tasks for which it was devised by our forefathers. The court established by the foreign rule became more attractive though the proceedings were in English and very often not understood by either party contesting for justice.

There are two systems of law courts in the world today—the accusative and the inquisitorial, the first one exists in the United States of America and in England while the second is to be found in Europe. As usual we borrowed the English system; and therefore our law courts are not as helpful to the people as they ought to be. In the accusatorial system the judge is no doubt supposed to be neutral and keep an open mind. After hearing the pros and cons of the case and listening to the arguments for and against, the judge would make up his mind. In actual fact in this system the law and even more the flourishes of argument will often influence the judge and the jury. If unfortunately the accused could not command sufficient funds and secure the best of advocates he would not often stand the chance of winning however just his case may be. In the other system as it exists at present the judge himself takes care to help the accused

to find out the real nature of the case. This would surely benefit the accused whatever might be the ultimate decree. This is a very important point and makers of our Constitution should have taken care to combine the good points in both the systems to give us a system of justice very close to our ancient panchayats where there would not be much scope for bamboozling the judges or the jury.

The question of legal aid to the weaker sections has been engaging the governments all over the world. In the United States the question first arose as to whether it is consistent with the right to a fair trial incorporated in Due Process Clause of the American Constitution to leave the accused to his own resources to vindicate his innocence. The Supreme Court of the United States drew a difference between capital cases and non-capital cases. The dichotomy is obvious as the accused in the capital cases may have to suffer death penalty. Therefore, the right to counsel was conceded to the accused in such cases. "In a capital case" observed Mr. Justice Sutherland, "Where the defendant is unable to employ counsel, and incapable of adequately making his own defence because of ignorance, feeble mindedness, illiteracy or the like, it is the duty of the court whether requested or not, to assign a counsel for him as a necessary requisite of due process of law."<sup>2</sup>

The result of the decision of the Supreme Court of the United States was that the accused person could insist upon the services of lawyers to be made available to him by the State in capital cases. In the absence of such a right being conceded to the accused the administration of criminal justice would in ninety per cent of cases be stultified as the accused could hardly be expected to have the resources to fight the State machinery for vindicating his innocence in a court of law.

In non-capital cases where milder penalties are the order of the day, the accused had to fend for himself in procuring legal assistance. This view held the ground for some decades but in recent times its tenability has been successfully challenged. The dividing line between capital cases and non-capital cases, though a sharp one, is not right from the point of view of social justice. There is no convincing reason for exposing the weaker sections of society without adequate safeguards for legal aid even to non-capital punishment, particularly when the sanctions involve total deprivation of society of liberty for long period, sometimes spanning the whole life time. The gross injustice involved in such a procedure was at last

---

<sup>2</sup>*Power V. Alabama*, 287 U.S. 45 (1932).

realised. In the famous case of the *Miranda* the United States' Supreme Court has thrown overboard these obsolete and obsolescent concepts and had challengingly laid down that in all cases legal aid to the accused was a desideratum which could not be ignored without violating the constitutional mandates of Due Process of Law.

The House of Lords in England has in recent times conceded the right of a person to be represented by his own counsel even in proceedings before domestic tribunals exercising disciplinary jurisdiction. Lord Denning, M. R., observed in *Pett V. Grey Hound Racing Association Ltd.*: "Where a man's reputation or livelihood is at stake, he not only has right to speak by his own mouth, he has also a right to speak by counsel or solicitor. Natural justice requires that he can be defended, if he wishes, by counsel or solicitor."<sup>3</sup> No doubt, in England the duty of meeting the expenses of legal assistance to the accused is not made an imperative duty of the State. This is because the British Constitution does not expressly and explicitly lay down such a specific constitutional requirement as part of the concept of equality before the law. The concept of equality before the law is a dictum of British justice but the contours of the concept cannot be so widely drawn as in the United States. Still a concession of right to counsel as a staple ingredient of the administration of justice is itself no mean a triumph for social justice.

The principles of natural justice invoked by Lord Denning are a perennial theme of social justice and are sufficiently elastic to eventually take in State liability for providing legal aid to the accused in all cases.

In India the Constitution has recognised the right to counsel in the context of an arrest made by the State involving the deprivation of liberty as a preliminary to a trial in a court of law. Testing the legality of the State action in a court of law naturally needs the safeguard of legal assistance in overseeing that constitutional proprieties and legal requirements are strictly adhered to in the interest of justice. Even though a legal trial available for the vindication of liberty is in itself a valuable safeguard to liberty, the right to counsel which is an incident of it would be a mere travesty and an idle formality for the weaker sections of society as they are not in a position to avail themselves of such services. The Supreme Court in India has been repeatedly pressed to accept the principle of a right of legal representation by counsel but it has not so far been

---

3(1968) 2 W.L.R. 1471.

willing to concede this principle as a constitutional requirement of even handed justice. Time and again our Supreme Court, while upholding the right of an accused person for an opportunity to make reasonable representations in his behalf has repelled the notion that such representations should necessarily be allowed to be made through legal counsel of his own choice paid for by the Government. It seems to me that herein lies the Achilles heel of social justice in India so far as legal proceedings are concerned. The Constitution, if necessary, will have to be amended to make ample provision recognising the right of every person who is exposed to the risk of loss of liberty in consequence of proceedings initiated against him by State authority to be afforded ample opportunity to defend himself with the assistance of legal counsel who is to be paid by the State itself. Only then can we say that the weaker sections of our society will have a fair trial and a square deal. It seems to me that for accomplishing this, if necessary, a small tax may be levied on all those who seek the assistance of courts or even on all citizens having a minimum income specified by the law. Out of the proceeds of such a tax the expenditure involved in legal aid to the poor, particularly in criminal cases, may be provided for. The longer we delay this reform the greater will be the resultant injustice to the weaker sections of our society.

It is true that our Government under the dynamic leadership of our beloved Prime Minister is already seized of this important question. The scheme for giving legal aid to Scheduled Caste and Scheduled Tribe persons is in operation in Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Madhya Pradesh, Orissa, Punjab, Rajasthan, Pondicherry and Tripura. The total allocation made by States for the Fourth Plan is about Rs. 5.655 lakhs for Scheduled Castes and Rs. 9.855 lakhs for Scheduled Tribes. Himachal Pradesh, Jammu and Kashmir, Karnataka, Tripura and Pondicherry do not seem to have spent a pie in 1969-70, 1970-71, 1971-72 and 1972-73 on the Scheduled Castes for providing legal aid. It is evident from records that the provision made and expenditure incurred on legal aid to the Scheduled Castes and Scheduled Tribes has been very meagre.

But it should not be misunderstood that there is no need for such a scheme. The fact, however, is that quite a large number of needy Scheduled Caste|Tribe persons are not in a position to avail of this facility due to various reasons such as (a) inadequate publicity of

the scheme, (b) cumbersome procedure laid down for extending legal aid, and (c) restrictions on grant of aid. It is also a fact that a vast majority of Scheduled Caste persons, who are economically backward and dependent on their caste Hindu landlords in the rural, dare not take up any cases either under Untouchability (Offences) Act, or other cases of harassment, to the court of law or police station. Even if sufficient legal aid is provided, these people may not be able to make full use of it unless some special machinery is set up to work on their behalf and take up such cases to the police and the law courts.

The main lacuna in this scheme is that the Centre is nowhere directly in the picture. It will surely be helpful if a Central-sector scheme to give legal aid to the Scheduled Castes and Scheduled Tribes is initiated by the Ministry of Home Affairs as a centrally sponsored programme. In addition, the State Governments should also be persuaded to provide sufficient funds for the purpose in the Fifth Five Year Plan. The moneys for the purpose should be made available out of the general sector allotment by the Union Ministry of Law or their counterparts in the State Governments.

The Krishna Iyer Committee has already presented a comprehensive report on the philosophy and methodology of legal aid measures. These proposals may not go far enough and will have to be carefully moulded into concrete shape, systematising the various species of legal aid and setting up proper agencies for administering such aid. This matter is one of great urgency and it would not be fair to the down-trodden and under-privileged classes under any pretext to side-step or postpone this much needed reform or to nullify it in the very process of its implementation either by attention of financial resources to be earmarked for it or by down-grading the priority to which it is entitled by its inherent utility and far-reaching impact upon ameliorative measures designed to promote the interests of the weaker sections of our society.

---



## PARLIAMENT AND THE GOVERNMENT

## I

In India, though we have a written Constitution, most of the norms and practices are patterned after the British. It is a matter of pride for us that although democracies have foundered around us, India has been able to adhere to it in spite of various odds. The credit for this solely and entirely goes to Pandit Nehru who observed every single democratic norm, paid due respect to Parliament and scrupulously and sincerely nurtured democratic practices. Even in the face of serious challenges, he steadfastly stood by his principles and never allowed the erosion of basic values.

Democracy is but a form of government; and the character of all governments is oligarchic. The difference in a parliamentary democracy is this: The democratic system has institutions through which the citizens can discover errors and reveal frauds. The government of the day cannot act with impunity. It has to have its ears to the ground. In a presidential system of democracy, even while there are free institutions, the power may get concentrated in a single hand for good or bad. Pandit Nehru could, if he so wanted, have easily chosen this form of government. The fact remains that he did not. Steeped as he was in the British parliamentary culture, our Constitution came to be patterned, by and large, on the parliamentary form as it exists in the U.K. Under this system, the Prime Minister is the first among equals: the words to be underlined are "among equals". And that is what Pandit Nehru believed and practised during his prime ministership spanning nearly two decades. This was a unique and almost unparalleled phenomenon which is mainly responsible for the fact that the parliamentary form continues to exist in India.

While examining the relationship between our Parliament and the executive, it is necessary to bear in mind a basic fact: the ruling party over the years, by and large, has commanded large majorities

---

\*Shri Chinai is a senior Member of Parliament (Rajya Sabha).

in Parliament. In other words, a viable opposition, which is as much important for democratic functioning as a stable government, has yet to emerge. A situation of this kind could spell disaster if the executive took political advantage of its political power, the cultural groups failed to put national interests above local interests, and if administrators in the separate branches did not work together in harmony. The ultimate safeguard to the situation depends upon the rise of a healthy opposition. These kinds of developments never strongly surfaced during Pandit Nehru's days because of his handling of affairs and his historical perspective.

Before we come to the contemporary scene, let us examine the interaction of the executive and the legislature. The body politic which is primarily responsible for policy making is the Cabinet. On the one hand it is linked with the electorate and the legislature through political parties, and, on the other, with civil services in administration. The work of the Cabinet includes the determination of basic principles, the formulation of policies, etc. The Ministers are individually responsible for administering the departments over which they preside. Collectively, they are responsible to the legislature and the people. The role of the Cabinet is, therefore, dual. It is a body in which resides the ultimate responsibility for leadership in the legislative and executive spheres. It is a convenient institution within which the potencies of party and civil services are fused. Presenting a united front and led by a commanding personality, the Cabinet is expected to give effective lead.

If the party is a source of strength to the Cabinet, it can also be a source of weakness. Strong or weak, the Cabinet always knows that a rival party, or several rival parties, are waiting at the doorstep to provide an alternative government, for better or worse. Hence, the supreme importance of the Cabinet being sensitive to public opinion. In India, the executives at the Centre and the States are individually and collectively responsible to the legislature in respect of its functions, decisions and actions.

For various historical reasons, civil services and political parties have risen to new peaks of power in all democracies. And Cabinets have tended to become pre-eminent. But it does not imply that the legislature and the courts are non-entities. Nor should it mean that because of stable majorities in legislatures, Parliament should become merely a rubber stamp registering the decrees of the executive. For it is the legislature alone that safeguards political freedom.

I have so far mentioned what the functions of the legislature are. The fact how they have been discharged over the years is somewhat different story. As I said earlier, Pandit Nehru being the Supreme guardian of the constitutional and the parliamentary form of government, very few deviations, if any, took place. Of late, however, certain disconcerting trends have come to the fore. For example, the numerous times the Constitution has gone through the amending process is a matter of obvious concern. Constitutional amendments were carried out in the past too. But the use of the overwhelming numbers in Parliament was never so ostentatiously manifest or so conspicuously made. What is still more disconcerting is that though we have had a parliamentary form of government for more than a quarter century, an opposition worth the name does not exist. It is not as if the people of India have not reacted to the situation from time to time and brought about changes in the number of representatives of various parties in Parliament or, for that matter, State Legislatures. Unfortunately, wherever, as a result, coalition governments came into being, their performance was far from satisfactory, and even the basic modicum of stability was lacking. Today, storm signals are again being hoisted all over the country. There is restiveness which pervades both urban and rural areas. The problems of the people are real. The scarcities of even essential commodities have continued to mount. Prices have spiralled. Cumulatively, this has led to increased misery and, therefore, turbulence. The responsibility for finding solutions to the current problems mainly hinges on the Government—in reality on the Cabinet.

## II

The patent fact to any discerning observer of the contemporary scene is the visible weakening of the Cabinet form of government. The Cabinet, howsoever homogenous or compact it may seem to be, is not able to function as it did in the past. The Cabinet Ministers do not always exercise the powers of decision making that are so legitimately theirs. Whatever they do or do not do, they always tend to look to some power outside their Ministries. Perhaps, the freedom to implement policies that should be the Ministers' has been perceptibly diluted. As a result, decision making has suffered a great deal. It is slow and quite often slim. The most glaring example of this failure can be seen in the neglect of public enterprises. Quite a few of them have been without a man at the top for months and even years. All this goes on in spite of the important role that the public sector is expected to play in our Plan calculations. There seems to be some hesitancy on the part of appointing

Ministries that the name's they may put forward may not have the approval of the right quarters. Hence, the deadening delay. A similar tendency is perceptible in many Ministries too. Senior officers for many months are just warming empty chairs. Nobody knows where they are going and what they should do. It leads to the waste of the best administrative talent that we possess. The disease has even spread to State administrations. For every small decision that they may have to take they not only look to but run to New Delhi. In other words, these administrations are by themselves not performing the functions which they have been specifically assigned to perform.

Thus, both at the Central and State levels the process of decentralised making and of implementing them is in some kind of a quandary. As a matter of fact, if today a variety of problems have gained the upper law this is due in no small measure to decisions being delayed or not at all being taken. It is not my contention that all these are due to the sole reason that the administrations do not function as they should, or that Ministers are not discharging their responsibilities. I am quite aware that there are both national and international dimensions which together have created the kind of situation that we are in.

At the same time, I am quite certain in my mind that many of these problems could have been mitigated or allayed if the decentralised apparatus of policy making could have remained in tact. It is a simple proposition that no single individual or group of individuals, howsoever eminent and able, can carry on their shoulders all the burdens of administration in a country of India's size and dimensions. It, therefore, naturally follows that once a person is picked up for being a member of the Cabinet, or for performing some other task, he should be given sufficient leverage and elbow room to make his own appraisal of a situation and then to devise a set of policies to meet the situation. Needless to say, such policies should have the concurrence of his colleagues with whom he shares responsibility. But once the policy frame is accepted, the man in charge should have ample freedom to give effect to it. Unless a situation of that type is brought back, many of our malaise will continue. This is not merely a matter of expediency but is vital to the working of a democratic system which by definition is not very fast in its working. And once we apply additional brakes, it is but natural that the whole structure will become weak and ineffective.

I do not concede even for a moment that we should have any doubts or misgivings on the working of democracy itself. All that I have tried to state is that democracy implies certain norms and standards of work. They should not be allowed to be violated even to the smallest degree.

---

**ASSOCIATION OF MEMBERS OF THE UPPER HOUSE WITH  
THE COMMITTEES OF THE LOWER HOUSE OR CONSTITU-  
TION OF JOINT COMMITTEES OF THE TWO HOUSES**

The Houses of Parliament and the State Legislatures with their growing load of work find it impossible to discuss in detail all the business coming up before them. To lessen this burden on the Houses and also with a view to have more detailed examination of matters, parliamentary committees are constituted.

There is no specific provision in the Constitution of India for the setting up of parliamentary committees by the Parliament or the State Legislatures. The only mention about the Committees that finds a place in the Constitution is with regards to the powers, privileges, etc. of the Houses of Parliament and of the members and the committees thereof. Articles 105(3) and 194(3) provide that, in other respects, the powers, privileges and immunities of each House of Parliament/a House of the Legislature of a State, and of the members and the Committees of each House shall be such as may from time to time be defined by Parliament/Legislatures by law, and until so defined shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and Committees, at the commencement of this Constitution.

The rules for regulating the procedure and conduct of Business which have been framed by the different Houses of State Legislatures under article 208 of the Constitution provide for the Constitution, powers and functions of the various committees of the House. Under these rules the Houses of a State Legislature can constitute as many parliamentary committees as they consider it necessary keeping in view the work load on each House.

Under the Constitution there is no provision for a joint sitting of the two Houses in the States, similar to the provisions for a joint sitting of both Houses of Parliament in certain cases under article 108 and, further, only limited powers have been given to the Upper Houses in the States. In view of this position, a question has been

---

\*Shri Mithal is Secretary, U.P. Legislative Assembly.

raised in U.P. whether it is in keeping with the spirit of the Constitution to associate the members of the Upper House with the committees of the Lower House which are constituted to examine and scrutinise financial matters, or the constitution of joint committees of the two Houses to consider such financial and other matters. This question was referred by Mr. Speaker to the Committee on Parliamentary Studies of the U.P. Legislative Assembly to examine and submit its report. The Committee considered this matter at its sittings held in February and March, 1972 and submitted its report to the House in May, 1972.

The Committee has noted in its report that the Legislative Councils have been given limited powers under the Constitution in the legislative sphere. Under article 196, subject to the provisions of articles 198 and 207 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Legislature of a State which has a Legislative Council. But according to article 198 no Money Bill can be introduced in a Legislative Council and under article 207 a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 cannot be introduced in a Legislative Council. In respect of Bills other than Money Bills, it is laid down in article 197 that if, after a Bill has been passed by the Legislative Assembly of a State having a Legislative Council and transmitted to the Legislative Council, more than three months elapse from the date on which the Bill is laid before the Council without the Bill being passed by it, or the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree, the Legislative Assembly may pass the Bill again in the same or in any subsequent session with or without such amendments, if any, as have been made, suggested or agreed to by the Legislative Council and then transmit the Bill as so passed to the Legislative Council. After a Bill has been passed for the second time by the Legislative Assembly and transmitted to the Legislative Council, and if more than one month elapses from the date on which the Bill is laid before the Council without the Bill being passed by it, the Bill shall be deemed to have been passed by the Houses of the Legislature in the form in which it was passed by the Legislative Assembly for the second time.

So far as Money Bills are concerned, according to article 198 if a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within a period of fourteen days from the date of its receipt, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in

which it was passed by the Legislative Assembly. So in the matter of legislative functions while the Upper Houses, or the Councils as they are called, have been given the power to discuss, deliberate and consider the legislative matters before it or passed by the Assembly, ultimately the will of the Lower House, i.e., the Legislative Assembly, prevails and there is no provision in the Constitution even for a joint sitting of the two Houses in the States.

Similarly, in financial matters, limited powers have been given to the Legislative Councils under the Constitution. Although, under article 202, a statement of the estimated receipts and expenditure of the State for every financial year is laid before both the Houses of the Legislature, the estimates relating to expenditure other than the expenditure charged upon the Consolidated Fund of the State are submitted in the form of demands for grants only to the Legislative Assembly and the Legislative Assembly only has the power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein. The Legislative Council has not been given any powers in regard to these demands for grants. Under article 205, if any money has been spent on any service during a financial year, in excess of the amount granted for that service and for that year, a demand for such excess is presented to the Legislative Assembly only and not to the Legislative Council. Under article 206, only the Legislative Assembly has the power to make any grant in advance in respect of the estimated expenditure, for a part of any financial year, or to make a grant for meeting an unexpected demand upon the resources of the State, or to make exceptional grant which forms no part of the current service of any financial year. No such power has been given to the Legislative Councils. The Committees constituted by the Legislative Councils cannot have more powers than those which are available to the Legislative Councils under the Constitution.

Soon after the commencement of the Constitution, the Public Accounts Committee of the Lok Sabha considered the question of association of members of the Rajya Sabha with that Committee and passed the following resolution:

“The Public Accounts Committee having been informed of the desires of the Council of States to be associated with Committee in their functions and having seen the draft rules framed by the Rules Committee of the Council of States regarding a Joint Committee of the two Houses on Public Account, hereby unanimously resolve that the Committee is strongly of opinion that the suggestion of a



Joint Committee on Public Accounts or a separate Committee of the Council of States in the nature of a Public Accounts Committee being against the principles underlying the Constitution is not acceptable to it, and the Committee being in complete agreement with the views expressed by the Chairman in his Memorandum, dated the 19th February, 1953 is further of opinion that the Speaker be requested to take all necessary steps to safeguard the privileges of the House and the Public Accounts Committee and to make it quite clear to the Council of States that their suggestion is unconstitutional tending to interfere with the rights, privileges and prerogatives of the House of the People in financial matters over which their authority is supreme."

This matter was also discussed in the Conference of Presiding Officers held in 1953. The late Shri G. V. Mavalankar, the then Speaker, Lok Sabha, had expressed the following views:

"The question about a Joint Committee was raised at the instance of some Members of the Council of States and the matter was referred to me by the Leader of the House of the People. I distinctly communicated to him my view that I could not be a consenting party to a Joint Committee either in respect of the Estimates Committee or in respect of the Public Accounts Committee and that for the simple reason that I feel it is against the spirit of the Constitution to give the Upper House any share whatever in the shaping of the decisions of the Estimates Committee or the Public Accounts Committee.

"...But asking for a Joint Committee means a share in the shaping of the decisions and conclusions of the Public Accounts Committee or the Estimates Committee."

But in deference to the wishes of the Prime Minister, the late Shri Mavalankar had agreed only to associate the members of the Rajya Sabha with the Public Accounts Committee of the Lok Sabha, but had rejected the idea of constitution of a Joint Committee.

The Rules Committee of the Lok Sabha had also considered this matter several years back and had passed the following resolutions:

"(1) The House of the People has absolute and final powers in so far as financial matters are concerned. Article 113 of the Constitution provides that the estimates shall be submitted to the House of the People, which shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein."

Articles 109 and 117 of the Constitution enjoin that Money and Financial Bills shall not be introduced in the Council of States and that in the case of the former, the Council can only make recommendation to the House which may or may not accept them. In the case of a Financial Bill if there is disagreement between the House of the People and the Council of States, the matter can only be resolved at a Joint sitting of the two Houses and a decision taken by a majority of the members present and voting. Obviously, in the scheme of things, the views of the House of the People will prevail ultimately. It is thus clear that the House of the People which consists of people's representatives chosen by direct election have special responsibility in discharging their functions in financial matters."

(2) "In order to enable the House of the People to carry out its obligations imposed upon it by the Constitution in the sphere of finance it has set up its financial committees, namely the Estimates Committee and the Public Accounts Committee with clearly defined functions to investigate, scrutinise and report to the House of the result of their examination of grants and audited expenditure. It is in the light of these reports from its Committee that the House of the People votes excess grants and enforces economy in expenditure and in these functions the House of the People cannot share its responsibility with any one outside the House. It is necessary that the House of the People should discharge its functions solely on its own initiative without being influenced by any one outside its members."

(3) "The fact that the budget papers and the Audit Report on Appropriation Accounts are laid on the Table of the Council of States is to enable the Council to discuss generally the financial matters and it has no power to scrutinise and/or record decisions on individual grants nor is it called upon to make any recommendation to the House of the People in respect thereof. Thus when the Council as a whole has no right to influence the House of the People in regard to the decisions of the House on the demands for grants it follows that the Council cannot indirectly through its members on the Financial Committees of the House of the People exercise any influence or regulate or control the decisions thereof. The Powers of scrutiny of estimates decision thereon whether by the House as a whole or by a Committee thereof belongs exclusively to the House of the People and it will be unconstitutional to share it with the Council of States. The Council of States can discuss various matters generally on the Appropriation Bill but cannot vary the amount or alter the destination of any grants made by the House of the People."

Under article 151 the reports of the Comptroller and Auditor-General of India are caused to be laid before the Legislature of the State. Whereas under article 151(1) these reports are to be laid before each House of Parliament; under article 151(2) a different language has been used and these reports are required to be laid before the Legislature of the State instead of 'each House of the Legislature'. This distinction seems to have been made because all the State Legislatures do not have two Houses and where there is only one House in a State Legislature the report shall be laid before that House only. Because of this provision in article 151 it is argued that since the reports of the Comptroller and Auditor-General are laid before both Houses of the Legislature, the Legislative Council too has the power to consider and scrutinise these reports and the Public Accounts Committee constituted to examine these reports should be a Joint Committee of the Members of the Legislative Assembly and the Legislative Council.

The Committee on Parliamentary Studies obtained the views of the Legal Remembrancer to the State Government, the Advocate General of the State, the Secretary of the U.P. Legislative Council and the Secretary, U.P. Legislative Assembly. The Legal Remembrancer stressed before the Committee in his written note as well as in his oral evidence that since the report of the Comptroller and Auditor-General was laid before both the Houses of the Legislature, the Legislative Council has the same power as the Legislative Assembly to consider and examine those reports and there seems to be no legal objection to constitute a Joint Committee on Public Accounts by associating the members of the Legislative Council. In his opinion, the fact whether the Legislative Council has or has not the power to assent to demands for grants of the budget, can not prohibit the Legislative Council from examining the reports of the Comptroller and Auditor-General and to see that the moneys authorised by the Appropriation Acts, by the State Legislature under article 204 have been properly spent or not and the Council can even constitute its own Committee on Public Accounts for the purpose. The Legal Remembrancer, in support of his arguments before the Committee, referred to the following extract from Basu's *Commentary on the Constitution of India* (Vol. II, p. 686) under article 151:—

“ As has been already pointed out, in England the House of Lords has no control over finances and accordingly, report of the Comptroller and Auditor-General is scrutinised by the Public Accounts Committee of the House of Commons only.

But article 151 (1) of our Constitution lays down that reports of the Comptroller and Auditor-General shall be laid before each House of Parliament. Laying before each House would be meaningless unless each House has the power to examine it and the Constitution does not in any way limit the powers of the Council of States to deal with the reports after they are laid before it. It was, accordingly suggested (at page 468 of the 2nd Ed : of this *Comentary*) that after they are laid before each House, the report shall be scrutinised by the Committee of Public Accounts of each House. But when the two Houses were constituted under the Constitution, it was the House of the People alone that constituted a Committee of Public Accounts.

The Council of States has not constituted any Committee of Public Accounts. But in 1954, by a Resolution of the House of the People, with the concurrence of the Council of States, seven members of the Council have been 'associated' with the Committee of Public Accounts of the House of the People. It has been agreed that the Council Members on the Committee shall have equal rights with the members of the House, including the right of voting, etc. It does not, however, appear that there has been any amendment of the relevant Rules of the House of the People in order to give this 'association' a proper footing. It remains rather extralegal so long as the Rules are not changed."

The Advocate-General in his written opinion informed the Committee that so long as there is a provision for the other House of the Legislature, Joint Committees can properly be formed. It is, however, accepted that the Legislative Assembly has greater powers than the Legislative Council.

The Secretary, Legislative Council, expressing his views before the Committee, said that in respect of such matters which have to be examined by both the Houses, it is better to constitute Joint Committees of the two Houses to examine such matters. If the two Houses examine such matters separately, it not only takes more time but the same matter is considered by two different Committees. He expressed his inability to express any opinion as to in what matters it was proper or improper to constitute Joint Committees of the two Houses. In his opinion it depended on the two Houses only.

In the opinion of the Secretary, Legislative Assembly, expressed before the Committee, there was no propriety under the Constitution to constitute Joint Committees of the State Legislatures. The only argument in favour of associating members of the Legislative

Council is that it avoids delays and saves time. But this argument goes against the main basis of creation of Legislative Council, which is to scrutinize and revise, if necessary, the decisions of the Assembly and this in the very nature of things delays the whole process of business by examining it in detail. Thus the argument regarding saving time does not uphold the necessity or propriety of associating members of the Upper House to these Committees. On the other hand, it can create difficulties and may amount to violation of the spirit of the Constitution that the decision of the Legislative Assembly shall be final. With the association of the members of the Legislative Council the majority will of the members of the Legislative Assembly can be reduced to a minority and thus the decision of the Legislative Assembly can be influenced by the associate members. It is true that the budget and the Appropriation Bill have to go to the Council too, but the Legislative Council has only the power to have a general debate on the budget and it has no power to vote the demands for grants and to assent to those demands, and in respect of the appropriation Bill they can only make recommendations. So far as the report of the Comptroller and Auditor-General is concerned, it needs consideration whether the Legislative Council has legally the power to scrutinize and examine the moneys sanctioned by the Legislative Assembly through demands for grants, and whether the Legislative Council can be associated in Joint Committees or they can form their own committees for the purpose. The Upper House can not have the power to scrutinise and examine the Audit Reports because the Upper House has not the power to vote the demands for grants about which details of expenditure are contained in the Audit Report. If the Legislative Councils can lawfully constitute their own financial committees, let them do so. The argument that formation of Joint Committees can avoid duplicity and delay has no meaning when the Legislative Council exists only for sitting in judgement of what the Assembly has done but without having the power of veto.

There are three financial committees constituted in Uttar Pradesh Legislative Assembly. The Public Accounts Committee is functioning since 1921. The Estimates Committee came into existence in 1952. The third financial committee, viz., the Committee on Public Undertakings was constituted in 1971-72. The Public Accounts Committee at first consisted of the members of the Legislative Assembly only. It was for the first time in 1960-61 that a resolution was moved in the House to associate the members of the Legislative Council with the Public Accounts Committee. However,

since 1967 the members of the Legislative Council have not been associated with the Public Accounts Committee as no resolution to this effect could be moved in the House by the Chairman of the Committee.

The powers that have been given under the Constitution to the Upper Houses and the Public Accounts Committee would also be evident from the following extract from *Parliamentary Procedure in India* by A. R. Mukerji:

*“Upper House and the Public Accounts Committees*

The accepted convention of the British Parliament is that it is the elected House, the House of Commons, which grants the money to the crown for expenditure, and it is that House which has the right to scrutinize expenditure and see that the money has been spent for the purposes for which it was granted. It is, therefore, the House of Commons which appoints the Public Accounts Committee to examine the accounts. In fact the accounts are not laid before the House of Lords.

In the British Parliament the House of Lords does not appoint any committee to scrutinize the Public Accounts nor are any members of the House of Lords associated with the House of Commons. On two occasions it appears that the House of Lords tried to appoint some additional members of their own to be associated with the Standing Committee of the House of Commons to scrutinize the Public Accounts but the attempts failed. The claim of the House of Lords was based on the ground that the Accounts were to be laid before both Houses.

In India, however, the Upper Houses, the Council of States of the Indian Parliament and the Legislative Councils of State Legislatures, have claimed a right to discuss the Comptroller and Auditor General's Report and the Accounts on the ground that under the Constitution, the reports and the Accounts are to be laid before the Legislature, the Upper House also claims the right to scrutinize and discuss the accounts.

It does not seem that the claim is very well justified. Theoretically, of course, it can be said that the Upper House has the right to discuss the Accounts and the Auditor-General's Reports because these are laid before the House. But what would be the result of discussion? The Upper House has no control over the finances of the State. It cannot withhold the grant of any money, for no demands for grants are made to it. It has no control over the Appropriation Bill, for the Appropriation Bill can become law

without the concurrence of the Upper House. It is the Lower House which grants the money and which can withhold the money from the executive, if the money is spent in a manner of which it disapproves. It stands to reason, therefore, that it is the Lower House only which has the right to call for explanation from the executive government.

Then again, if there are two Public Accounts Committees of the two Houses, Government departments would be at a great disadvantage. They would have to appear twice before the two Committees, and if the two Committees differ in their view in any particular matter, they would not know whom to hearken unto, the voice of Delphi or the voice of Dodona.

On 10th May, 1954, the Lok Sabha adopted a motion to associate seven members of the Rajya Sabha with the Public Accounts Committee of the Lok Sabha. Although the Speaker said, after the motion was adopted, that so far as the deliberations, voting and every other matter were concerned, members of the Council who were associated with the Committee would have the same status as other members of the Committee, yet it was emphasized that the Committee was a Committee of the Lok Sabha and the associated members would be under the control of the Speaker. State Legislatures have also followed this practice."

Under article 205 of the Constitution if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, the Governor shall cause to be presented to the Legislative Assembly a demand for such excess. The demand is not presented to the Legislative Council. The excess expenditure in question cannot be regularised by the House until the Public Accounts Committee, after due consideration, makes its recommendation to that effect. Since the Legislative Council itself has no power to regularise such excess expenditure, the members of the Legislative Council, if associated with the Public Accounts Committee, cannot vote for the regularisation of such excess expenditure, because the Members of the Legislative Council cannot assume to themselves any such powers which are not granted to the Legislative Council itself.

The Committee, concluding its report has observed that Public Accounts Committee, Estimates Committee and the Public Undertakings Committee are the channels through which the Legislative Assembly scrutinises financial matters and takes a decision thereon. In the opinion of the Committee, so far as financial matters are concerned, it is clear from the Constitution that only the Legislative

Assembly has the power to examine the financial estimates and to assent to them and also to decide whether the moneys granted by it under the various demands for grants have been properly spent or not.

The provisions in article 151 of the Constitution that the reports of the Comptroller and Auditor-General shall be presented also to the Legislative Council, or the provisions in article 202 that the budget estimates shall be laid before the Legislative Council also, do not mean that it gives any power to the Legislative Council to take decisions in these matters. The only purpose is to afford an opportunity to the Legislative Council to have a general discussion on the budget, and the Legislative Council does not get the power to scrutinize or control the budget estimates. In the circumstances, if the members of the Legislative Council are associated with the financial committees, or the Legislative Councils are allowed to constitute their own committees similar to financial committees, that indirectly gives them a power to control financial matters and in this way it violates the spirit of the Constitution in regard to financial matters.

The Committee also expressed the view that the convention which is being followed in our Parliament of associating members of the Rajya Sabha with the Public Accounts Committee of the Lok Sabha had the only aim that the Lok Sabha, reserving its financial powers in full, considered it its right to invite the members of the Rajya Sabha to associate themselves with the Public Accounts Committee, if considered necessary. But this does not automatically give any right to the Rajya Sabha to associate with the financial committees or to constitute its own financial committees. The members of the Committee were unanimously of the opinion that under the Constitution the Legislative Councils have no power to constitute financial committees or to associate with the financial committees of the Legislative Assembly. In those financial matters in which the Upper House has no power to vote, its members should not be associated with any such financial committee constituted to scrutinise such financial matters. The power of the Lower House should in no way be eroded by associating the members of the Upper House with the committee of the Lower House. The Joint Committees of the two Houses can be constituted in respect of those matters only in which the two Houses have equal powers. But to give such power to a House through a Joint Committee which the House does not originally possess goes against the spirit of the Constitution.



Though the Committee of the Uttar Pradesh Legislative Assembly examined the association of the members of the Upper House with the financial committees of the Lower House in particular, the whole question of associating the members of the Council even with the other committees of the Assembly—the committees dealing with legislative work—can hardly be justified, firstly, on the ground of there being no specific provision under the Constitution; secondly, there being an express provision in the Constitution that the will of the Lower House will prevail; and finally, on the basis of the functions of the Upper House which gives them the power to consider, deliberate and decide on all legislative matters emanating from the Lower House. If we associate the members of the Upper House with the committees of the Lower House in the initial stages it may prevent some delays and may make passage of a measure in the Upper House smooth and a little easy, but the very purpose of having an Upper House will be defeated. The mere fact that the Upper House exists means some delay in all matters whether they pertained to the legislative field or financial field where the Council has no say except passing of the Appropriation Bill. It, therefore, appears that the association of the members of the Upper House with the committees of the Lower House is not in consonance with the spirit of the Constitution and the practice has developed only as a matter of convenience.

---

## PARLIAMENT AND GOVERNMENT'S PRICE POLICY FOR CRUDE OIL\*

[A series of articles highlighting the impact of Parliament on the Government's price policy in respect of various commodities was started from the April, 1972 issue of the Journal\*\*. This article is being published in continuation of the series.

—Editor]

### PART I

There are nine petroleum refineries in India at the present—four in the private sector, three in the public sector and two in the joint sector—with three more under construction. Although the domestic refining industry has developed sufficiently to make the country self-sufficient in most of the major petroleum products, it is still largely dependent upon imported crude oil—the main raw material for the industry—and is spending a substantial amount of foreign exchange on imports of crude.

The total refining capacity in India at the end of 1972 was 20 million tonnes while the total crude throughput for the same year was 19.6 million tonnes. Of the total crude requirement, 7.3 million tonnes was met from indigenous production and the balance of 12.3 million tonnes through imports.<sup>1</sup>

It is estimated that the total refining capacity required in the country to meet domestic needs by 1975 will be around 34.00 million tonnes whereas the indigenous crude production on land and off-shore by 1975-76 will be about 12.00 million tonnes only, thus involving the import of about 22 million tonnes of crude oil annually.<sup>2</sup>

---

\*Contributed by the Research and Information Service, Lok Sabha Secretariat.

\*\*So far the articles on the price policy for Sugarcane and sugar, cotton and cotton textiles, jute and foodgrains have been published. See *J.P.I.* Vol. XVIII, pp. 245, 490, 785 and Vol. XIX, p. 90.

<sup>1</sup>Report of the Ministry of Petroleum and Chemicals for the year 1972-73; pp. 8 and 54.

<sup>2</sup>Report of the Oil Prices Committee, October, 1969, p. 46.

*Structure of the oil refineries and arrangements for supply of crude:* Following are the existing and the projected refineries in India:—

(I) *Private Sector:* (i) Burmah-Shell Refineries Ltd. (BSR), (ii) Esso Standard Refining Co. of India Ltd. (ESRC), (iii) Caltex Oil Refining (India) Ltd. (CORIL), and (iv) Assam Oil Co. Ltd. (AOC); (II) *Public Sector:* (v) Noonmati Refinery (Gauhati, Assam), (vi) Barauni Refinery (Bihar), (vii) Koyali Refinery (Gujarat), (viii) Haldia Refinery (West Bengal), (ix) Mathura Refinery (U.P.), and (x) Bongaigaon Refinery (Assam), (viii) (ix) and (x) being under construction; and (III) *Joint Sector:* (xi) Cochin Refineries Ltd. (CRL), and (xii) Madras Refineries Ltd. (MRL).

*Coastal Refineries:* The existing and the projected refineries at the coast are essentially based on imported crude oil with the provision for the use of indigenous crude in circumstances and on conditions specified in the relevant agreements.<sup>3</sup> The structure of the coastal refineries and their arrangements for the import of crude are described below.

*Esso Standard Refining Company of India Ltd., (ESRC):* This is a private limited company incorporated on the 5th July, 1952 in pursuance of the Agreement of the 30th November, 1951 between the Standard Vacuum Oil Company (renamed ESSO on the 31st March, 1962), which is a wholly-owned subsidiary of the Standard Oil Company of New Jersey, and the Government of India for the establishment of the refinery at Trombay, with an initial capacity of 1.2 million tonnes per annum. The refinery went on stream on the 29th July, 1954.

Under the Refinery Agreement, ESSO is permitted to obtain crude oil from its own sources of supply abroad at world market prices. Since the 1st July, 1967, the refining company has been purchasing its crude oil from ESSO International Inc., at prices said to be established after consideration of the competitive conditions. ESSO International is also a wholly-owned subsidiary of the Standard Oil Company of New Jersey and does not produce any oil itself. It obtains crude oil from its affiliated companies in the Middle East. The refining company (ESRC), after refining the crude, sells the products to the marketing company, e.g. ESSO, at import parity prices.<sup>4</sup>

---

<sup>3</sup>Ibid.

<sup>4</sup>Ibid; pp. 47-48.

*Burmah-Shell Refineries Ltd. (BSR)*: This is a public limited company promoted in India on the 3rd November, 1952, by its foreign shareholders, viz., the Burmah Oil Company Limited and the Anglo-Saxon Petroleum Company Limited (now Shell Petroleum Company Limited) for the establishment of an oil refinery at Bombay, in terms of the Agreement of the 15th February, 1951, concluded with the Government of India.

The crude refined by the Burmah-Shell Refineries Ltd., (BSR), is owned by its marketing associates, viz. Burmah-Shell Oil Storage and Distributing Company of India Ltd. (BSM), and the products are taken over by the same marketing company for sale. BSR functions solely as a contractual manufacturer, receiving as income a fee paid by the owners i.e. BSM, of the oil processed by it. This fee, called the 'Process Fee' or the 'Refiner's Margin' is based on the spread between the value of the crude purchased and that of the refined products out-turn.

In terms of the Supply Contract between BSM and its foreign suppliers, concluded on the 1st January, 1962 for a period of 15 years, BSR's entire requirements of imported crude are to be Purchased roughly in the ratio of 50 : 50 from the Shell International Petroleum Co. Ltd., London (SIPC) and the Petroleum Suppliers and Services Ltd., London (PSS) at prices "determined by negotiations between the parties on the basis that at all times such prices shall be fair and reasonable", having regard to the market prices for similar types or grade of crude at all world sources, ocean freight, etc. The suppliers are themselves not the producers of crude oil as they are merely international trading companies having access to crude supplies from several sources. It is claimed that the suppliers do not receive any remuneration for their services from the buyers.

The Supply Contract concluded between BSM and its suppliers is valid for 15 years from the 1st January, 1962, and unless terminated by 3 years' notice, indefinitely thereafter. It is not known which company in the chain of suppliers bears the burden of the discounts. The Supply Contract is designed to ensure that imports for BSR are made by BSM of crude oil produced/sold by a series of companies, including the parent companies, their affiliates and subsidiaries.<sup>5</sup>

---

<sup>5</sup>*Ibid*; pp. 48—50.

*Caltex Oil Refining (India) Ltd. (CORIL)*: This is also a public company promoted in India on the 23rd February, 1955, by its foreign owners, viz. Caltex (India) Ltd., for the establishment of an oil refinery at Visakhapatnam in terms of the Agreement with the Government of India of the 28th March, 1953, with a capacity of 0.675 million tonnes per annum.

Until February, 1967, crude oil was refined by the refining company on behalf of Caltex (India) Ltd., on payment of a processing fee. Crude oil was purchased by Caltex (India) Ltd., from Caltex (U.K.) Ltd. under a written contract, valid for an indefinite period.

From the 28th February, 1967, the ownership of crude was transferred from Caltex (India) Ltd., to Caltex Oil Refining (India) Ltd. Consequently, the Crude Sales Agreement with Caltex (U.K.) Ltd., was assigned to CORIL with effect from that date. This arrangement is intended to remain in force upto the 31st December, 1976. The price of crude oil is based on 'posted' prices or quoted prices applicable to the sources of supply, less discount, which, in terms of the Agreement with the suppliers, is "competitive with other commercial discounts being offered for similar crudes of the same gravity on long-term contracts for comparable quantities."

CORIL does not pay its suppliers any remuneration for the services rendered in connection with the supply of crude and is not aware of the rate of discount, if any, allowed to its supplier by the producer(s).

The finished products are handed over by CORIL to CALTEX at import parity prices and all coastal freight and export wharfage ex-Visakhapatnam are borne by the refinery. Thus, "Gross Refiner's Margin" to CORIL is the realisation at import parity prices of finished products less cost of crude and expenses on coastal movements."

In the agreements made by the three foreign oil companies with the Government of India, under which the above-mentioned coastal refineries were established, the oil companies were given the freedom to make arrangements for importing crude oil from the source of supply of their own selection, subject to the obligation to use, under certain conditions, crude oil produced in India. Assurances were given to the companies for release of foreign exchange, as required for the purpose of importing crude oil.

---

<sup>6</sup>*Ibid*; pp. 51-52.  
3653 L.S.—6.

Indigenous crude oil is being supplied at present to the Burmah-Shell and Esso refineries by the Oil and Natural Gas Commission from its Ankleshwar field to meet a part of their requirements.

*Cochin Refineries Ltd. (CRL)*: The Cochin Refineries Ltd., was incorporated as a public limited company on the 6th September, 1963, under a Tripartite Agreement between the Government of India, holding 51 per cent of the shares, the Phillips Petroleum Co., of U.S.A., 25 per cent, Duncan Brothers & Co., Ltd., of Calcutta, 2 per cent and the balance held by others. The refinery has an installed capacity of 2.5 million tonnes of crude per annum, i.e., 50,000 barrels per day. It went on stream in September, 1966.

In terms of the letters exchanged on the 27th April, 1963 between the Government of India and the Phillips Petroleum Co., of U.S.A., the latter undertook to act as agent for the Cochin Refineries Ltd., for a period of 15 years for supply of crude oil to the refinery. Accordingly, Phillips concluded with the Standard Oil Company of California the Crude Supply Contract, dated the 15th November, 1963 (subsequently amended on the 1st February, 1966) providing for supplies of the specified quantity of crude oil. The important feature of this contract is that the Prices of Iranian and Arabian crude oils are determined at the same rates as those payable from time to time by Burmah-Shell, ESSO and Caltex refineries. No remuneration is paid to the agents for crude imports under this arrangement.

*Madras Refineries Limited (MRL)*: The Formation Agreement for this refinery was concluded on the 18th November, 1965, between the Government of India on the one hand, with 74 per cent participation in the initial equity capital, and the National Iranian Oil Company or Iran and Amoco India Inc., of U.S.A. on the other, with 13 per cent participation by each in dollars. The refinery processes crude oil from the Darius oil fields in Iran. The Agreement stipulates that so long as the refinery is processing imported crude oil, its products will be purchased by the Government or its nominee at prices determined on a basis no less favourable to the refinery than those prevailing for the same type of products of any other refinery in India processing imported crude oil. In case the refinery processes indigenous crude oil, the prices of its products shall be no less favourable than those received by any other refinery in India processing indigenous crude oil. The Government of India have under-

---

71bid; p. 53.

taken to make available to the refinery crude oil from Darius fields in Iran at the prices and on terms provided for Darius crude oil in the Crude Oil Sales Agreement plus reasonable transportation costs.

A separate Crude Oil Sales Agreement of the 18th November, 1965, concluded between the Government of India on the one hand and the National Iranian Oil Company of Iran and the Pan American International Oil Co. of U.S.A. (affiliate of Amoco India) on the other, provides for the supply of crude oil from the Darius field or any other crude or blend of crude oil in specified circumstances and conditions. This Agreement provides for sales to the Madras refinery of 42 million tonnes of crude in accordance with the stipulated schedule over a period of 22 years. The net price of crude oil f.o.b. Kharg Island or any other place of loading was fixed at \$1.35 per barrel, subject to increase or decrease according to variations in gravity.

The price of \$1.35 per barrel represented a discount of \$0.28 per barrel on the 'posted' price of Darius crude at Kharg Island of \$1.63 per barrel at the time of the signing of the Agreement. The Agreement does not provide for adjustment in prices according to the discounts off posted prices offered by other suppliers from time to time, even though the Agreement has been signed for a period of twenty-two years. However, the Agreement provides protection to the seller in the event of the buyer purchasing and accepting delivery of crude oil similar to Darius at higher rates.<sup>8</sup>

*Haldia Refinery:* The refinery at Haldia, under construction, has been designed for a processing capacity of 2.5 million tonnes of crude oil per annum. A Crude Oil Sales Agreement concluded on the 29th September, 1967 between the Government of India and the Total International Limited of Bermuda provides for the supply of 9 million tonnes of Light Iranian crude at the rate of 1 million tonnes or 50 per cent of the throughput of the refinery per annum, whichever is greater, from the date of commencement of commercial operations. After the supply of 6 million tonnes, the Government of India reserve the right to substitute indigenous crude oil, provided the remaining 3 million tonnes are purchased during the five subsequent years. The Agreement stipulates that the f.o.b. price of the crude oil at Kharg Island shall be the average of the prices posted by Compagnie Francaise Des Petroles, BP Trading, ESSO International,

---

<sup>8</sup>*Ibid*; pp. 57—60.

Iran California, Texaco (Iran), Shell International and Mobile Middle East, less a rebate of 40 U.S. cents per barrel and such further rebates as may be mutually agreed upon between the buyer and the seller. At the date of the signing of the Agreement, the aforementioned price at Kharg Island was U.S. \$ 1.79 per barrel.<sup>9</sup>

*Digboi Refinery:* This refinery, owned by the Assam Oil Company Ltd., is based on indigenous crude obtained from its own oil-fields at Digboi, the Oil India Ltd., and the Oil and Natural Gas Commission. The Second Supplemental Agreement of the 27th July, 1961, between the Government of India, the Burmah Oil Company and the Oil India Ltd., provides for the supply of a maximum of 435,000 tonnes of crude oil to the refinery by Oil India from its Naherkatiya, Hugrijan and Moran fields, but only after meeting the requirements of the public sector refineries at Noonmati and Barauni.<sup>10</sup>

*Noonmati Refinery:* This refinery in Gauhati, owned by the Indian Oil Corporation Ltd., is also based on Assam crudes obtained from the Oil India Ltd., and the Oil and Natural Gas Commission. The price of crude supplied to the refinery is fixed by the Government of India on the basis of import parity. The refinery was commissioned in 1961.

*Barauni Refinery:* This refinery, commissioned in 1964, is essentially based on Assam crudes obtained from the Oil India Ltd., and the Oil and Natural Gas Commission. The price of crude supplied to the refinery is fixed by the Government of India on the basis of import parity.

The designed capacity of the Barauni Refinery is 3.00 million tonnes but it has been operating at a little over 2.2 million tonnes per annum on account of limited availability of crude oil from Assam. A project has been taken up to process imported high sulphur crude oil to utilize the refinery capacity to the full extent.<sup>11</sup>

*Koyali Refinery:* This refinery is based on crude oil produced by the Oil and Natural Gas Commission from the Ankleshwar, Kalol, Navgam, Cambay, Dholka, Kathana and Mehsana oilfields. The price of the crude oil is based on import parity of Light Iranian Agha Jari crude.

---

<sup>9</sup>*Ibid;* pp. 61—63.

<sup>10</sup>*Ibid;* pp. 81-82.

<sup>11</sup>*Report of the Ministry of Petroleum and Chemicals op. cit., p. 9.*



The designed capacity of the Koyali refinery is 3.00 million tonnes per annum but this capacity has now been increased to 4.3 million tonnes. The refinery is, however, operating at 3.8 million tonnes—the extent to which crude oil is available from the Gujarat fields. A Feasibility Report for expanding the refinery capacity to 7.3 million tonnes has been prepared and the project is likely to be taken up during the next year and completed in about four years. The project also contemplates establishment of an off-shore terminal for receiving imported crude oil in the Gulf of Kutch and transportation of oil from the off-shore terminal to the refinery for processing.<sup>12</sup>

*Mathura Refinery:* This refinery, owned by the Indian Oil Corporation Ltd., with a capacity of 6 million tonnes per annum, is to be set up at Mathura. Crude Oil for the refinery, to be obtained through imports, will be received at a location in the Gulf of Kutch and transported across a distance of about 1222 kms., to Mathura through a pipeline. The refinery is expected to go on stream by 1978.<sup>13</sup>

*Bongaigaon Refinery:* This refinery, with a capacity of 1 million tonnes per annum, is being set up at Bongaigaon in Assam. It is owned by the Indian Petro-Chemicals Corp. Ltd., a Government of India undertaking. Crude oil produced in the Assam oilfields by the Oil India Ltd., and the Oil and Natural Gas Commission and transported through the existing Oil India pipeline from Naherkatiya, will be processed in this refinery. The refinery is expected to go on stream by 1976.<sup>14</sup>

The capacity of the nine refineries in the country at the end of the year 1972 was 20 million tonnes—11.75 million tonnes in the public sector and 8.25 million tonnes in the private sector. The quantity of crude processed in these refineries during the year 1972 was 19.67 million tonnes—11.84 million tonnes being in the public sector and 7.83 million tonnes in the private sector.<sup>15</sup>

*Major problems in regard to import of crude oil:* The supply of crude is the main theme of every agreement for the establishment of a refinery, whether wholly owned by a foreign company or established in collaboration with Indian interests. While an assured supply of crude is an essential prerequisite of a refinery project, the rights

---

12Ibid.

13Ibid; p. 10.

14Ibid.

15Ibid.

and obligations of the foreign supplier as stipulated in the supply agreements have an important bearing on the cost of crude, the price structure of the products and indeed on the entire economics of the refineries. The Agreements with Burmah-shell, Esso and Caltex give them the freedom to make their own arrangements for import of crude oil from their own sources of supply. There is an added stipulation in the case of the last two companies to the effect that the purchases of crude oil will be made at world market rates prevailing at the time and place of shipment. A similar obligation, though not specifically included in the Agreement, is deemed to devolve on Burmah-shell. In respect of the other refineries, the supply of crude oil is governed by contractual commitments. The Modification of the Formation Agreement for CRL contemplated termination of the crude supply contract concluded by Phillips with the Standard Oil Company of California by October, 1970. Thereafter, Phillips have continued to act as agents of CRL and have the right to arrange for import of crude oil, but are obliged to substitute a crude oil or a blend of crude oils that may be suggested by the Government of India. In the event of the Government of India offering a quantity of Rostam crude from Iranian offshore fields, Phillips are entitled to offer out of its own share of the same Rostam crude a quantity equivalent to but not higher than that offered by the Government of India, at the same price. If at any time suitable indigenous crude becomes available, Government have a right to ask CRL to buy that crude in substitution of other than indigenous crudes in use. The Formation Agreement relating to the establishment of the Madras refinery also entitles the Government of India to substitute in the refinery a crude oil or blend of oils instead of Darius crude on which the refinery is based, if no substantial net economic disadvantage is thereby suffered by the refinery, no significant modification of the refinery is entitled and no breach of the Crude Oils Sales Agreement is involved. The Crude Oil Sales Agreement in respect of the Haldia refinery is for a specified quantity and provides for termination by either party on twelve months' notice in the event of the price of crude oil being out of line with other prices prevailing in the area for similar long term contracts.<sup>16</sup>

Marine freight Constitutes a significant portion of the cost of crude, accounting for approximately 10 per cent of the total. Transport of crude for the Madras and Haldia refineries is arranged by the Government. For CRL, transportation of crude is made at fixed rates per barrel specified in the Contract of Affreightment and

---

<sup>16</sup>Report of the Oil Prices Committee, *op. cit.*, pp. 63—65.

valid for five years from the date of commencement of commercial operations of the refinery (i.e. from September, 1966) and extendable for five periods of one year each. Burmah-Shell, Esso and Caltex make their own arrangements for transportation of crude and receive foreign exchange allocation towards marine freight. Keeping in view the fact that revolutionary changes are taking place in freights and tankers of ever-increasing sizes are being put into operation, any long-term contracts of affreightment, as in the case of supplies of crude, are likely to operate to the disadvantage of the importing country, especially during periods when freight rates show downward trend.<sup>17</sup>

The above account of the import of crude oil shows that each coastal refinery is tied to one or more foreign supplier with which its operations are interlocked in one form or the other. It is a well-known fact that the international petroleum industry is dominated by the so-called international 'majors' which own over half the world's crude production. As a result, a very large portion of the crude oil that enters the international trade is not sold by free competition but is transferred from producing to refining and marketing affiliates in quantities that match the absorptive capacity of the markets for the products and at prices that the respective markets can bear. Thus, the prices at which imports are arranged from tied sources can hardly be termed as the genuine market prices in the commercial sense.<sup>18</sup>

*Price of imported crude oil:* India imports about 60 per cent of its requirements of crude oil from producers in the Middle East. The total crude imported was 11,66,5,300 tonnes in 1970, 12,687,700 tonnes in 1971 and 12,310,100 tonnes in 1972.<sup>19</sup>

The price of crude oil in the international market is generally determined on the basis of the Persian Gulf Crude Oil prices, plus or minus, as the case may be, differentials for quality and freight. The prices of different crudes are 'posted' or published by the international oil companies at the oil ports, but a temporary discount is allowed under the counter and the net f.o.b. price is thus determined. The discount is not published. It is thus difficult for an outsider to judge whether the prices paid in particular cases are fully competitive in relation to the market conditions.<sup>20</sup>

<sup>17</sup>*Ibid*; pp. 65; 238-39.

<sup>18</sup>*Ibid*; pp. 66-67.

<sup>19</sup>*Indian Petroleum and Chemicals Statistics*, 1972, p. 44.

<sup>20</sup>*Report of the Working Group on Oil Prices*, p. 24.

Until the late 1950s, sales of crude oil were generally made at or near the 'posted' price, i.e. the indicated price at which refineries all over the world announced their readiness to purchase crude. Payment of royalty and tax to the producer—country government was made on the basis of the 'posted' price. With the introduction of the system of discounts on 'posted' prices, actual market prices during the last fifteen years or so have been expressed as a discount given off the 'posted' price and, more recently, as a tax-paid cost, i.e. production cost plus payments to the host government plus a margin for the producing company.<sup>21</sup>

Discounts on the 'posted' prices have steadily increased with the result that the published prices have tended to become unrealistic. According to an international authority on crude oil, "the posted prices in the Middle East actually do not reflect fundamental market prices in view of the fact that they are not established by 'arm's length'" bargaining in the open market. Affiliated buyers and sellers are not free to take their trade elsewhere or to go to competitors, if they are unhappy about the prices."<sup>23</sup>

Discounts were introduced on purchases of crude for the refineries in India in June 1960 for the first time. Since then, the discounts have mostly been secured as a result of public criticism and the influence exercised by the Government by virtue of their right to decide the allocation of foreign exchange for the import of crude. The gap between the f.o.b. prices of crude and the actual cost of production is so wide that changes in costs of production have virtually no bearing on the f.o.b. prices. Thus, there is a wide margin between the f.o.b. price and the f.o.b. cost which shows that there is scope for larger discounts.<sup>24</sup>

The f.o.b. price of crude oil is made up of the actual cost of production, including lifting cost and depreciation of the equipment; royalty and tax to the producer-country-government; the oil company's margin.

The cost of production in the Middle East is generally between 15—30 cents per barrel of crude oil, or between 4-7 per cent of its

---

<sup>21</sup>'Cost of Crude Oil to Developing Countries' by Paul H. Frankel and Walter L. Newton (*The Economic Times*, February 23, 1973).

<sup>22</sup>"Arm's length" transactions are those between sellers and buyers who do not belong to the same group of companies.

<sup>23</sup>Report of the Working Group on Oil Prices, *op. cit.*, p. 24.

<sup>24</sup>Report of the Oil Prices Committee, *op. cit.*, pp. 68-69.

selling price about an year ago. The remaining 96-93 per cent represents a margin or "economic rent" which, over the years, has been shared in various proportions between the producer country governments and the oil companies.

Royalty to the producer-country Governments in the Middle-East is now-a-days paid at the rate of 12½ per cent of the 'posted' price. Apart from royalty, the producer-country Governments receive additional revenue through the levy of a tax on production of crude oil, the level of which has gone through a number of changes during the last twenty years. These are described below:—

(a) Under the original fifty|fifty profit sharing agreements, the tax was fixed in such a way that together with the royalty the total payment to the producer-country government was 50 per cent of the difference between the production cost and the 'posted' price which was at that time also the market price. This position obtained up-to 1957.

(b) With the introduction of discounts on 'posted' prices, the payment to the producer-country government remained unaffected and the discount had to be absorbed by the oil companies whose margin was consequently reduced (1957-64)

(c) Following lengthy negotiations, an agreement was reached in 1964 by which the royalty became an expense, i.e. a cost in assessing the amount of tax payable. Hitherto, tax was to be 50 per cent of the difference between the production cost plus royalty and 'posted' prices (1964-70).

(d) The 1971 Teheran Agreement between the OPEC (Oil Producing Exporting Countries) and the oil cartels raised the rate of tax from 50 per cent to 55 per cent. It also set increases in posted prices at certain intervals for the period upto 1975 inclusive.

(e) The 1972 Geneva Agreement revised the Teheran Agreement to take into account the dollar devaluation.<sup>25</sup>

A survey of the quantum of increase in the oil producing countries' revenue during the last twenty years shows that the revenue from crude oil for the producer-country has, with the exception of 1959-65, steadily increased from 89 cents per barrel in 1953 to 1.43 per barrel

---

<sup>25</sup>Paul H. Frankel and Walter L. Newton, (*The Economic Times*). *op. cit.*

in 1972. The share of the producer-country of the difference between the production cost and the selling price rose from 50 per cent in 1952 to as high as 84 per cent in 1972.<sup>26</sup>

For all practical purposes, therefore, the producer-country revenue has become an unalterable cost item and a tax-paid cost, i.e. production cost plus producer-country revenue puts a floor to the f.o.b. crude oil price even on the assumption that the oil company concerned is prepared to forego its margin.

The difference between the tax-paid cost of crude oil and its selling price is the producing oil company's gross profit margin. In 1953, the gross profit margin for the Arabian Light crude oil was estimated at over 80 cents per barrel. The profit declined to 46 cents per barrel in 1960 and to 22 cents per barrel in 1970. In 1972 it was estimated at 33 cents per barrel for the same quality of crude oil, i.e. Light Arabian.<sup>27</sup>

Apart from the f.o.b. price, the freight constitutes the most important other cost element in the delivered or landed cost of crude oil, accounting for approximately 10 per cent of the total. Generally, a refinery would cover both its crude oil supplies and its freight on a long-term basis, leaving only marginal quantities of crude oil and freight to be purchased on a spot basis. The most realistic approach to the freight element of the delivered cost of crude oil to petroleum refineries would be to assume that the freight would be covered on the signature of the supply arrangement for the duration of the supply contract, i.e. on a time-charter basis.

In addition to the f.o.b. and freight component, the delivered cost of crude oil includes the cost of insurance and ocean loss. Generally, an allowance of 1 per cent of the f.o.b. cost plus ocean freight is made for this.

With the tax-paid cost of crude oil unalterable irrespective of market conditions, it is in the oil companies' margin that the degree of competition and the balance of demand and supply prevailing at any one time expresses itself now-a-days. However, the oil companies' margin cannot be judged in isolation but must, in the case of internationally integrated oil companies, be seen against the integrated operation as a whole. In the case of the developing countries, where the market is in the hands of a small number of major oil companies and where competition is minimal, the integrated operations result in substantial refining and marketing margins which are superimposed on the margin made at the producing stage.

---

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*

In India, where the major international oil companies are involved, the prices for the same quality of crude oil are higher than to another destination where the purchases are made on an "arm's length" basis. The prices have been sought to be controlled by the Government by the exercise of its right to allocate foreign exchange to the companies for the import of crude. The Government has evolved the concept of a 'national price', as distinguished from the 'actual price' of crude oil. According to this concept, the notional price of crude oil in June, 1973 was 1.88 per barrel while the actual price was as much as \$2.18 per barrel. The Government apparently believes that the oil companies need not be compensated for more than this price because they are in a position to cushion themselves adequately against the price increases in the international oil market. However, Government's attempts to extract concessions from the western oil companies by refusing to sanction the additional foreign exchange demanded by them to meet the higher price of crude has not met with much success so far. The companies have, retaliated by importing less crude at the higher prices and consequently refining less. The Government had had to relent by releasing additional foreign exchange in order that the refineries might work to their full capacities

Following the Teheran Agreement of February, 1971 and the Genexa Agreement of January, 1972 between the Oil Producing Exporting Countries (OPEC) and the oil producing companies, the crude oil prices which were continually coming down between the years 1961 to 1970, have registered phenomenal increases. The oil companies have sought price increases ostensibly on account of royalties and taxes to be paid to the producing countries, hardening of the crude oil prices in the world market, dollar devaluation, and more recently, on account of participation in production by oil producing countries.<sup>28</sup> In the case of Caltex and Burmah Shell, the prices claimed have risen from \$ 1.28 per barrel in November, 1970 to \$2.08 per barrel in January, 1973 and to \$2.25 per barrel in April 1973. In the case of a Esso, the prices have escalated from \$ 1.25 per barrel in November, 1970 to \$ 1.994 per barrel in January, 1973 and to \$ 2.087 per barrel in April, 1973. The prices claimed for the joint-sector refineries by their suppliers in West Asia in April 1973 were: Madras Refineries, \$2.21 per barrel and Cochin Refineries, \$2.05 per barrel. It is not clear what the Government-owned Indian Oil Corporation is paying for the crude it is imposing to meet the requirements of the public-sector refineries as the price has not been disclosed.

---

<sup>28</sup>Report of the Ministry of Petroleum and Chemicals *op. cit.*

With effect from January 1, 1974, the three foreign-owned oil companies have asked for an upward revision of crude oil prices by over 100 per cent. The prices claimed are \$ 8.48 per barrel for the Light Iranian and \$ 8.29 per barrel for the Arabian Mix, as against the current prices of \$ 4.01 and \$ 3.8 respectively.

The Government's stand that the oil companies should themselves absorb a portion of the increase in prices has not been accepted by the companies. The situation has so far been met by granting *ad hoc* increases in the price of crude. The broad policy followed so far is that for the purpose of allocation of foreign exchange or the import of crude oil, the amounts of foreign exchange made available to the oil companies are adjusted from time to time to enable the country to meet the requirements of petroleum products in such a way as to balance imports and indigenous production in the best interests of the country.<sup>29</sup>

*Price of indigenous crude:* Crude oil is produced in India by the Oil and Natural Gas Commission, the oil India Ltd., and the Assam Oil Company Ltd. The total production of crude oil in the country was 6,809,000 tonnes in 1970, 7,185,000 tonnes in 1971 and 7,373,000 tonnes in 1972.

The price of the indigenous crude oil is based on the principle of 'import parity' which includes an element of national transport cost. The average cost of the indigenous crude oil to the inland refineries is thus higher than its actual cost of production. The price is mostly linked to the Light Iranian (Agha Jari) variety of crude as this is the type of imported crude oil generally refined in this country.<sup>30</sup>

The main reasons for linking the price of indigenous crude to that of imported crude would appear to be that the agreements concluded by the Government of India with Burmah-Shell, Esso and Caltex permit these oil companies to maintain the prices of their products ex-refinery at a level not higher than the landed cost of comparable products. This is called "import parity". On account of this contractual obligation, prices of petroleum products are based on import parity, not only for the coastal refineries using imported crude but also for the inland refineries which process indigenous crude. Because of the fact that the country is still largely dependent upon imported crude oil for more than 60 per cent of its requirements and will continue to be so far some more years to come, the

---

<sup>29</sup>*Ibid.*

<sup>30</sup>*Report of the Oil Prices Committee, op. cit., p. 96.*



principle of import parity has been accepted by the Government of India in regard to refinery products. The same reasons are advanced by the foreign oil companies in India for continued adherence to the principle of import parity for fixation of the price of indigenous crude as well<sup>31</sup>.

Keeping in view the paramount principle of import parity the price of crude oil supplied by the Oil India Limited is determined in accordance with the Second Supplemental Agreement of the 27th July, 1961 between the Government of India, the Burmah Oil Company Limited and the Oil India Limited and is settled directly between the Government and OIL.<sup>32</sup> The two public-sector refineries at Noonmati and Barauni have the first call on the production of OIL and after satisfying their demand, the Digboi refinery of the Assam Oil Company may be supplied crude upto a maximum of 4,35,000 tonnes. In terms of the Promotion Agreement of January, 1958 between the parties, the delivered price of crude oil payable by the refineries was either the lowest Calcutta landed cost for similar crude from an alternative source, or the cost incurred by the company, together with a reasonable return, whichever was less. This pricing basis was changed to a complicated formula by the Second Supplemental Agreement of July, 1961. The new formula provides that the price will be determined by the posted *f.o.b.* Middle East price of equivalent quality of crude oil plus transport charges to Calcutta, less a discount to be calculated according to another formula so as to give a return of 10.8 per cent on the paid-up capital to the company after payment of all taxes (including taxes payable on dividends). The Company is entitled from 1962 to such profits in each calendar year as will yield a return, after payment of all taxes, of not less than 9 per cent and not more than 13 per cent per annum. If the income of the company in any year is found insufficient to give the above minimum return, the price paid by the purchasers of crude oil during such year will be increased with retrospective adjustment so as to permit payment of such minimum dividend. Conversely, if the income gives a higher dividend than 13 per cent., then a retrospective discount will be allowed to the purchasers of crude oil.<sup>33</sup>

The average price paid by the Gauhati and Barauni refineries for the OIL Crude was Rs. 100.57 per tonne in 1968.

<sup>31</sup>*Ibid*; p. 89.

<sup>32</sup>*Ibid*; p. 81.

<sup>33</sup>Report of the Working Group on Oil Prices, *op cit.*, pp. 31-32.

ONGC also bases the price of its crude on import parity and carries this concept to the extent of including freight variations in determining their prices.

The price of crude oil supplied to the Koyali refinery by the Oil and Natural Gas Commission from its Ankleshwar, Kalol, Navgam, Cambay, Bholka, Kathana and Mehsana fields in Gujarat is linked to the light Iranian (Agha Jari) crude. The average prices paid in the year 1968 varied from Rs. 98.82 per tonne for the Kalol crude to Rs. 114.30 per tonne for the Ankleshwar crude. The Oil and Natural Gas Commission also supplies crude oil to Burmah-Shell and Esso refineries from its Ankleshwar fields to meet a part of their requirement. The price of crude oil charged to these refineries is based on the landed cost of discounted Aramco and light Iranian (Agha Jari) crudes on a 50:50 ratio and sales tax, etc. The price paid for the Ankleshwar crude for the year 1968 worked out to Rs. 121.91 per tonne.<sup>34</sup>

The Assam Oil Company produces some crude from its own fields and processes it in its own refinery at Digboi, but as the quantity is not sufficient, it also obtains crude from Oil India Ltd. The cost of the crude oil produced by AOC from its own fields, including depreciation, amortisation, other overheads and royalty, came to Rs. 103.05 per tonne in 1968. The price of OIL crude charged to AOC for the same year worked out to Rs. 106.81 per tonne.<sup>35</sup>

As against the prices of indigenous crude charged to the different inland refineries for the year 1968, the cost of the imported crude for the same year (taking into account the differentials in quality and the source of supply), was Rs. 99.23 per tonne for Burmah-Shell, Rs. 96.46 per tonne for ESSO, Rs. 101.12 for Caltex and Rs. 94.14 for the Cochin Refineries Ltd.<sup>36</sup>

---

<sup>34</sup>Report of the Oil Prices Committee; *op. cit.*, 84-85.

<sup>35</sup>*Ibid*; p. 81.

<sup>36</sup>*Ibid*; p. 90.

## EUROPEAN PARLIAMENT\*\*

The European Parliament is a unique parliamentary institution. Although it came into existence in the early 'Fifties', it is still not very well known outside the European countries. It is neither an international assembly nor a legislature of any union of states, federation, confederation, or single sovereign state; it is the legislative wing of the European Economic Community of nine sovereign States<sup>1</sup> which have also their own national Parliaments.

*Origin:* The European Economic Community was earlier known as the European Coal and Steel Community which was set up on April 18, 1951 by a Treaty signed by six countries at Paris.<sup>2</sup> Its working underwent major modifications as a result of a further treaty signed at Rome in 1957. Unlike many national Parliaments, the European Parliament has not evolved or developed as a result of historical growth. It is rather a creation of treaties. An idea for the establishment of the European Parliament was mooted as early as in 1948 at the Hague meeting of the European leaders. However, it materialised only in 1951 when the Treaty of Paris provided for a Common Assembly to have some kind of control over the High Authority set up under that Treaty.

Under the Rome Treaty of 1957, with the European Economic Community and the European Atomic Energy Community, a 'Single Assembly' in place of a 'Common Assembly' was set up. The Single Assembly was later known as the European Parliamentary Assembly

---

\*Shri Goel is on the Staff of the Rajya Sabha Secretariat.

\*\*This paper is prepared on the basis of a study undertaken by the author under the U.K. Parliament Attachment Programme in the European Parliament and the National Parliaments in the U.K., France, the Netherlands, Belgium, Luxembourg and Italy.

<sup>1</sup>The nine member-States of the E.E.C. are Belgium, Denmark, (West) Germany, France, Ireland, Italy, Luxembourg; the Netherlands and the United Kingdom.

<sup>2</sup>Denmark, Ireland and the United Kingdom joined the Community on 1st January, 1973, under the Treaty of Accession (1972); the other six were there since 1951. In all the Treaties, reference is made to Germany and not to West Germany.

and on March 30, 1962 it became the European Parliament.<sup>3</sup> The European Parliament is, thus, a successor to the Common Assembly in its composition, powers and functioning.

*Composition:* The Parliament is unicameral. It consists of 198 members designated by the national Parliaments from among their members in accordance with the procedure laid down by each Member State. The number of members designated by each national Parliament is as follows: Belgium—14, Denmark—10, (West) Germany—36, France—36, Ireland—10, Italy—36, Luxembourg—6, Netherlands—14, United Kingdom—36.

As there is no fixed tenure, the members enjoy 'coterminus membership', i.e., they continue to serve the European Parliament till they remain members of their respective national Parliaments. It is interesting to note that the British Labour Party did not associate with the ruling Conservative Party in sending its delegates to the European Parliament as it did not approve of U.K.'s entry into the Community.

*Elections:* The Paris Treaty of 1951 and the Rome Treaty of 1957 contain specific provisions for elections to the Parliament by means of direct universal suffrage in accordance with a uniform procedure in all the member States. However, thus far it has not been possible to put this provision into operation. From a study of the document *The Case for Elections to the European Parliament by Direct Universal Suffrage* (September, 1969) it appears that all attempts made in this direction during all these years have met with no success.

The Parliament itself adopted a draft convention on May 17, 1960 on direct elections in terms of the Treaties. The draft convention was sent to the Council of Ministers of the Community. It *inter alia* provided for the number of members of Parliament being trebled and their term being five years. The Council of Ministers does not seem to have taken any decision in this regard so far. There have been several motions, resolutions, bills and questions in national

---

<sup>3</sup>On March 30, 1962, the Assembly passed a resolution to change its name from 'European Assembly' to the "European Parliament" (vide Official Report of Debates, No. 56, pp. 136—39).

This was a unilateral decision by the Parliament which has never been embodied in the provisions of any treaty.

Parliaments on direct election. The opinion in its favour is gathering strength. Even a bill known as the 'Popular Bill' was brought in the Italian Parliament and 200,000 signatures were secured for making direct elections effective. On the other hand, the French Government, which terms the Commission "a purely administrative body and not a Government" does not appear to favour direct elections. Thus inspite of the persistent demand in parliamentary, political and even administrative circles for a separate direct mandate for the members of the European Parliament ever since its inception, they have continued to be designated, nominated, appointed or elected all these years by the national Parliaments according to the procedures laid down by them. Possibly the European Parliament may try the device of indirect elections on the pattern of the elections to the Rajya Sabha in India. This may serve as a *via media* between the designation and direct election methods.

*Bureau of Parliament:* As against the procedure in Parliaments where the Speaker, the Chairman or the President is the final authority in finalising the agenda etc. of the sittings, the European Parliament follows a different system. It is the Bureau consisting of the President and eight Vice-Presidents which decides in a collective way the agenda of the sittings and permits questions—oral and written—resolutions etc. The President and in his absence, the first Vice-President presides over the sittings of the House. There is a provision in the Rules of Procedure for an enlarged Bureau consisting of the Bureau itself and the Chairmen of different political groups represented in Parliament. The enlarged Bureau prepares the draft agenda for the sittings of Parliament. The draft agenda is, however, subject to the approval of the House. The functioning of the enlarged Bureau is somewhat akin to that of the Business Advisory Committee of the Indian Parliament.

*Sessions:* Parliament meets on the second Tuesday in March each year. It meets ten or eleven times a year and the duration of each session is normally one week or so. In 1972 it had 11 sessions of 45 days and in 1973, 12 sessions of 50 days. Sitting hours are generally from 10 a.m. to 1 p.m. and from 3 p.m. to 7 p.m. The sessions are normally held at Strasbourg in France and occasionally at Luxembourg where its Secretariat is situated. The Parliamentary Committee meetings are mostly held at Brussels in Belgium, which is the headquarters of the European Commission.

*Languages:* All the documents of the Parliament are drawn up in six official languages, namely, Danish, Dutch, English, French, 3658 LS—7.

German and Italian. Speeches delivered on the floor of the House or at the Committee meetings in one of these six official languages are simultaneously interpreted into each of the other five official languages. Thus all the member States have got their own official language<sup>4</sup> recognised as the official language of the Parliament. It is interesting to note, however, that all these languages have one common script.

*Political Parties:* The Members of the European Parliament though designated by the national Parliaments are not designated to defend their national interests. In fact they represent the views and serve the interests of the entire European Community to which they are responsible while they sit as Members of the European Parliament. They do not vote on national lines. Sometimes members belonging to the same country but representing urban and rural constituencies vote on opposite sides.

Immediately after their designation to Parliament, members form themselves into different political groups according to their political ideology and temperament. At present, there are four prominent political groups, namely, Christian Democrats, Socialists, Liberals and Allies and the European Democratic Union. The first three cut across national lines and put forth the Community interest in their parliamentary functioning. The European Democratic Union, however, stands for national interests since it is formed of members representing the Gaullist Party in France. A few members prefer to remain unattached and among them are the Italian Communists. The membership of a political group is not compulsory. The Rules of Procedure, however, prescribe 14 as the minimum strength of a group for official recognition.

*Parliamentary Process:* The European Parliament, like national Parliaments, has adopted its own Rules of Procedure. However, it follows two sets of rules of procedure, one for the plenary sittings and another for other sittings. Every member is entitled to put oral questions (with or without debate) to the Commission or the Council or both at a plenary sitting. Likewise, resolutions and motions are first moved and debated on the floor of the House and then referred to the concerned Committees.

There is a well-defined procedure for the content of speeches, scope of debate, methods of voting, points of order, closure and quorum. The *verbatim* speeches in the original language of the

---

<sup>4</sup>French is the official language of France. Belgium and Luxembourg.

Community are published within a month. The debates are known as the Official Journal.

Outside the plenary sittings, members can give notices for written questions to the Commission or the Council. The questions with the answers are published in the Official Journal. Such of the oral questions which are refused by the Bureau are also treated as written questions. Oral questions may also be put by a Committee, a political group of five or more with the approval of the enlarged Bureau.

*Committees:* The Committee system is the nucleus of the working of the European Parliament. The Committees meet for about 300 days in a year because the Parliament having members from the national Parliaments cannot afford to meet frequently. The Committees, thus, play a definite role in continuity and effectiveness of parliamentary control over the executive wing of the Community. Furthermore, they keep a close liaison with the Commission and the Council of Ministers which keep them apprised of their current projects and future plans. All the proposals first come before Parliament, then they are referred to the Committee concerned which reports them back to the House where a vote is taken after discussion. This inter-play produces a balance between the executive and the legislature.

There are 12 standing committees on various subjects. These are: 1. Political Affairs Committee, 2. Economic Affairs Committee, 3. Committee for Finance and Budget, 4. Committee on Agriculture, 5. Committee on Social Affairs and Health Protection, 6. Committee on External Trade Relations, 7. Legal Affairs Committee, 8. Committee on Energy, Research and Atomic Problems, 9. Transport Committee, 10. Committee for the Association with Greece, 11. Committee for the Association with Turkey and 12. Committee on Relation with African States and Madagascar. In addition, there is, a Committee on Budget, Control Commission. Also, there are a number of temporary, general or special committees. Petitions are addressed to the President of the Parliament who refers them to a Committee set up for the purpose. In the near future there may be a Public Accounts Committee and a Public Expenditure Committee. In their functioning the Committees while examining some specialized subjects may associate experts with them. The Committees also undertake on-the-spot study tours within the territories of the Community. But they have no right to compel witnesses to appear.

*Community Legislation:* The European Parliament serves as the legislative wing of the European Economic Community. Basically

economic in its approach and programmes, the Community has adopted a somewhat democratic way of functioning. Besides the Parliament which signifies democratic control, the other important institutions of the Community are the Commission and the Council of Ministers, both representing the executive wing; and the Court of Justice, the symbol of judicial control. In order to understand the exact powers of the Parliament in policy making measures, it becomes necessary to have an elementary idea of the nature and functioning of these two bodies which are the powerful organs of the Community.

*The Commission:* The Commission is a fourteen-member body appointed by the nine member governments of the Community for a period of four years. There is one President and six Vice-Presidents. In the absence of any enumeration of the subjects, Community or National, for legislative purposes, the Commission is given powers under the various Treaties to initiate legislative measures. It is completely independent in its functioning and is not required to seek or accept instructions from any government or from any particular interest. It is, thus, the custodian of Community interests.

The Commission initiates the proposals and submits the same to the Council of Ministers for decision and to Parliament for information. The Council after meeting *in camera* places the proposals before the Parliament. The Council is not, however, bound by the opinion given by the Parliament on a particular proposal. The Commission then implements the proposals concurred in by the Council with or without Parliament's opinion. The Commission is presented in the House during discussion and is responsible to the Parliament. The Parliament has no hand in appointing the Commission but it can through a censure motion remove it as a body. Individual Commissioners cannot, however, be censured. The Commission is so powerful that it can move the Court of Justice against the erring member-Government for violation of the Treaties or the decisions taken by it thereunder. The Commission is not responsible to national Parliaments or national governments.

*The Council of Ministers:* The Council is made up of the Governments of member countries who are responsible to their respective national Parliaments and as such it is not responsible to the Commission or Parliament. The Council consists of 9 ministers, each member government sending one minister. It is the only Community institution where the national governments are directly represented. The Council has no tenure of its own, as the member governments send only the minister who is concerned with the



subject under discussion. For instance, Finance Ministers meet on financial or economic matters, the Agriculture Ministers on farm policy and the Transport Ministers on transport problems. It is said that there is an 'axis' of Commission—Council dialogue in policy matters. In case the ministers violate the Treaties in their obligations, the Council can be challenged in the Court of Justice.

**Powers of the Parliament:** In the light of near-absolute decision making powers enjoyed by the Commission—Council axis, Parliament is left with limited powers. So, the legislative processes like introduction, readings, committee and report stage of a legislative measure commonly found in national Parliaments are very much missing in the European Parliament. It in fact endorses the administrative proposals initiated by the Commission and submitted by the Council. To achieve this, the Rome Treaty of 1957 has given to it 'advisory and supervisory' powers. Article 137 says:

"The Assembly (European Parliament) which shall consist of representatives of the peoples of the States brought together in the Community, shall exercise the advisory and supervisory powers which are conferred upon it by this Treaty".

Although thus loaded with limitations and shortcomings in its functioning, the European Parliament nevertheless plays a definite role in decision making process and in many cases its opinion carries considerable weight. All the proposals initiated by the Commission for the concurrence of the Council have to come before Parliament. No proposal can be implemented unless it is surveyed by Parliament. Both the Commission and the Council have to keep Parliament informed of their problems and plans under the Treaties. It is true that Parliament does not enjoy much powers as such. Even so, within the ambit of its advisory role it has emerged as an effective forum which can question the activities of the Commission and the Council through oral and written questions, resolutions and motions. Mr. Hans R. Nord, Secretary-General, European Parliament on May 15, 1973 summarized its legislative powers before the Select Committee of the U.K. House of Lords, as under:

"...The European Commission draw up proposals. Before they submit these official proposals to the Council they may — this bears a bit on the subject — have had informal talks with one of our standing committees or, perhaps, in your terminology here I should say "Select Committees", because I understand that a standing committee

in your system is a little different from what we call a standing committee. In any case, one of our permanent specialised committees may have discussed with the commissioner the general intentions of the Commission on that particular subject. At one precise moment the Commission produces its formal proposals under the Treaty for Community Legislation, proposals which go up before the Council of Ministers. Before the Council considers these proposals they are sent on to the European Parliament for an opinion. The European Parliament refers these proposals to the relevant permanent Committee. The Commissioner is present while the matter is dealt with in committee. The committee reports the matter to the Floor of the House. A vote is taken. If the Parliament wishes to amend or to modify the Commission proposals, then the commissioner who is present is asked to what extent our amendments would be acceptable to the European Commission. If they are, it means that the Commission then changes its proposals to the Council and that the text going up to the Council modified. After that the Council considers the proposals and takes the final decision, knowing not only what the Commission has originally proposed but also what the European Parliament thinks of these proposals and what modifications the Parliament would like to see made to these proposals".<sup>4</sup>

*Budgetary Powers:* Till the Treaty signed on April 22, 1970 Parliament had practically no voice in the Community budget except in expressing its opinion thereon. The Treaty has strengthened its powers in controlling the budget on the functioning of the other institutions of the Community amounting to only about 5 per cent of the total budget, known as the 'free part' of the budget. But with this power Parliament has gained control over the working of other Community institutions. From 1975 it will be the final authority on this part of the budget. For the remaining 95 per cent of the budget, for the present, Parliament continues proposing amendments and in case amendments are not accepted, the Council is obliged to give reasons for non-acceptance. Under the Treaties all the proposals must come before Parliament. But in case Parliament is not asked on a particular proposal, it can of its own initiative have a debate and vote a motion for the guidance of the Council at its decision taking stage.

In some cases, the Council also informs Parliament of the reasons for not following the amendments proposed by the latter. In fact the final word for adopting a piece of legislation lies with the Council and Parliament's role is limited to "advice and consent".

---

<sup>4</sup>House of Lords; *Minutes of Evidence taken before the Select Committee on Draft European Instruments*, May 15, 1973, p. 165.

*Relationship with National Parliaments:* Under the Treaties, the European Parliament is not required to apprise the national Parliaments of the Community legislation. It is for the Commission to communicate the legislation to the national Governments since the Community laws are directly binding on individual citizens uniformly throughout the Community territories. There is, therefore, no direct communication between the European Parliament and the national Parliaments over the Community proposals and programmes. It may be reiterated that the members of the European Parliament though designated by the national Parliaments are **not** responsible to their own Parliaments. The individual ministers, on the other hand, whom the national Governments send to the Council are responsible to their respective Parliaments. The ministers may be cautioned in advance of what the national Parliament expects of them in a certain matter or they can be criticised afterwards. This is the position under the Treaties. But since the centres of power of the Community are still the national centres of power, or in other words, the national Parliaments, the functioning of the European Parliament can be freely discussed and criticised on the floor of the national Parliaments. The following excerpts from the proceedings of the House of Commons would illustrate the point:—

“It does not add to the confidence of Members of this House or of people outside when they see the body which is described by law in the Treaty of Rome as the European Assembly described by a different title as the European Parliament. We know that body describes itself like that quite illegally because it has no power to change the wording of the Treaty, but we expect more of a Member of the Government than to use such a term in a motion before the House when he knows it is illegal under the law of the Community which, by act of the Government is now the law of this land”.

\* \* \* \* \*

“What is the expenditure incurred by us when a Committee of the European Parliament comes here? The institution has its own resources. It wastes its own resources on subsidising visits by any body and on living in two places. It wastes its resources on a vast scale. Is it not capable of paying for the expenses of its committees? The right hon. Gentleman did not make this clear. He said that it pays for most or some of the expenses of its committees but that we have to pay some. What are the costs that we must incur and why should not they be borne by the institution?”

\* \* \* \* \*

“I also agree with the point made by the hon. Members for Nottingham, West, about the absurdity of having two sitting places for the Parliament. Surely Europe is supposed to speak with one voice, if it has one Parliament and

one assembly. Surely it is entitled to only one building. It cannot have one voice and two buildings in different cities. True, there are two buildings here—the one in which we are now sitting and the other place but they are in one major centre. We should take steps to bring great pressure to stop this rather foolish divisive nonsense between what are supposed to be partners among the nine Community countries”.

\* \* \* \* \*

“I say that partly for the general reason that the relationship between the British Parliament and the European Assembly not only on questions of financing — is becoming a much more dangerous relationship. The European Assembly will be either a farce or a menace.”

\* \* \* \* \*

“We want to hear the Government’s policy. The Government are still answerable to the House of Commons on their general attitude to the European Assembly”.<sup>5</sup>

\* \* \* \* \*

*Scrutiny of Legislation:* Some of the national Parliaments, like German, Dutch and British, have set up their own examining committees for scrutiny of the Community legislation. They can also examine the officials of the European Parliament. It is pertinent to note that on May 15, 1973, the Select Committee on European Matters of the British House of Lords and the House of Commons examined, separately, the Secretary-General of the European Parliament on its working *vis-a-vis* the working of the national Parliaments.

*Conclusion:* The weakness of the European Parliament in its functioning and powers under the Treaties is quite apparent. In this respect President Cornelis Berkhouwer of the European Parliament himself commented:

“The Community decision making process is at present essentially characterised by a dialogue between the Commission and the Council. The Commission proposes, the Council decides. The time is coming when this ‘axis’ will have to be replaced by a genuine ‘triangle’ consisting of the Commission, the Council and Parliament. This would mean that legislative acts of the Council could only take effect after their approval by the Parliament. This requirement should be written into the community treaties when the next substantial amendments are made.”<sup>6</sup>

<sup>5</sup>House of Commons Debates, June 12, 1973, Cols. 1129—1166.

<sup>6</sup>European Communities Press and Information, London Office, *strengthening the Powers of the European Parliament—Background Note*, July, 1973.

Under the Treaties, the Commission proposes, the Council decides and the Parliament deliberates. The first two, being executive organs, function behind closed doors, whereas the Parliament is a body which deliberates in public. The Secretary-General of the European Parliament, Mr. Nord made the following observations in this regard before the British House of Lords Select Committee on Draft European Instruments:

“...The European Parliament over the years has always insisted on having a stronger role in Community legislation because the European Parliament being a public body deliberating and deciding and voting in public, automatically then the act of deciding on rules which will be binding on all the citizens in our Community would be done in public and seen to be done in public.”<sup>7</sup>

The Community is wedded to achieve the following fundamental aims: “... to end centuries of European rivalry and attempts at domination through armed conflicts;... to remove national trade barriers, and so create a larger market with a more effective use of resources;... to get rid of antiquated frontier controls and the national prejudices they help maintain;... to harness the energies of more than 250 million Europeans for greater welfare and social justice and for a better way of life for the younger generation;... to recover some of the world influence that European nations separately have lost;... to be a stronger force for world peace and a better source of aid for the world's poor;... to introduce, by their example, a more stable system of international law and order, based on consent, not conquest.”<sup>8</sup>

To achieve the above aims the Community leaders at a Summit Conference in Paris in October, 1972 resolved to form a “broader and deeper European Union by the end of this decade... to act together to cope with Europe's growing world responsibilities, and to improve their decision making procedures and the functioning of the community's institutions”.<sup>9</sup> In the wake of the Paris Summit the European Parliament along with other European institutions would emerge as a stronger entity in its powers and control. For the present, and to make Parliament an effective parliamentary institution for having partnership in Community measures under the existing circumstances, President Cornelis Berkhouwer suggests the following roles:

---

<sup>7</sup>House of Lords, *Minutes of Evidence*, op. cit., p. 187.

<sup>8</sup>A Brief Guide to the Enlarged European Community (undated).

<sup>9</sup>Ibid.

*A. Parliament's role in decision-making*

(i) the Commission forwards its proposals simultaneously to the Council and Parliament, and the Council undertake not to consider the texts until Parliament has officially delivered its opinion;

(ii) the Commission discusses its proposals with Parliament and, if necessary, amends them;

(iii) the text (amended, where appropriate) of the Commission's proposal and Parliament's opinion are forwarded to the Council. The last defines its position and sends it to Parliament which replies within 20 days to the effect that:

(a) the Council should reconsider its opinion (in which case Council and Parliament debate again in plenary session of Parliament, whereupon the Council will draw up the final text of its decision);

or

(b) the Council does not need to reconsider its decision, which can therefore take effect after 20 days. If Parliament does not request a new debate within the 20 days, this is to be taken as assent to the Council's decision.

*B. Parliament's role in Treaty-making with non-member countries*

(i) At present, Parliament is only consulted on agreements "establishing an association involving reciprocal rights and obligations, common action and special procedures". Parliament is, on the other hand, not consulted on the conclusion of trade agreements. The Council and Parliament differ on the interpretation of Article 238<sup>10</sup> as to:

(a) whether Parliament should be consulted before or after the signature of an agreement by the Council;

---

<sup>10</sup>The Community with a third State, a Union of States or an international organisation, agreements for establishing an association involving reciprocal rights and obligations, common action and special procedures. These agreements shall be concluded by the Council, acting unanimously after consulting the Assembly-Rome Treaty of 1957.

(b) as to which agreements may be defined as "association agreements"

(ii) Under a gentleman's agreement (the June Procedure) the appropriate Committee of the Parliament is confidentially and unofficially informed of the substance of the treaty before its signature. The Council has agreed to follow in principle the same procedure with trade agreements.

(iii) Parliament is dissatisfied with this because of the increasing number of agreements with non-member countries, and particularly with regard to agreement no longer requiring the assent of national Parliaments.

(iv) it would be unreasonable for Parliament to debate in plenary session before the conclusion of negotiations which, by their nature, must remain confidential. But an undertaking by the Council to consult Parliament officially before international agreements are signed would represent a considerable step forward. Parliament would not have the right to amend these texts but, from the political standpoint, its opinion would have the effect of ratification.

### C. *Parliament's role in the appointment of the Commission*

(i) While the members of the Commission are appointed by the common agreement of the member governments, Parliament exercises a supervisory role accompanied by the power to pass a motion of censure. It is, therefore, wrong that Parliament should play no part in the appointment of the Commission.

(ii) Before the member governments appoint the Commission provision should be made for contacts with Parliament for an exchange of views. Parliament's opinion on the appointments would be purely consultative, but it would lend strength to the decision of the governments of the member States, as well as enhancing the prestige of the new Commission and of the European Parliament".<sup>11</sup>

---

<sup>11</sup>Back ground Note, *op. cit.*

Whatever may be the mode of composition, powers and functioning of the European Parliament it need not be over emphasized that it is definitely an addition to the list of world Parliaments and is destined to play a leading role in arousing international thinking on the setting up of such institutions in other parts of the world. The world at present is in the grip of a grave economic crisis. The developing and under-developed countries are adversely affected by growing global inflationary trends. It is time for these countries to come together and cooperate in the common task of economic development and amelioration of the conditions of their peoples. The need the hour is to harness all available resources for economic betterment and that is possible if the institutions on the pattern of the European Economic Community are set up by these countries.



## PARLIAMENTARY EVENTS AND ACTIVITIES

### A. SYMPOSIA AND CONFERENCES

#### *Nineteenth Commonwealth Parliamentary Conference (United Kingdom—September, 1973)*

The Nineteenth Commonwealth Parliamentary Conference was held in London (U.K.) in September, 1973. The Indian Delegation to the Conference was led by Dr. G. S. Dhillon, Speaker, Lok Sabha. The other members of the delegation were Shri Dinesh Chandra Goswami, M.P., Shri Shyamnandan Mishra, M.P., Shri S. M. Siddayya, M.P., Shri M. R. Vyas, M.P., Shri Shyam Lal Yadav, M.P. and Shri S. L. Shakdher, Secretary-General, Lok Sabha. Shri Raghavji T. Leuva, Speaker, Gujarat Legislative Assembly, Shri Apurbalal Majumdar, Speaker, West Bengal Legislative Assembly, Shri V. S. Page, Chairman, Maharashtra Legislative Council, Thiru P. Sreenivasan, Deputy Speaker, Tamil Nadu Legislative Assembly, Shri Harcharan Singh, M.L.A., Punjab, Shri H. D. Deve Gowda, M.L.A., Leader of Opposition, Mysore, Shri Ram Kishore Vayas, Speaker, Rajasthan Legislative Assembly, Shri Madhavsingh Solanki, M.L.A., Gujarat, Shri P. Ranga Reddy, Speaker, Andhra Pradesh Legislative Assembly, Shri Vasudeva, Deputy Speaker, Uttar Pradesh Vidhan Sabha, Shri Golak Chandra Rajbanshi, Deputy Speaker, Assam Legislative Assembly; Shri Vasudeva, Deputy Speaker, Uttar Pradesh Vidhan Sabha; Shri Kultarchand Rana, Speaker, Himachal Pradesh Vidhan Sabha; Shri Gulsher Ahmed, Speaker, Madhya Pradesh Vidhan Sabha; Shri K. Moideen Kutty Haji, Speaker, Kerala Legislative Assembly; Shri Sunil Mukherjee, M.L.A., Bihar; Shri Abdul Gani Goni, Speaker, Jammu and Kashmir Legislative Assembly also attended as delegates of their respective State Branches of the Commonwealth Parliamentary Association. Shri Priyadhar Barua, Secretary, Assam Legislative Assembly attended the Conference as Secretary from State Branches.

---

\*Contributed by the Conference Branch Lok Sabha Secretariat.

The following subjects were discussed:—

- (1) The Enlarged European Community and the Commonwealth.
- (1) The Enlarged European Community and the Commonwealth.
- (3) Economic Problems:
  - (a) Britain's entry into the EEC and the need to promote intra-Commonwealth trade.
  - (b) Regional economic arrangements.
  - (c) International monetary reform and its implications for Commonwealth countries.
  - (d) Tourism and economic growth in the Commonwealth.
- (4) Social Problems:
  - (a) Erosion of law and order and social values
  - (b) Protection of environment.
- (5) Future of the Smaller territories of the Commonwealth.
- (6) Commonwealth Immigration Policies.
- (7) Parliamentary Government: Where is it heading?

Tours of the U.K. were also arranged for the delegates by the U.K. Branch of the Commonwealth Parliamentary Association.

*113th Session of the Inter-Parliamentary Council  
Geneva—October, 1973*

The 113th Session of the Inter-Parliamentary Council was held in Geneva in October, 1973. The delegation to the Council Session from India was composed of:—

1. Dr. G. S. Dhillon, Speaker, Lok Sabha.
2. Shri Godey Murahari, Deputy Chairman, Rajya Sabha.
3. Shri S. L. Shakhder, Secretary-General, Lok Sabha.

The following subjects were discussed at the Council Session:—

1. Problems of Peace in South-East Asia.
2. Situation in the Middle East.
3. Promotion of Fundamental Principles which should govern International Relations, particularly among States with different social systems.

4. International Monetary System.

5. Development and Strengthening of Scientific Co-operation among States in the interest of peace and security.

6. Measures to be taken for the effective application of the United Nations Charter and International Texts relating to Human Rights in Non-Self-Governing Territories.

7. Abolishment by force of constitutional and democratic institutions and violation of Human Rights and freedom in Chile.

8. 25th Anniversary of the Universal Declaration of Human Rights.

Dr. G. S. Dhillon, Speaker, Lok Sabha was elected President of the Inter-Parliamentary Union at the above Session.

The Association of Secretaries-General of Parliaments also met in Geneva during this period. Shri S. L. Shakhder, Secretary-General of Lok Sabha was unanimously elected President of the Association.

*Conference of Presiding Officers of Legislative Bodies in India  
(Gandhinagar, Gujarat—December, 1973)*

The Thirty-Ninth Conference of Presiding Officers of Legislative Bodies in India was held in Gandhinagar (Gujarat) on December 29 and 31, 1973. Dr. G. S. Dhillon, Speaker of Lok Sabha and Chairman of the Conference of Presiding Officers, presided. Almost all the Presiding Officers of Legislative Bodies in India as also the Deputy Speaker of Lok Sabha attended the Conference.

At the outset, Shri Raghavaji T. Leuva, Speaker of Gujarat Legislative Assembly delivered his welcome address. Thereafter, the Chairman of the Conference, Dr. G. S. Dhillon, delivered his address.

Before the points on the Agenda were taken up, the Conference adopted unanimously the following resolution moved by Shri Leuva, Speaker, Gujarat Legislative Assembly felicitating Dr. G. S. Dhillon, Speaker of Lok Sabha and Chairman of the Conference on his election as the President of the Inter-Parliamentary Council of the world and Shri S. L. Shakhder, Secretary-General of Lok Sabha and Secre-

tary-General of the Conference of Presiding Officers on his unanimous election as the President of the Association of the Secretaries-General of Parliaments of the world:—

“The Conference of Presiding Officers of Legislative Bodies in India places on record its profound happiness at the recent election of Hon’ble Dr. G. S. Dhillon, Speaker of Lok Sabha and Chairman of the Conference of Presiding Officers as the President of the Inter-Parliamentary Council of the world and while felicitating him on his election, extends its hearty congratulations to him.

The Conference also extends its congratulations to Shri S. L. Shakhder, Secretary-General of Lok Sabha and Secretary-General of the Conference of Presiding Officers on his recent unanimous election as the President of the Association of the Secretaries-General of Parliaments of the world.

The elections of Hon’ble Dr. G. S. Dhillon and Shri S. L. Shakhder have brought honour not only to them personally but also to the country and its parliamentary institutions.”

The Conference discussed the following points on Agenda:—

(i) *Ordinances*:—Desirability of imposition of taxes or duties through Ordinances.

(ii) *Speaker*:—Whether the Speaker should be the Chairman of any Committee of the House?

(iii) *Adjournment Motions*:—Whether there can be Adjournment Motions in the Upper House?

(iv) *Assembly Records*:—What stand should be taken by the Speaker in regard to Summons received by him from the High Court on a *habeas corpus* writ petition relating to sentence of imprisonment passed by the House against some visitors for having disturbed the proceedings of the House?

(v) *Parliamentary Committee*:—Can the Speaker appoint an Assembly Committee to investigate and report on a matter of public importance brought to the knowledge of the House?

(vi) *Leader of the Opposition*:—Whether it is incumbent upon the Speaker to derecognise the Leader of the Opposition during suspension of a Legislature under article 356 of the Constitution?

(vii) *Ordinances*:—Whether an Ordinance could be issued by the Governor in a case where a Bill containing identical provisions has been passed by the Legislative Assembly and the Legislative Council has referred the same Bill to a Select Committee and the Bill is under consideration of the Select Committee?

(viii) *Legislation*:—What are the circumstances in which amendment mentioned in Article 207(1) of the Constitution requires previous sanction or recommendation of the President or Governor to move in the House independently of the sanction or recommendation given to the Bill? Whether same procedure applies to the amendments that may be moved in respect of Bills mentioned in Article 207(3)?

(ix) *Joint/Select Committees*:—Rule 165(4) of Rules of Procedure and Conduct of Business in the Bihar Legislative Council reads as follows:—

“The Minister-in-Charge of the Department to which the Bill relates and the member who has introduced the Bill shall be members of every joint Select Committee. The Minister shall be chairman of the Committee and in his absence from any meeting the members present may select one from among their number to be the Chairman of that meeting. The Chairman shall have only a single vote, and if the votes are equal the question shall be decided in the negative.”

If the portfolio of a Minister who was member of a Joint/Select Committee on account of his having been the Member-in-Charge of a Bill is changed, whether the new Minister-in-Charge of the Department to which the Bill relates can automatically become a member of the Joint/Select Committee, thereby increasing the strength of the Committee beyond the number fixed in the original motion adopted by the House?

(x) *Legislation*:—Whether leave of the House to introduce a Money Bill initiated by a Private Member can be refused even though the necessary recommendation of the Governor for its introduction in and consideration by the Legislature are duly obtained with the prior approval of the Finance Department?

(xi) *Audit Reports*:—What measures should be evolved in order to avoid delay in the transmission of Audit Reports to the Legislature?

#### *Conference of Secretaries of Legislative Bodies in India*

(Gandhinagar, Gujarat—December, 1973)

The Nineteenth Conference of Secretaries of Legislative Bodies in India, was held on December 28, 1973 in Gandhinagar (Gujarat).

Besides the Secretaries-General of Rajya Sabha and Lok Sabha, 18 Secretaries of State Legislatures attended the Conference.

After the welcome speech by Shri D. G. Desai, Secretary, Gujarat Legislative Assembly, Shri B. N. Banerjee, Secretary-General, Rajya Sabha (Chairman of the Conference) and Shri S. L. Shakdher, Secretary-General of Lok Sabha addressed the Conference.

The Conference, thereafter, discussed the following points on the Agenda:—

(i) If any Legislator can claim any privilege on the ground that he was beaten by the police when under custody, arrest being made in C.P.C. and I.P.C. and if it is a breach of privilege if a Member is handcuffed and roped after arrest in criminal case.

(ii) When a Minister gives reply to some question in the House, it so happens, at times, that the Member-in-Charge of the question or any other member putting a supplementary challenges the reply, on the ground of a personal knowledge. Quite often both sides assume assertive attitude and they offer to resign from public life if their statement is proved to be false and a request is made to the Speaker to appoint a Committee to verify the truth and to report. Similar situation at times arises even when any member makes a statement by way of personal explanation.

What should be the advice of the Secretary to the Speaker on such occasions?

(iii) Can the Committee on Public Accounts examine the reports of the Comptroller and Auditor-General of India relating to the appropriation accounts before they are laid on the Table of the House?

(iv) Formulation of a centralised training programme on Parliamentary practice and procedure.

#### *Presiding Officers' Conference—Symposium*

A Symposium on the 'Office of the Speaker and Independence of Legislature Secretariats' was held under the auspices of the Gujarat Parliamentary Association in the Conference hall of the New M.L.A.'s Hotel, Gandhinagar on December 30, 1973.

The Speaker of Lok Sabha, Dr. G. S. Dhillon, who is the Chairman of the Conference of Presiding Officers and President of the Indian Parliamentary Association, presided over the Symposium.

Shri Chimanbhai Patel, Chief Minister of Gujarat and Vice-President of the Gujarat Parliamentary Association initiated the discussion.

The Deputy Speaker, Lok Sabha, the Presiding Officers of State Legislatures in India, one Member of Parliament from Gujarat and some Ministers and Members of Gujarat Legislative Assembly participated in the Symposium.

*Felicitations to Dr. Govind Das, M.P.*

A meeting of Members of Parliament was held in the Central Hall of Parliament House on Wednesday, November 2, 1973 to felicitate Dr. Govind Das, M.P. on completion of 50 years of his Parliamentary life. The Speaker, Lok Sabha presided. At the meeting, the Prime Minister and Leaders of Groups in Parliament felicitated Dr. Govind Das. On behalf of the Members of Parliament, a *Tamrapatra* (copper plaque) was presented by the Speaker to Dr. Govind Das.

A play written by Dr. Govind was and staged by Kala Sangam Troupe of Jabalpur Natya Sangh was also presented on Thursday, November 29, 1973 in the Mavalankar Auditorium, New Delhi.

*Birth Centenary of late Shri Vithalbhai Patel*

A meeting of Members of Parliament was held in the Central Hall of Parliament House on Tuesday, December 18, 1973 in connection with the Birth Centenary of late Shri Vithalbhai Patel, who was the President (Speaker) of the Central Legislative Assembly from 1925 to 1930. The Speaker, Lok Sabha presided. The Speaker, the Prime Minister and Leaders of Groups in Parliament addressed the meeting.

## B. FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

*Visit of the Speaker of British Honduras*

Hon. Sir Harrison Courtenay, Speaker of the House of Representatives of British Honduras accompanied by Lady Courtenay and their daughter, visited India in September, 1973. They called on the Speaker, Lok Sabha and watched the proceedings of Lok Sabha and Rajya Sabha on September 4, 1973. The Speaker, Lok Sabha hosted a dinner in their honour on that day.

*Visit of Hon'ble R. Carpio Castillo, M.P.*

Hon'ble R. Carpio, M.P. (Venezuela) and Mrs. Castillo visited India in November, 1973. They visited Parliament House on November 2, 1973. The Speaker, Lok Sabha also hosted a lunch in their honour on that day. Besides Delhi, they visited Agra.

*Visit of a Team of British M.Ps.*

A six-member team of British M.Ps. visited India in November, 1973 on their way back from Bangladesh. They called on the

Speaker, Lok Sabha and watched the proceedings of Lok Sabha and Rajya Sabha on November 30, 1973. The Speaker, Lok Sabha hosted a lunch in their honour on November 30, 1973. Besides Delhi, they visited Agra.

#### *Visit of Swiss Parliamentary Delegation*

In response to an invitation from India, a ten-member Swiss Parliamentary Delegation led by H.E. Mr. Marius Lampert, President of the Swiss Senate visited India in November, 1973. The delegation called on the Speaker, Lok Sabha at Parliament House on November 15, 1973. The Speaker, Lok Sabha hosted a dinner in their honour on that day. The delegation watched the proceedings of Lok Sabha and Rajya Sabha on November 16, 1973. A meeting between the delegation and Members of Parliament was also held on that day. Besides Delhi, the delegates were taken to some places of cultural and industrial interest, viz., Faridabad, Agra, Patiala, Chandigarh and Bombay.

#### *Vsiti of H.E. Mr. Stanley Tillekaratne, Speaker of the National State Assembly of Sri Lanka and Mrs. Tillekaratne*

In response to an invitation from India, H.E. Mr. Stanley Tillekaratne, Speaker of the National State Assembly, of Sri Lanka and Mrs. Tillekaratne visited India in November-December, 1973. They called on the Speaker, Lok Sabha at Parliament House on November 27, 1973. The Speaker, Lok Sabha hosted a dinner in their honour on that day. They visited Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha on November 28, 1973. Besides Delhi, they were taken to some places of cultural and industrial interest, viz., Madras, Bhopal, Sanchi, Varanasi, Kushi-nagar, Bodh Gaya, Agra and Bombay.

#### *Visit of Bulgarian Parliamentary Delegation*

In response to an invitation by India, a five-member Bulgarian Parliamentary Delegation led by H.E. Dr. Vladimir Bonev, M.P., Chairman of the National Assembly of the People's Republic of Bulgaria visited India in December, 1973. The delegation visited Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha and also called on the Speaker, Lok Sabha on December 17, 1973. A meeting between the delegation and Members of Parliament was also held on that day. The Speaker, Lok Sabha hosted a dinner in their honour on the same day. Besides Delhi, the delegates were taken to some places of cultural and industrial interest, viz., Agra, Hyderabad, Bangalore, Bombay and Calcutta.



*Visit of Mr. Emilio Nina Ribeiro, Brazilian, M. P.*

Mr. Emilio Nina Ribeiro, Brazilian, M.P. visited India in December, 1973. He watched the proceedings of Lok Sabha and Rajya Sabha on December 18, 1973. The Speaker, Lok Sabha hosted a dinner in his honour on that day. Besides Delhi, he was taken to some places of cultural and industrial interest, viz., Agra and Fairi-Bangalore and Bombay.

*Visit of Parliamentary Delegation from the Republic of Korea*

In response to an invitation by India, a nine-member Parliamentary Delegation from the Republic of Korea led by H. E. IL Kwon Chung, M.P., Speaker of the National Assembly of the Republic of Korea visited India in December, 1973. The delegation called on the Speaker, Lok Sabha on December 21, 1973 at Parliament House. A meeting between the delegation and Members of Parliament was also held on that day. The Speaker, Lok Sabha hosted a dinner in their honour on the same day. The delegation visited Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha on December 22, 1973. Besides Delhi, the delegates were taken to some places of cultural and industrial interest, viz., Agra and Fairidabad.

*Visit of Australian Parliamentary Delegation*

In response to an invitation by India, a nine-member Australian Parliamentary Delegation led by Hon'ble Les Johnson, M.P., Minister for Housing and Construction, visited India in January, 1974. The delegates called on the Speaker, Lok Sabha at Parliament House on January 14, 1974. They visited Parliament House including the Lok Sabha and Rajya Sabha Chambers, Central Hall and Parliament Library on that day. The Speaker, Lok Sabha hosted a dinner in their honour on the same day. Besides Delhi the delegates were taken to Narora, Agra and Bombay. At Narora, the delegates attended the inauguration of Narora Atomic Power Project by the Prime Minister.

*Visit of H.E. Sir Magnus Cormack, President of the Australian Senate*

H.E. Sir Magnus Cormack, President of the Australian Senate visited India in February, 1974. He called on the Speaker, Lok Sabha at Parliament House on February 4, 1974. The Speaker, Lok Sabha hosted a dinner in his honour on that day.

## PRIVILEGE ISSUES\*

LOK SABHA

### *Alleged inaccuracy in the information given by a Minister in the House.*

On December 13, 1973, Shri Jyotirmoy Bosu, a member, sought to raise<sup>1</sup> a question of privilege against the Minister of State in the Ministry of Finance, Shri K. R. Ganesh, for allegedly giving wrong information to the House during supplementaries on a Starred Question. Shri Bosu stated that on December 8, 1972, while replying to a supplementary Starred Question on the disparity of pay scales and conditions of service of the two classes of Income Tax Officers, the Minister had stated as follows:—

“The hon. Member has asked three questions. First, he has asked whether the PAC had recommended the abolition of class II officers' cadre in the Income Tax Department. I am informed that the PAC did recommend this, but the Department later on discussed it with the PAC and the PAC was persuaded to withdraw this position.”

Shri Bosu contended that the Public Accounts Committee had not made any such recommendation nor were they persuaded to withdraw any recommendation. The Minister had thus, he alleged, deliberately misled the House and lowered the Public Accounts Committee in the eyes of the public.

The Speaker, Dr. G. S. Dhillon, observed<sup>2</sup> as follows:—

“There is no question of privilege. I want to tell you once and for all that in the case of such matters, when a member is not satisfied and I find something incorrect in the statement, it is not a question of privilege at all—it is referred to Minister under Direction 115... The whole discussion has arisen because of the words that ‘the Committee were persuaded’... There is nothing in this except the use of a

---

\*Contributed by Committee Branch I of the Lok Sabha Secretariat.

<sup>1</sup>L.S. Deb., December 12, 1973.

<sup>2</sup>Ibid.

wrong expression... Instead of referring to the matter having been discussed and dropped, he said 'persuaded' which perhaps will not be good instance for the future.

Shri K. R. Ganesh, thereupon, stated *inter alia* as follows:—

"I have in my first submission itself mentioned already that the expression 'persuaded to withdraw' was an unhappy and inappropriate expression. If for that your suggestion has been, and it is the feeling of the House also, that I should express regret for this inappropriate expression which I had used, I have absolutely no hesitation in expressing regret to this inappropriate expression which I had used."

The matter was then closed.

#### ANDHRA PRADESH LEGISLATIVE ASSEMBLY

##### *Alleged false information given to the House*

On August 5, 1971, Shri Uppal Malsoor, a member, sought to raise<sup>3</sup> a question of privilege on the ground that the Minister for Panchayati Raj had given an alleged false information to the House while answering a question on August 4, 1971 that a bund laid across the crook which supplied water to Todella Kunta (Pond) in Mutharam village, Warrangal had been removed on July 20, 1971 while in fact it had not been done till August 5, 1971 and requested that the matter be referred to the Committee of Privileges.

On August 8, 1971, the Speaker referred the matter to the Committee of Privileges.

The Committee of Privileges heard oral evidence of Shri Uppal Malsoor and Shrimati N. Vimla Devi, members, and of Shri A. Parasurama Reddy, Tahsildar, Jangaon, and also obtained written explanations from the concerned officers.

In his evidence before the Committee, the Tahsildar stated that as per the orders of the Collector, the bund was removed on July 20, 1971. He produced a *Panchnama* made on that occasion in support of his statement.

The Committee of Privileges, in their Sixteenth Report presented to the House on December 3, 1972, stated that in the light of the oral evidence and documents produced, there was no case for breach of privilege in this case.

<sup>3</sup>A.P.L.A., August 5, 1971.

The Committee recommended that the matter might be dropped. No further action was thereupon taken by the House.

#### KERALA LEGISLATIVE ASSEMBLY

##### (i) *Casting reflections on a Committee of the House*

On July 27, 1971, the Speaker informed<sup>4</sup> the House that Shri N. I. Devassykutty, a member had given notice of a question of privilege against Sarvashri P. N. Chandrasenan, Thalavady Oommen, O. Lukose, P. J. Joseph and K. M. Soopi, members based on a news report published in the *Deepika*, a Malayalam daily, dated June 9, 1971, under the captions: "Taking of evidence by the Select Committee a mere farce."<sup>5</sup>

The Speaker added that according to Shri Devassykutty, the statement alleged to have been made by the five members at a Press Conference jointly convened in Cochin on June 8, 1971, was intentionally made by them with the aim of bringing the Select Committee on the Cochin University Bill into public contempt.

The Speaker also informed the House that he had asked the concerned members to state what they had to say in the matter and added, *inter alia*:

"(i) Shri K. M. Soopi in his reply dated July 17, 1971 has stated that no such statement as published in the *Deepika* was issued by him regarding the select Committee on the Cochin University Bill and that he did not know 'how such a statement happened to be published in the *Deepika*.' I accept the statement of Shri K. M. Soopi.

(ii) The replies received from Sarvashri P. N. Chandrasenan, Thalavady Oommen O. Lukose and P.J. Joseph are essentially similar in nature. They have denied having said that the performance of the Select Committee was a farce, but have stated that as an important piece of legislation, the Cochin University Bill required careful study and that it appeared to them that the approach of the Minister who is in charge of the Bill was a farce.

After carefully considering the replies received from the Hon'ble members I have come to the conclusion that the question needs further examination.

<sup>4</sup>Kerala L.A. Deb., July 27, 1971.

<sup>5</sup>Original in Malayalam.

Taking into consideration the peculiar features of the present case, I am referring the question of breach of privilege against Shri P. N. Chandrasenan, Shri Thalavady Oommen, Shri P. J. Joseph and Shri O. Lukose to the Committee of Privileges for examination and report."

The Committee of Privileges after considering written statements of the concerned members and hearing their oral explanation, in their third report presented to the House on December 6, 1971, reported, *inter alia*, as follows:—

"(i) From the explanations received from the members, it appears that they have tried to distort the statements reported to have been made by them at the press conference. They have stated that the approach and attitude of the Minister were farcical. Evidently, this new version does not make much sense. If what they claim to have stated means that the approach and conduct of the Minister was such that the deliberations of the Committee were reduced to a farce, it is a serious reflection on the Committee as a whole and also on the capacity of the individual members thereof. If on the other hand their intention was only to criticise or comment upon the attitude or conduct of the Minister in his capacity as the Chairman, then also it amounts to a breach of privilege and contempt of the House.

(ii) In their oral statements made before the Committee, the members stated that it was far from their intention to cast any reflections on the Committee as a whole or the members thereof. They also stated that they had not meant to cast any aspersion on the Chairman in relation to his conduct in the Committee. According to them, their criticisms were against him in his capacity, as the Minister for Education.

(iii) After carefully considering the statements made by the four members, the Committee feel that the above mentioned argument is not at all convincing. The Minister for Education, who was in charge of the Cochin University was the Chairman of the Select Committee and any adverse criticism about his conduct in or approach to the Select Committee can only be construed as having been made against him in his capacity as the Chairman of the Select Committee.

(iv) As responsible members of the Select Committee they could have adopted one of the following courses:

(a) If the approach or conduct of the Minister, in their opinion, was such as to reduce the Committee and its deliberations to a farce, they could have pointed out that fact in the Committee itself and could have taken effective remedial measures to prevent the same.

(b) If on the other hand, their complaint was that the Chairman had not been taking the Committee seriously, they could have brought the issue before the Committee.

(c) Again, if they had felt that some of the suggestions put forth by them were not seriously considered by the Chairman or other members of the Committee, they could have waited and recorded dissenting notes in the report of the Select Committee.

(v) The Committee feel that it was highly improper on the part of the members of the Select Committee to ventilate their grievances against the Chairman of the Committee through the columns of the press. Such remarks casting aspersions and attributing irresponsibility would tend to diminish the respect due to the Select Committee which in effect would amount to a breach of privilege of the House.

However, the Committee noted that the members, while explaining their position had stated in explicit terms that it was not their intention to cast any aspersions against the Chairman of the Select Committee as such and also expressed their regret if they had unwittingly given any such impression among others.

(vi) The Committee recommend that in views of the expression of regret by the members no further action be taken."

The Report of the Committee was adopted<sup>6</sup> by the House on December 7, 1971.

(ii) *Misreporting of a member's speech in the House by A newspaper*

On March 28, 1971, the Speaker informed the House that he had received notice of a question of privilege from Shri T. A. Majid, a member, against the printer and publisher of *Desabhimani*, a Malayalam daily of Trivandrum, for publishing a distorted version of the speech of Shri P. Kunhan, another member, made in the House on March 22, 1971, in its issue of March 23, 1971, under the caption "Minister of Health accepted Rs. 75,000 as bribe—Kunhan".

The Chief Minister, Shri C. Achutta Menon, moved and the House agreed that the matter be referred to the Committee of Privileges.

The Committee of Privileges, after calling for a written explanation of the printer and publisher of the *Desabhimani* and hearing

---

<sup>6</sup>Ibid. December 7, 1971.

him in person, in their second report presented to the House on December 6, 1971, reported *inter alia* as follows:—

“(i) Normally no restrictions are placed on reporting the proceedings of the House although the House has the power to control and, if necessary, to prohibit the publication of its debates and proceedings. ‘So long as the debates are correctly and faithfully reported the orders which prohibit their publication are not enforced, but when they are reported *mala fide* the publishers of newspaper are liable to punishment’ (*May’s Parliamentary Practice—17th Edition—* pp. 118-119). False, distorted, perverted or injurious reports of the proceedings of the House have been repeatedly declared to be a breach of privilege of the House.

(ii) The Committee were convinced that there was substantial variation between the report as published in the issue of *Desabhimani* dated March 23, 1971 and the official report of the proceedings. The report as appeared in *Desabhimani* being a distorted version of the speech made by Shri P. Kunhan in the House, constituted a breach of privilege of the House.

(iii) The Committee noted that the Chief Editor *Desabhimani* in his reply dated June, 30, 1971 wanted to impress upon the Hon. Members that ‘committing breach of the privileges of the august House was far from our intention or policy’. Further in his reply dated November 14, 1971 he has tendered his apology for the incorrect report which appeared in his newspaper.

(iv) The Committee recommended that in view of the unqualified apology tendered by the Chief Editor for the incorrect report which was published in the *Desabhimani* dated March 23, 1971, no further action need be taken in the matter.”

The Report of the Committee was adopted by the House on December 7, 1971.

(iii)  *Casting reflections on the House by a member in a public speech*

On November 13, 1970, the Speaker informed<sup>1</sup> the House that he had received notice of a question of privilege from Shri N. I. Devassykutty, a member, against Shri K. J. Herschel, another member, for the latter having said the following in a public speech, as reported in the *Deepika*, a Malayalam daily, dated November 9, 1970:

“He had high estimation about the House before coming as a member to the House, and having come to the House he is convinced that the Assembly is a place which is used

<sup>1</sup>Kerala L.A. Deb., November 13, 1970.

by the members as a forum to insult political parties and their leaders. Out of the 184 members of the House, only some ten members are making speeches in keeping with the dignity of the House and the speeches of all the rest are derogatory to the dignity and prestige of the House."

The Speaker added that normally when a member sought to raise a question of privilege against another member, the latter was given an opportunity to explain his position. He also observed that as Shri Herschel was not present and as that was the last day of the Session, he was referring the matter to the Committee of Privileges.

The Committee of Privileges heard Shri Herschel who also submitted a written statement before the Committee. Shri Herschel denied having said in his speech the impugned observations imputed to him. In view of this denial the Committee, in their Report presented to the House on March 25, 1971, recommended that "the issue need not be pursued further." No further action was then taken by the House.

#### TAMIL NADU LEGISLATIVE ASSEMBLY

##### (i) *Furnishing of wrong information regarding arrest and release of a member*

On March 6, 1972, the Speaker informed<sup>8</sup> the House that Shri Subbu, a member, had given the following notice of a question of privilege:—

"The members of the Tamil Nadu Legislative Assembly have been informed that the Superintendent, Central Jail, Madras had intimated that I was arrested on 25-11-1971 and released on police bail on 29-11-1971. I would like to submit that the information regarding my arrest and release are contrary to the facts and deliberately misleading the House.

I was informed by the Police authorities that I was arrested only for picketing the Post Office. But the information furnished to the Hon. Speaker disclosed that I was arrested for defying the ban order. On 25-11-1971 itself I went to jail refusing to come out on bail. Subsequently on 29-11-1971 I was released stating that the action against me had been dropped. But in the information furnished to the hon. Speaker it has been stated that I was released on Police-bail. This is contrary to the facts and constitutes *prima facie* a breach of privilege."

---

<sup>8</sup>T.N.L.A. Deb., March 6, 1972.



The Speaker, disallowed the question of privilege, observed *inter alia* as follows:—

“The communication about the arrest of Shri Subbu on 25-11-1971 was received on the same day and the members of the Assembly were informed about this in the Assembly Bulletin No. 75 on 26-11-1971. . . . The information about the release of Shri Subbu on 29-11-1971 on Police-bail was communicated to the members of the Assembly in the Assembly Bulletin No. 76 dated 2-12-1971. Shri Subbu, in his notice of a question of privilege, has contended that the statement that he was released on Police-bail was wrong.

From the explanations obtained from the Superintendent, Central Jail and the Police Commissioner, it is evident that this mistake has happened because the Superintendent Central Jail, did not correctly comprehend the import of the telephonic communication from the Police Commissioner. The Superintendent, Central Jail, conveyed to the Assembly what according to him was the correct information and he did not deliberately pass on any incorrect information knowing that it was wrong.

Since there is no basis to believe that the Superintendent, Central Jail, has deliberately tried to mislead the House by giving wrong information, I rule that there is no breach of privilege.

Here I would like to add that the officers while passing on such information to the House should be cautious and careful so that such a mistake does not occur.”

(ii) *Announcement by the Chief Minister regarding postponement of the sittings of the House fixed by the Speaker*

On December 8, 1971, Shri K. T. K. Thangamani, a member, sought to raise<sup>10</sup> a question of privilege on the ground that, although the Assembly was adjourned by the Speaker on October 25, 1971 to meet again on November 15, 1971, the Chief Minister, on being asked, informed the Press, before any announcement was made by the Speaker's Secretariat, that the session would be held towards the end of November or first week of December, 1971. This action on the part of the Chief Minister, the member felt, was an impingement on the sovereignty of the House and encroachment on the powers of the Speaker and thus constituted a breach of privilege of the House.

<sup>9</sup>Original in Tamil.

<sup>10</sup>T.N.L.A. Deb., December 8, 1971.

The Minister of Industries, Shri S. Madhavan, pointed out that the Chief Minister had referred only to the likelihood of postponement of the session to a later date on account of Ramzan and had not made any formal announcement in this behalf.

The Speaker, disallowing<sup>11</sup> the question of privilege, ruled *inter alia* as follows:—

“The power to adjourn the Assembly from time to time within a session is vested in the Speaker under Rule 16 of the Tamil Nadu Legislative Assembly Rules. And Rule 17 provides that when the Assembly has been adjourned to a particular date, the Speaker may summon the Assembly for an earlier or later date. Therefore, there can be no dispute or doubt as to the position that it is the Speaker who is to summon the House to meet on a date earlier or later than the 15th November, 1971.

The hon. Member, Shri K. T. K. Thangamani's complaint is about the advance announcement made to the Press by the hon. Chief Minister about the postponement. In point of fact, as has been pointed out by the hon. Minister for Industries, the hon. Chief Minister has announced to the Press only about the likelihood of the postponement on account of Ramzan and the representation made by the Muslim members in this behalf.

The hon. Chief Minister has not made any mention about any definite date on which the Assembly would meet. Further, as a matter of fact, it is the Speaker who has summoned the Legislative Assembly to meet on the 4th December, 1971, instead of the 15th November, 1971, as already announced. This is sufficient compliance with Rule 17 of the Tamil Nadu Legislative Assembly Rules.

There is no precedent in support of the view that the advance announcement of the likelihood of postponement impinges on the sovereignty of the House or the powers of the Speaker, much less that such an advance announcement of a probable date of meeting or likelihood of postponement constitutes a breach of privilege. It may also be stated here that, though the power to summon the Assembly from time to time is vested in the Speaker, the Speaker exercises his power on the advice of the Cabinet and the need for transaction of business.

For the reasons stated above, I hold that *prima facie* there is no breach of privilege.”

---

<sup>11</sup>Ibid.

## PROCEDURAL MATTERS

LOK SABHA\*

### *Shouting of slogans and throwing of leaflets on the floor of the House from Visitors' Gallery*

On December 21, 1973, at 12.02 hours two visitors, Sarvashri Shyam Charan and Ram Murti Pandey, shouted slogans and attempted to throw some leaflets on the floor of the House from the Visitors' Gallery. They were immediately taken into custody by the Watch and Ward Staff. At 17.40 hours on the same day, the following motion was moved by the Minister of Parliamentary Affairs:—

'This House resolves that the persons calling themselves Shyam Charan and Ram Murti Pandey who shouted from the Visitors' Gallery and attempted to throw some leaflets from there on the floor of the House at 12.02 hours today and whom the Watch and Ward Officer took into custody immediately have committed a grave offence and are guilty of the contempt of this House.

This House further resolves that they be sentenced to simple imprisonment till 6 p.m. on the 22nd December, 1973, and sent to Central Jail, Tihar, New Delhi.'

A member, Shri Jyotirmoy Bosu, moved an amendment, of which he had not given any written notice, that instead of the persons being detained till 6 p.m. on December 22, 1973, they be set free at once. The division on the amendment was challenged but when the Lobbies were cleared, the amendment was negatived by voice vote. The motion was then put to vote and adopted by the House. Thereafter the persons concerned were sent to Tihar Jail by the Watch and Ward Officer under warrant signed by the Speaker.

*Ministers concerned should be present in the House when the demands for grants relating to their Ministries are under discussion.*

On December 19, 1973, during his speech on the combined discussion on the Excess|Supplementary demands relating to various Ministries, a member, Shri Shyamnandan Mishra, pointed out the

---

\*Contributed by the Table Office, Lok Sabha Secretariat.

absence of the Minister of Petroleum and Chemicals while he was making a point relating to his Ministry. The Minister of State for Finance, Shri K. R. Ganesh, who was present, stated that he would take note of the point and convey it to the concerned Minister. The Chairman, Shri K. N. Tewari, observed that it was true that the Ministers of Government were present and they could convey to the concerned Ministers whatever was said about other Ministries. But, it would be better if the Ministers or Ministers of State concerned were present when the demands relating to their Ministries were under discussion.

#### *Privileges of Members*

On December 18, 1973, a member, Shri Madhu Limaye, tried to make a submission that a warrant had been issued (by the Government of Jammu and Kashmir) for the arrest of another member (Shri S. A. Shamim) for writing an article in the annual number of an English weekly, *Illustrated Weekly of India*. The Speaker not permitting the member to raise the matter, observed:—

“A Member is at par with any other citizen when it is a breach of the law. A Member of Parliament is at par with the citizen. It is only when he has a privilege not to be obstructed from coming to this House that position is different.”

#### KARNATAKA LEGISLATIVE COUNCIL\*

#### *Presentation of the Supplementary Estimates, to the Council on a date different from that on which it was presented to the Assembly*

On October 11, 1973, the Chairman gave the following ruling:

“Ramakrishna Hegda, Hon'ble Leader of the Opposition, has objected to the presentation of the supplementary estimates to this House on a date different from that on which it was presented to the other House. He has stated that there has been a convention that the supplementary estimates should be presented to both the Houses simultaneously and the departure made by Government has affected the right of this House in making useful contributions. He has asserted that this is a breach of privilege of this House.

Under article 202 of the Constitution, the Governor has to lay before the House or Houses of the Legislature a statement of the estimated receipts and expenditure of the State

---

\*Contributed by the Research and Information Service, Lok Sabha Secretariat on the basis of the material received from the Secretariats of the State Legislature.

for a year. Article 205 provides for presentation of supplementary, additional or excess grants. Clause 2 of article 205 states that the provisions of articles 202, 203 and 205 will apply to the supplementary estimates also. Although article 202 of the Constitution does not make a mention of the word 'simultaneously'. I find that usually both the main budget as well as the supplementary estimates are presented to both the Houses on the same day. I agree that the procedure adopted by Government this year is a departure from the usual convention. A case which arose in Madras Legislative Council has been brought to my notice. On 28th December, 1953, a member of the Legislative Council in Madras raised a question of privilege for the presentation of budget 15 days after it was presented in the other House. Late Shri C. Rajagopalachari, the then Chief Minister of Madras, explaining the circumstances for the delay in the presentation of the budget apologised to the House for the departure in the procedure. The matter appears to have been closed with the explanation of the Chief Minister. On the very first day when the Council met, the leader of the House and Finance Minister have agreed that this was a departure from the usual convention and they have assured the House that there would not be such a departure in future. I think, the House may accept the explanation and treat the matter as closed."

MADHYA PRADESH VIDHAN SABHA\*

*Motion for no-confidence against a Minister*

The Members of the Socialist Party gave notice of a no-confidence motion against the Minister of Panchayat and Community Development and Social Welfare, Shri Baboo Ram Chaturvedi, in the Ministry headed by Shri P. C. Sethi. The motion was ruled as out of order by the Speaker as a motion could not be moved against an individual member of the Council of Ministers which was jointly responsible to the House. There was no provision in the Rules of Procedure and Conduct of Business of the Vidhan Sabha which permitted such a motion.

---

\*Ibid.

## CONSTITUTIONAL AND LEGAL MATTERS

### SUMMONING OF U.P. ASSEMBLY\*

Article 174(1) of the Constitution provides as follows:

“174(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.”

Under rule 377 of the Rules of Procedure of the House, Shri Madhu Limaye raised in the Lok Sabha on December 11, 1973, a matter regarding the “alleged failure of the Governor of Uttar Pradesh to safeguard the constitutional provisions”. He pointed out that the period of six months after the last meeting of the Assembly held on May 15, 1973 had expired and the period of six months after the promulgation of the President's rule was expiring very soon. But the Governor had not done anything to summon the Assembly and had thus violated the oath taken by him at the time of assuming office.

Participating in the brief discussion which followed, Shri Shyamandan Mishra said that since no session of the Assembly had been held for six months from the date of its last sitting on May 15, 1973, the Assembly must be deemed to have gone out of existence on November 15, 1973 and the demand for the convening of the Assembly was therefore not proper.

In a statement on December 12, 1973, Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs, said that he had come to the conclusion that there had been no contravention or violation of any constitutional provision. He observed:

Two articles are directly concerned in our coming to a decision on this matter. One is article 174(1) and the other is article 356. Both will have to be read together and in harmony. Article 174(1) does two things. It enjoins on the Governor to call the Assembly, and it also enjoins that the Assembly should be called within a specified period of

---

\*Contributed by the Research and Information Service, Lok Sabha Secretariat.

six months, the period beginning from the last day of the session and ending on the first day of the next session.... But article 174 also confers a power on the Governor to summon the Assembly, without which power he could not have summoned the Assembly. That is where article 356 in my submission comes in for consideration.

It is not necessary to refer to the whole of article 356 because amongst other matters there are two matters which are important and relevant for the present purpose. One is that by the Presidential Proclamation under article 356, he can declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, and, secondly, he can make such incidental and consequential provisions including the provisions for suspending in whole or in part the operation of any provisions of the Constitution relating to any body or authority of the State. Any body or authority of the State would also include the Legislature of the State.

In this particular case...the President first of all declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, and he also declared that he was making the following incidental and consequential provisions exempting the application of provisions of the Constitution, one of them being clause 1 of article 174.

Therefore, it is clear that as soon as the Proclamation was issued under article 356, clause 1 of article 174 which gives the power to the Governor to summon the Assembly had been brought under suspension, with the result that during the period of the Proclamation, the Governor could not have summoned the Assembly for two reasons: firstly, because his power was in abeyance since article 174 itself was under suspension and, secondly, because Parliament had assumed the powers of the State Legislature and the President had to exercise those powers by authority of Parliament....

Now, it is known that when a certain period is prescribed within which an authority or a person has to act, if that authority itself is disabled from acting during that period, the period during which it is so disabled has to be excluded from the calculation of the original injunction within which it expired. That is the normal principle accepted in law. Therefore, my submission is that when you calculate the six months' period as laid down in article 174(1), the period during which the Proclamation was in force when article 174(1) was under suspension and the Governor could not have summoned the Assembly, has to be excluded from calculation, and if it is so excluded, the six months' period is not over, and my submission is that

this is the correct interpretation which I am putting forward for the consideration of the House, and the period of six months not having been over and still being left, there has been no violation or contravention of the provisions of the Constitution."

---



## SESSIONAL REVIEW

### FIFTH LOK SABHA—NINTH SESSION\*

[A resume of some of the discussions held during the Nith Session of the Fifth Lok Sabha was published in the January-March, 1974 issue of the Journal<sup>1</sup>. A resume of other discussions held and other business transacted during that session is given below.]

—Editor

#### (A) DISCUSSIONS

*Establishment of Diplomatic Relations with Korean Governments:* Making a statement on December 10, 1973 the Minister of State in the Ministry of External Affairs, Shri Surendra Pal Singh said that for some time past both Koreas had been seeking diplomatic recognition and the Government of India had decided that the time was now opportune for according it to the two Governments, particularly since they controlled between themselves a population of around fifty million people and had already been diplomatically recognised by a large number of countries. The Government of India had further decided to raise the level of representation in both Koreas as from December 10, 1973 from consular to ambassadorial level. The two Korean Governments had concurred in the decision.

*Nepal Government's Reported Ban on Import-Export Transactions by Foreign Companies, in Nepal:* Replying to a Calling Attention Notice<sup>2</sup>, the Minister of Commerce, Professor D. P. Chattopadhyaya said on December 11, 1973 that on a clarification sought by the Government of India, the Government of Nepal had explained to the Indian *Charge d' Affairs* in Kathmandu that the restrictions recently imposed on Import-Export transactions by foreign companies in Nepal did not apply to imports from and exports to India and that Indian nationals or firms taking part in trade between India and Nepal were not affected. It was the contention of the Government

\*Contributed by the Research and Information Service of Lok Sabha Secretariat.

<sup>1</sup>See *J.P.I.*, Vol. XX, No. 1 (Jan.—March, 1974) p. 67.

<sup>2</sup>Calling Attention Notice was tabled by Sarvashri Shashi Bhushan. Bibhuti Mishra, Madhu Limaye, R. R. Sharma and Nawal Kishore Sinha.

of Nepal that the restriction on imports from and exports to third countries was not in contravention of article 7 of the Treaty of Peace and Friendship. The new regulations would curb deflection of third country goods to India through Nepal and thereby remove a source of irritation in the relations between India and Nepal. The Government of India was examining these regulations and would have further consultations with the Government of Nepal. The Government held the view that while pursuing the common objective of healthy growth of trade and mutual cooperation between the two countries, the two Governments granted the same privileges in the matter of participation in trade and commerce on a reciprocal basis to the nationals of one country in the territories of the other.

*Twenty-fifth Anniversary of the Universal Declaration of Human Rights:* Referring to the Twenty-fifth anniversary of the Universal Declaration of Human Rights, in the House on December 10, 1973, the Speaker, Dr. G. S. Dhillon observed:—

“The Declaration embodies the most cherished ideals of mankind and seeks to lay down basic principles which would ensure to each and every human being on this earth full liberty and freedom in pursuit of progress, prosperity and happiness without any discrimination or restriction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Member States of the United Nations are making efforts on an individual, bilateral or multilateral basis to strive towards the realisation of the goals set forth in the Declaration.

It is a matter for deep regret and concern, however, that over two-thirds of the human population still continues to live in poverty and misery. The noble ideals of the Declaration and indeed the U.N. Charter will remain pious platitudes unless the standards of living of these millions are raised and the quality of their life improved.

It is also of equally great concern that violations of human rights and fundamental freedoms persist in many parts of the world. We were witness not very long ago to the brutal suppression of basic human freedom in our own part of the world accompanied by unparalleled human suffering and the culmination of these great events is a matter of recent history. I refer to the birth of the sovereign and independent Republic of Bangladesh. I also need not recall that in some countries discrimination of one kind or another is still being practised. The policy of apartheid, of course, constitutes the most flagrant violation of human rights. There is urgent need to eliminate apartheid as well as all other forms of discrimination and all vestiges of colonialism through persistent and concerted efforts by the world community as a whole.

India has consistently and firmly stood by the Declaration and has exerted every effort possible in this collective effort. Our own Constitution embodies the basic principles enunciated in the Declaration."

16-30 5LS

*International Situation:* On December 20, 1973, the Minister of External Affairs, Shri Swaran Singh moved "That this House do consider the present international situation and the policy of the Government of India in relation thereto."

Initiating the discussion on the motion, Shri Samar Mukherjee said that there had been very significant developments in the international situation in the recent past, the most significant being the emergence of the non-aligned forces as a bloc, now popularly called the Third World. But, in spite of the call given at the Algerian Conference, India had not yet given recognition to the Government of Cambodia headed by Norodom Sihanouk and the Provisional Revolutionary Government of South Vietnam. India had not raised her voice against the entry of America's task force of the Seventh Fleet in the Indian Ocean. Also, the Government should take initiative to normalize relations with China and remove the ban on the entry of Chinese literature into India.

The discussion continued for two days in which 22 Members participated.<sup>8</sup> Replying to the discussion on December 21, 1973, the Minister of External Affairs said that Bangladesh, which completed two years of its sovereign independent existence on December 16, 1973 had made tremendous progress in all fields. India's friendship with that country was of an abiding character and it was a matter of great satisfaction that Sheikh Mujib-ur-Rahman, had from time to time, made very clear and categorical statements to the effect that the friendship of Bangladesh with India was the cornerstone of its policy in international affairs.

As regards Pakistan after the signing of the Delhi Agreement, the process of the three-way repatriation commenced on September 19, 1973. Upto December 17, 1973 a total of 134,328 persons had been

<sup>8</sup>The Members who took part in the discussion were Sarvashri Samar Mukherjee, Madhavrao Scindia, Dinesh Chandra Goswami, B. R. Shukla, H. N. Mukerjee, Dinesh Singh, Shashi Bhushan, G. Viswanathan, Shyam-nandan Mishra, Henry Austin, K. P. Unnikrishnan, V. K. Krishna Menon, Vasant Sathe, Madhu Limaye, Y. S. Mahajan, Hari Kishore Singh, Ebrahima Sulaiman Sait, Syed Ahmed Aga, P. G. Mavalankar, Shankar Dev, Smt. Maya Ray and Smt. Mukul Banerji.

repatriated to their respective countries. That included as many as 36,474 Pakistani prisoners of war and civilian internees in India. In accordance with the Delhi Agreement, the problem of 195 prisoners of war had to be taken up in a tripartite meeting between Bangladesh, India and Pakistan. Bangladesh could participate in such a meeting only on the basis of sovereign equality. Therefore, the ball was in Pakistan's court for creation of necessary conditions for Bangladesh to participate. It was quite a misleading statement that India had ignored Pakistan's proposal for reduction of defence forces. Pakistan herself was spending as much as 50 per cent of her national budget on military expenditure. India, on the other hand, despite her much greater need due to extensive borders, and a long coastline, was spending much less proportionately on defence.

The recent war between the Arabs and Israel was an event of global importance and concern. In bringing about a cease-fire and working out a broad framework in which peace could be established a significant part was played by the United States and the Soviet Union with the cooperation of the UN Security Council. But there were still difficulties which could lead to new clashes. However, the Government felt that the chances of a durable settlement in West Asia were better at the moment than perhaps ever before. India believed that the establishment of a stable peace should be based on respect for the right of existence of the States and on restoration of the full rights of the Palestinian people.

The outcome of the visit of Mr. Brezhnev was incorporated in several agreements. The friendship between India and the Soviet Union, ever since India attained independence, was based on certain principles and had stood the test of time. India had always had the Soviet support at most critical moments on all vital political issues. There was Soviet collaboration in the economic field and in the establishment of several projects in the country and that country had never tried to impose any pattern in India's economic development. Mr. Brezhnev, in his address to Members of Parliament had explained the Soviet concept of collective security in Asia and had said that it was an idea worth discussing with a view to strengthening peace and security in the Asian sub-continent. Government believed that an atmosphere of friendship and peace could prevail, not by means of military blocs nor by any system of grouping of countries directed against any other country or group of countries, but through goodwill and co-operation. More intensive co-operation in the economic field in the first instance would help in

strengthening mutuality of interests amongst the countries of the region.

India had stated many a time that she would do everything in her power to normalise and strengthen relations with the United States on the basis of equality, reciprocity and mutual respect. In the post-1971 period, both India and the United States made conscious and deliberate efforts to ensure that the mutual relations improved. The Government welcomed a settlement on the question of PL-480 funds as it was to the mutual satisfaction of the two countries.

The question of Indian Ocean was now before the United Nations and the General Assembly had adopted a resolution seeking to keep it as an area of peace and tranquility, free from rivalry of big naval powers, and subsequent steps were being taken to implement that general direction. India had always maintained that the show of force and bringing in of naval units, was not likely to be relished by any country.

*Reported Non-availability of Foodgrains and other Essential Commodities in Tripura:* Replying to a Calling Attention Notice<sup>4</sup> the Minister of Agriculture, Shri Fakhruddin Ali Ahmed said on December 7, 1973 that during the year 1972, about 14,000 tonnes of foodgrains were supplied to the Tripura Government as against 55,000 tonnes supplied, during the current year upto the end of October, 1973. The lock-out declared by the Indian Airlines had disrupted air communication. But it did not in any way affect the availability position of foodgrains in the State. With the stocks available with the Central Government, the requirement of the State Government had been met fully.

*States having own agencies for Procurement and Distribution of Foodgrains:* Raising a Half-an-Hour discussion on December 10, 1973, Shri Prasannbhai Mehta said that due to inefficient handling of procurement and distribution of foodgrains by the Food Corporation of India, some of the States had set up their own corporations. This had created confusion among the farmers resulting in the failure to achieve the procurement targets. The Government should therefore take steps to coordinate the working of the State Corporations and the F.C.I. and evolve some concrete measures to improve the working of the latter.

---

<sup>4</sup>The Calling Attention Notice was tabled by Sarvashri D. Deb., Ajit Kumar Saha, Biren Dutta and Jagadish Bhattacharya.

The Minister of State in the Ministry of Agriculture, Shri Annasaheb P. Shinde said that when the Food Corporation of India Act was enacted in 1964, the setting up of State Corporations had also been contemplated. India was a vast country and food was a concurrent subject. It was the joint responsibility of both the States and the Centre to maintain the food economy of the country. The Food economy of the country could not be managed without the involvement of the State Governments. It was clear that the Food Corporation of India would play the role of an All-India body, dealing with all-India aspects while the procurement for internal distribution was an area envisaged for the State Corporations.

✓ *Working of Food Corporation of India:* On December 12, 1973, Shri Atal Bihari Vajpayee moved a motion for consideration of the working of the Food Corporation of India. Shri Vajpayee said that the Food Corporation of India was constituted with the object of purchasing, storing and distributing foodgrains in order to help the producers by securing for them a reasonable price and the consumers by keeping the prices down. But later on with the take-over of wholesale trade in wheat by the Government, the organisation was over-loaded with heavy responsibilities, which resulted in a total mess. There were cases of corruption, malpractices and nepotism. Efforts should be made to streamline its working; it should be made more strong and effective so that it could carry out the work expected of it very efficiently.

The discussion was spread over two days in which 15 Members participated<sup>5</sup>. The Minister of Agriculture, Shri Fakhruddin Ali Ahmed said on December 22, 1973 that since its establishment in 1965, in spite of some failures and shortcomings the Corporation had been doing very useful service to the country. Handling charges incurred by the Corporation had shown a downward trend. As for distribution, it was essentially a responsibility of the States and the Central Government did not want to interfere in this regard.

The Government were continuously examining the position about storage godowns remaining vacant, particularly those belonging to the private agencies, and whenever it was found that some storage capacity was not required, it was surrendered to the owners.

<sup>5</sup>The Members who took part in the discussion were Sarvashri Amrit Nahata, Biren Dutta, Dinesh Chandra Goswami, Valayar Ravi, E. R. Krishnan, Shankar Dayal Singh, Samar Guha, Raghunandan Lal Bhatia, Nathuram Mirdha, Nathuram Ahirwar, P. Gangadeb, R. N. Sharma, Narsingh Narain Pandey, Mulki Raj Saini and Ramavatar Shastri.

The matter relating to the purchase of mustard oil and the purchase of dal was investigated by the C.B.I. A charge-sheet had been submitted against Shri Iqbal Singh and two other employees of the Corporation.

*Inadequacy of Relief Measures in Flood-affected Areas of Contai (West Bengal):* Making a statement on December 5, 1973 in response to a matter raised under Rule 377 by Shri Samar Guha, the Minister of Irrigation and Power, Shri K. C. Pant said that there was a ceiling of Rs. 10 crores to be spent on relief measures for the whole of West Bengal. The Central team during their visit to the State in September, 1973 had recommended an amount of Rs. 271.6 lakhs as grant and about Rs. 1,000 lakhs as a loan. A certain amount of money had already been released. An amount of Rs. 325 lakhs had also been given by the Ministry of Agriculture for fertilisers, seeds and pesticides. A further sum of Rs. 200 lakhs had also been released. With satisfactory progress more money would be released.

*Rise in Share Prices:* Raising a Half-an-Hour discussion regarding "rise in share prices" on December 12, 1973, Shri Jyotirmoy Bosu said that the share market had recorded an impressive boom and the equity had risen by over 38 per cent during the current year. There were more than 100 companies which had reaped a pre-tax profit of more than Rs. 1 crores during 1972-73 and in many cases it had exceeded Rs. 4 crores.

The Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that there were a number of reasons for the recent increase in the share prices. The acute shortage of scrips of particularly well established companies *vis-a-vis* the total amount of investment available in shareholding and unprecedented rise in commodity prices during the past year and a half had shifted money income in favour of the relatively richer sections of the community, and, therefore, their demands for shares had risen partly as a hedge against inflation. The fear of demonetisation of notes of higher denomination had also added to the rush for good shares. Certain definite measures had been taken to ensure larger dispersal of share-holdings. In cases of new issues, a heavy weightage had been provided in favour of small applicants for allotment of shares. It was the declared policy of Government to broad-base shareholdings in the corporate sector.

*Fixation of Ex-Factory Price of Levy Sugar:* On December 17, 1973, the Minister of Agriculture, Shri Fakhruddin Ali Ahmed in a

statement said that taking into account the revised cost schedules recommended by the Tariff Commission in its latest Report (October, 1973) on the Cost Structure of the Sugar Industry, and the estimated duration of the crushing seasons, recovery of sugar, etc., the Government had revised the ex-factory prices of levy sugar of 1973-74 production in the various zones as required under section 3(3c) of the Essential Commodities Act, 1955. The revised prices should have normally resulted in an increase in the uniform retail price of levy sugar for the consumers all over India by about 10 paise per kilogram. The Government of India, however, decided to maintain the consumers' price of levy sugar unchanged at the existing level of Rs. 2.15 per kilogram throughout the country by reducing the excise duty on levy sugar from 26 per cent to 20 per cent *ad valorem*. To offset the loss of revenue arising consequently, the excise duty on free sale sugar had been raised from 30 per cent to 37.5 per cent *ad valorem*, which was the maximum permissible under the Central Excise Tariff.

*Disposition of Rupee Accumulation in India by the U.S. Government:* In a statement on December 13, 1973 the Minister of Finance, Shri Yeshwantrao Chavan said that an agreement on the disposition of PL 480 rupee funds held in India by the United States Government had been initialled by India and U.S.A. on that day. The agreement evolved a procedure for the disposal of non-PL 480 rupees within a reasonable period of time. Regarding PL 480 rupees, the Government of India would repay to the United States of America all the remaining sums owing to that country amounting to Rs. 15,140 million. The U.S. Embassy would on its part cash its securities with the Reserve Bank of India arising from PL 480 repayments by the Government of India amounting to Rs. 1,870 million. Out of the total Rs. 17,010 million, the United States would grant to the Government of India Rs. 16,640 million representing the substantial portion of the prepayment of PL 480 commodity loans, and the sums with the Reserve Bank of India on repayment of PL 480 loans in the past. That was to be accounted for within a period of five years from the date of the agreement by attribution by the Government of India to development projects in various sectors which had been identified and already included in the Five Year Plan.

As regard non-PL 480 rupees the Government of India would prepay to the United States of America all the remaining sums it owed to that country amounting to Rs. 2,090 million, The U.S. Embassy on its part would cash its Reserve Bank of India securities amounting to Rs. 4,720 million arising from payments of non-PL



480 loans. The amount of Rs. 6,810 million would be retained by the United States Government. An additional amount of rupee loans to American business and private companies in India (estimated at Rs. 1,150 million), along with the Rs. 370 million from PL 480 rupees, would also be retained by the United States Government for its use in India. This total amount of Rs. 8,330 million would be kept by the U.S. Embassy in the Public Account of the Government of India, and would be interest free. It had been agreed that out of the sum so retained, an amount of Rs. 3,890 million representing the equivalent of \$ 500 million at the present rate of exchange between the dollar and the rupee, would be maintained in value over a period of 10 years, the reduction being at the rate of 1/10th each year. Also, in accordance with the provisions of the PL 480 Agreement, an amount of Rs. 500 million would be converted into dollars for such uses as the U.S. Government might determine, including the development of markets for the U.S. agricultural commodities.

The Agreement provided that the United States might continue to use the rupees retained by them for the same range of purposes and at about the same level of expenditure (with allowance for any future price inflation) as in the years immediately preceding June 1972, following the same consultative procedures as were in force in the years preceding June, 1972. Established uses of the type contemplated by the Agreement included the local currency costs of operating the United States Embassy, scientific and cultural exchanges, and the financing of freight and port charges for agricultural commodities donated by the United States voluntary agencies. The agreement also permitted the financing of the United States economic assistance programmes in Nepal at the rate of Rs. 65 million per year for a period of three years, and the purchase by the U.S. Government for export from India of goods and services totalling upto \$ 100 million over a five-year period. Out of that sum, \$ 75 million would be paid in dollars by that Government, and \$ 25 million would be met out of U.S. held rupees.

The U.S. Government held about Rs. 7,120 million. If the present agreement had not been entered into, with the addition of interest and principal repayment upto 2012 AD, when the last repayment would have been made by the Government of India on the last loan agreement, the figure would increase to over Rs. 30,000 million at the present levels of the U.S. expenditure, i.e., Rs. 350 to 400 million annually. In fact, in the future interest on the United

States holdings of rupees would have sufficed to meet the United States expenditures without drawing on the capital.

*Production of Scooters:* Raising a Half-an-Hour discussion regarding "stepping-up production of scooters" on December 17, 1973. Shri N. K. Sanghi said that orders for more than 34 lakhs scooters were pending with the dealers and the demand was on the increase. But no perspective planning had been done to meet the situation.

The Minister of Heavy Industry and Steel and Mines, Shri T. A. Pai said that the production of scooters upto November, 1973 had been 72,562 and it was expected to go upto 80,000 during the year. Bajaj and the A.P.I. had been allowed to expand upto 48,000 and under the rules they could go upto 60,000 each. Escorts also had been permitted to expand their capacity. Letters of intent had already been issued to all those new manufacturers, who had agreed to the production of scooters with complete indigenous know-how. Besides, as soon as the prototypes of some of the concerns which were under examination by VRDE, Ahmednagar were cleared, the applications of those concerns would also be considered for grant of industrial licence. So far as the public sector was concerned, the entire plant was being imported from M's Innocenti of Italy. The Government would hold 51 per cent share and the rest of the capital would be issued to the public. The unit would be able to produce 1 lakh scooters a year by 1977-78.

*Unauthorised Production by Foreign Firms and Large Industrial Houses:* Raising a Half-an-Hour discussion on the subject, Shri Jyotirmoy Bosu desired to know the number of industrial concerns taken over by the Government, which had continuously violated the provisions of the Act insofar as the capacity of production was concerned. According to the study conducted by the Economic and Scientific Research Foundation, despite two decades of industrialisation, the indigenous position had not improved technologically and the country was as much dependent on foreign know-how as it was in the early 'Fifties.

The Minister of Industrial Development and Science and Technology, Shri C. Subramaniam said that the Industrial Licencing policy Committee report, and the 45 cases of excess production had been referred to the Sarkar Commission. Pending the report of the Commission, no action could be initiated. It was hoped that they would be able to submit a report before April, 1974. In no case had the

Government condoned the breach of licensing conditions. On the other hand, they had taken steps to limit the production to the licensed capacity. One way of tackling the situation was restricted supply of raw materials. A decision had been taken that these would not be allocated beyond 125 per cent of the licensed capacity since everybody was entitled to increase the capacity by 25 per cent.

*Reported Halt in Production of Steel Plants owing to breakdown in Coal Supply:* This matter was raised in the House on December 10, 1973 by Shri Vasant Sathe through a Calling Attention Notice<sup>6</sup>. The Deputy Minister in the Ministry of Steel and Mines, Shri Subhodh Hansda said that the daily requirements of coking coal of all the steel plants on the basis of the target for steel production for the current year was 36,600 tonnes. Out of that, 22,000 tonnes was prime coking coal drawn from the Jharia coalfields and it was produced mostly from the collieries managed by Bharat Coking Coal Limited. The movement of raw coal to the washeries was partly by railways, partly by ropeway and partly by road patterned on the basis of linkages between coal mines, washeries and steel plants.

During the year 1972-73, which was on the whole a good year for steel production all the steel plants maintained on an average, a stock of about seven days' requirements of coal. Since April, 1973, there had off and on been a serious power crisis in the Eastern region, particularly the areas served by the D.V.C. system. The decline in generation of power by D.V.C. severely hit production in the coal mines and affected the operation of the washeries and the railway traction. During October and November there was a slight decline in the production of coking coal by Bharat Coking Coal Ltd., due, among other reasons, to the flooding of several valuable mines after sudden heavy rains, deterioration of industrial relations in some collieries and the bunching of a large number of festivals and holidays within one month. Besides, the movement of coal from the collieries to the washeries as well as from the washeries to the steel plants involving both the Eastern and South-Eastern Railways had been affected from December 1, 1973 on account of dispute between the levermen and switchmen in the Dhanbad Division of Eastern Railway. As soon as the crisis developed, the steel plants immediately took possible precautionary measures which were not, however, by themselves a guarantee against loss of production or even of serious damage to the equipment and installations.

<sup>6</sup>The Calling Attention Notice was tabled by Sarvashri Vasant Sathe, Ajit Kumar Saha, Mukhtiar Singh Malik, Prabodh Chawda and Prasanna-bhai Mehta.

*Freight Equalisation and cash incentives for certain Commodities:* On December 7, 1973, Shri B. K. Daschowdhury moved the following resolution :

“This House is of the opinion that for balanced development and growth in all regions of the country, incentives like ‘Freight Equalisation’ be equally applied on cotton, oil-seeds and jute as in the case of steel and cement; and cash subsidies be given for major foreign exchange earners, viz, jute and tea, in similar manner as is done in large number of other exportable commodities”.

Shri Daschowdhury said that in all the countries of the world, industrial development depended mainly on certain basic conditions like locational advantage, communication facilities, port facilities, management, planning etc. But nowhere the principle of ‘freight equalisation’ had been adopted for the balanced development of regions.

Two members<sup>7</sup> participated in the short discussion which ensued. The Minister of Commerce, Professor D. P. Chattopadhyaya said that freight was only one among many factors for determination of prices. Further, price also depended on the type of transport used. So the freight factor had to be studied together with the type of transport that was used. The question of “freight equalisation” had been mooted by some Eastern and Western States. One of the objects underlying the demand was to remove, or if that was not possible, to minimize regional imbalance, defined in terms of economic and industrial growth. But to solve the problem, freight equalisation, though important, was helpful only marginally or peripherally. Government was already seized of the matter and it was through some credit facilities made available to the backward areas at cheaper rates that it was trying to partially mitigate the hardship of the people and to promote industrial growth of those areas. The problem of “freight equalisation” had been gone into greater details by the Government. Coal and iron had been extended “freight equalisation” as they were primary raw materials. As the oilseeds, cotton and jute did not come under that category, “freight equalisation” had not been extended to those commodities. In the case of cotton textiles, the cash subsidy had been reduced from 15 to 5 per cent. In order to enable the cotton growers of Maharashtra to get fair price, the cotton purchase policy had been revised and the Cotton Corporation of India had been authorised to make purchases at the existing market rate.

<sup>7</sup>Shri Vasant Sathe and Dr. Saradish Roy.

After Shri Daschowdhury replied to the debate, the resolution was withdrawn by the leave of the House.

*Losses in Refineries:* In a statement on December 20, 1973, the Minister of Petroleum and Chemicals, Shri D. K. Borooah said that, broadly speaking, the term "refinery fuel and losses" included utilisation of hydrocarbons for generating heat for the refinery units and for generating captive power as also a very small national loss which was otherwise unaccounted for.

The quantities of the refinery fuel used varied depending upon the type of crude oil processed, complexity of the refinery in regard to the number of primary and secondary processing units available at a refinery, the quality of the products made, storage and handling systems employed etc. Actual losses in a refinery depended on a wide variety of factors such as inevitable filling and evaporation losses inherent in such volatile products, e.g., from storage tanks, loading losses, flare loss, losses from slop handling and recovery system, hydrocarbon lost in processing etc. Almost the world over, refinery fuel and losses were clubbed together for accounting purposes and taken together as so much of the products not available for sale. Therefore, little information was available on losses actually incurred in refineries. However, according to the figures made available by Dr. Nelson, a well-known international authority on oil refinery and engineering and operations, the percentage of loss ranged from 2.8 per cent in Bolivia to 17.7 per cent in Thailand. The figure of losses in Indian refineries quoted by the members of 7 per cent obviously included refinery fuel in addition to refinery losses. The matter was discussed with the Soviet experts who had designed and helped to build the two public sector refineries, at Barauni and in Gujarat, and they had agreed to send a team of refinery experts to look into the problem at an early date.

*Reported loss due to delay in delivery of the Off-Shore Drilling Platform "Sagar Samrat":* The matter regarding "loss of Rs. 18 lakhs due to delay in delivering the Rs. 12.3 crores off-shore drilling platform 'Sagar Samrat' by Japanese firm" was raised in the House on December 6, 1973 by Shri M. Ram Gopal Reddy through a Calling Attention Notice.<sup>8</sup>

The Minister of Petroleum and Chemicals, Shri D. K. Borooah said that 'Sagar Samrat' built by Mitsubishi Shoji Kaisha Limited

<sup>8</sup>The Calling Attention Notice was tabled by Sarvashri M. Ram Gopal Reddy, Vikram Mahajan, Prasannbhai Mehta, R. V. Swaminathan and Sat Pal Kapur.

of Japan was to be delivered on September 30, 1972. Allowing for a grace period and permissible delays as per contract, it should have been delivered latest by November 14, 1972. However, the vessel was delivered on March 31, 1973 at Hiroshima and it arrived in India on May 25, 1973. As provided for in the contract, 'liquidated damages' amounting to Rs. 53 lakhs (approximately) were recovered by ONGC from the ship-builders and that amount adequately covered the expenditure incurred by ONGC on certain preparatory steps taken anticipating the arrival of the ship in December, 1972. It would not, therefore, be correct to say that there was any loss to ONGC directly attributable to the delay in the delivery of the vessel by the ship-builders.

Sagar Samrat was presently drilling on the Tarapore structure. The well was projected to a depth of 4,500 metres and had, so far, been drilled upto about 2700 metres. Already, there had been gas shows at depths of about 1600 metres and 2500 metres and the stratigraphy so far penetrated was encouraging.

Answering questions, the Minister said that the first survey was made by the Soviet Seismic Survey in 1964 and 1966, followed by another seismic survey by the Geophysical Services International. The sea bed survey was done in 1972 and on the basis of that the drilling had been tried.

*Eligibility for pension to freedom fighters:* Raising a Half-an-Hour discussion on December 3, 1973, Shri C. K. Chandrappan said that the freedom movement in the country was fought by a large majority of the people irrespective of their political or ideological beliefs, religion, caste or creed. Therefore, those considerations should not come in the way of deciding the eligibility for granting pension to them. The department charged with the task of processing of eligibility should be strengthened so that there could be speedy disposal of applications. The present system of screening of applications both by the State Governments and the Central Government should be done away with and the processing done by the Committees in the States be treated as final. The participants in the Mopla rebellion, Telengana rebellion and Punnapra Vayalar struggle be considered for grant of pension. The applications of former personnel of the I.N.A. and R.I.N. should be disposed of speedily.

The Minister of Home Affairs, Shri Uma Shankar Dikshit said that the matter was examined sometime ago and rules were framed to see that any inflexible or too technical view was not taken of the matters. A few categories were approved with the object of liberalising the procedure. The first provision was 'normal remission as part of actual imprisonment'. The imprisonment for a period of 5 months and 5 days or 6 days was regarded as 6 months and detention under the orders of the competent authority was treated as equivalent to imprisonment. It also applied to under-trial period followed by conviction and included broken periods of imprisonment towards reckoning of actual imprisonment. It included a person who remained underground for more than six months and also a person interned in his home or externed from his district for six months or more. The person whose property was confiscated or attached and sold due to participation in the freedom struggle was also included. The person who became permanently incapacitated during firing or lathi charge lost his job, civil or military, and means of livelihood for participation in the national movement was also made eligible. The members of the INA and persons who participated in RIN Mutiny of 1946 as also members of the Garhwal Rifles who took part in the Peshawar Kand were also made eligible. The definition of the 'family' was expanded to include the 'father'.

The question of Mopla rebellion could be reviewed, if any evidence was available to the effect that the said rebellion was a movement for the liberation of the country in its character. The matters relating to Telengana rebellion and the Punnapra Vayalar were under examination. Fifty thousand cases had been referred to the State Governments for clarification. As soon as the clarifications were received from the States, the Government would dispose of the cases expeditiously.

*Reported Missing of Ship "Sonavati" due to cyclone:* The matter was raised in the House on December 12, 1973 by Shri S. M. Banerjee through a Calling Attention Notice.<sup>9</sup>

The Minister of Shipping and Transport, Shri Kamalapati Tripathi informed the House that the Motor Vessel 'Sonavati' which was bound from Tuticorin to Calcutta with cargo of salt and 38 crew members on board was caught up in a cyclone on December 8, 1973 in the Bay of Bengal at a place about 256 kilometres South-East of

---

<sup>9</sup>The Calling Attention Notice was tabled by Sarvashri S. M. Banerjee, Nawal Kishore Sharma, Birender Singh Rao, Shrikishan Modi and Madhu Limaye.

Visakhapatnam. An SOS message sent by the vessel was picked up by another Indian ship 'Jalamoti' of the same Company and relayed to Calcutta Radio. According to the message, the vessel had been abandoned by the crew. The vessel sank at 14.40 hours on the same day. The Principal Officer, Mercantile Marine Department, Calcutta, on receipt of the message, immediately alerted the Indian Air Force Station, Barrackpore, the Eastern Naval Command, Visakhapatnam and the Principal Officer, Mercantile Marine Department, Madras. Soon thereafter, four ships joined in the rescue operations, three of them being Indian and one foreign. Of the 38 persons involved, 28 had so far been rescued, 4 dead bodies had been recovered and 6 were still missing. A preliminary inquiry under the Merchant Shipping Act, 1958, into the marine accident was being conducted by the Principal Officer, Mercantile Marine Department, Madras.

Answering questions, the Minister said that Compensation was paid to the families of the victims according to the agreement made with the National Maritime Board. If those rates were inadequate, Government would consider whether the matter should be reviewed. There was no proposal before the Government for the taking over of the Shipping Company.

*Reported loss of about Rs. 10 lakhs to National Seeds Corporation due to Shady Transactions:* The matter was raised in the House on December 14, 1973 by Shri Vikram Mahajan through a Calling Attention Notice.<sup>10</sup>

The Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that the National Seeds Corporation had on September 25, 1973 finalised an agreement with the Bangladesh Agricultural Development Corporation for the supply of 7,500 quintals of potato seeds. Under the contract, potato seeds had to be moved to Jessore by road since they were highly perishable.

The work of transport of the seeds from all the storage points (except Calcutta) to Jessore was awarded to Messrs Central Transport of India. On October 3, 1973, the Company informed the Corporation that due to the threat of strike by transporters in Calcutta from October 8, 1973, it would not be possible

---

<sup>10</sup>The Calling Attention Notice was tabled by Sarvashri Vikram Mahajan, Sat Pal Kapur, Ramkanwar, Mukhtiar Singh, Malik and Jyotirmoy Bose.



for it to undertake, within the specified time limits, the movement of seeds to Jessore. If the movement of seeds from storage points to Jessore had to be broken up into two phases, i.e. from storage points to Calcutta and from Calcutta to Jessore, it would have meant provision of emergency storage and transshipment at Calcutta. The National Seeds Corporation had not suffered any losses on account of any shortages or damages during transit, as those were either deductible from the transporters or covered by the insurance arranged by the Bangladesh Agricultural Development Corporation. The supplies were accepted by the Bangladesh Agricultural Development Corporation who had reported short supplies or damage wherever noticed in individual consignments. Though the facts, as reported, did not substantiate the allegations, the Government of India would examine in detail the entire transaction and would take action against the persons responsible, if any irregularities were established.

Answering questions, the Minister said that there was no objection from the Bangladesh authorities about the quality of the seeds.

*Need-based Minimum Wages for Workers:* On December 7, 1973, Shri Saradish Roy moved the following Resolution:

“This House expresses its grave concern at the falling real wages of the Indian workers consequent to the abnormal rise in prices of essential commodities and failure of the Government to grant need-based minimum wages to the workers on the basis of norms laid down by the Fifteenth Indian Labour Conference”.

Resuming his speech on December 21, 1973, Shri Roy said that in 1957 the Indian Labour Conference had adopted a resolution which, *inter-alia*, said that “it was agreed that the minimum wage was ‘need-based’ and should ensure the minimum human needs of the industrial workers irrespective of any other consideration”. The Conference laid down norms to calculate the minimum wage. That resolution though adopted about 17 years ago, had not been implemented. The skyrocketing prices of essential commodities was not an accidental phenomenon. It was a direct result of the policies pursued by the Government since Independence. The statistics compiled by the Labour Bureau clearly showed that despite several monetary wage concessions won by the workers, the real wages of Indian workers stood at two per cent less in 1970 as compared to 1960. After 1970, there had been further erosion in the real wages of workers and today the workers’ pay packet in real terms had become far smaller than in 1960.

The discussion continued for more than two hours in which 12 members participated.<sup>11</sup> The Deputy Minister in the Ministry of Labour, Shri Balgovind Verma said that the Government was not averse to the objective of the resolution, but it could not be carried out unless the economic development of the country warranted it. The question of need-based wage was considered by the National Commission on Labour in 1969 in detail. The Commission had said that the capacity to pay would have to be taken into account. While considering the question of need-based wage for Central Government employees, the Third Pay Commission had said that the additional expenditure involved in fixing the minimum remuneration on the basis recommended by the Fifteenth Indian Labour Conference would have a deleterious effect on the total budgetary resources. It would lead to drastic curtailment of developmental expenditure and a slowing down of projects which would further aggravate the present unemployment situation in the country to the solution of which the Government attached paramount importance.

There was no doubt that there had been an erosion of the wages because the value of the money had come down. But unless economic development of the highest order took place, the Government could not improve the present conditions. In order to check the price rise and the consequent decline in the purchasing power of the rupee, the Government had taken several steps like (a) reduction in outlay of the Central Government by about Rs. 400 crores in order to reduce the extent of likely deficit financing; (b) economy in non-plan expenditure on contingencies, entertainment, travelling allowances etc.; (c) progressive reduction in subsidy on foodgrains. The revenue gained through the recent price hike on petroleum products would help reduce the level of deficit financing. A series of steps had also been taken by the Reserve Bank of India to control the expansion of bank credit. Variable dearness allowance schemes were being followed in almost all major industries which provided for automatic adjustments of dearness allowance whenever the cost of living went up.

After Dr. Saradish Roy replied to the debate, the resolution was put to the vote of the House and was negatived.

---

<sup>11</sup>The members who took part in the discussion were Sarvashri Pandit D. N. Tiwary, S. M. Banerjee, Nathu Ram Ahirwar, Tha Kiruttinan, M. Ram Gopal Reddy, M. C. Daga, Madhu Limaye, Balakrishna Venkanna Naik, Nathuram Mirdha, Panna Lal Barupal, Mulki Raj Saini and Vasant Sathe.

*Lifting of Lock-out in the Indian Airlines:* In a statement on December 22, 1973 the Minister of Communications and Tourism and Civil Aviation, Shri Raj Bahadur said that even after the declaration of the lockout effective from November 24, 1973 the Management of Indian Airlines had held discussions with the various Unions with a view to arriving at an agreement with them. It was made clear to the Unions that the revision of 'Shift System' which some of the Unions had made the immediate reason for the agitation that preceded the lockout, was only one of the steps that the Management proposed to take in order to eliminate wasteful practices to which the Committee on Public Undertakings had drawn attention, and for the removal of which the Management was directed to spare no efforts. The Indian Aircraft Technicians Association (IATA) comprising nearly 2,600 workmen reacted favourably to the proposals of the Management and after several rounds of discussions signed an agreement on December 8, 1973. As a result, the lockout in respect of the members of IATA was lifted with effect from December 10, 1973. The Indian Commercial Pilots Association (ICPA) had filed a writ petition in the Calcutta High Court challenging the legality of the lockout, and the ACEU followed suit in the Delhi High Court. Representatives of the Flight Engineers' Association had met the Minister and the Management to discuss the terms of an agreement. By and large they had been appreciative of the Management's efforts to adequately improve the functioning of the Corporation. It was hoped that an agreement would be reached, enabling the Management to lift the lock-out in respect of the Flight Engineers shortly.

*Strike by Loco Running Staff:* In a statement on December 17, 1973, the Minister of Railways, Shri L. N. Mishra said that a section of the loco-running staff on the Western Railway had been agitating and absenting themselves from November 26, 1973 with no valid reasons whatsoever. Their only demand appeared to be that the Loco Running Staff Association should have the right to negotiate. It had been made clear in Parliament a number of times that categorical groups could not be given recognition. A section of the loco running staff of the Northern Railway in Delhi and its surrounding areas like Lucknow, Kanpur and Tundla, had gone on a lightning strike from December 15, 1973 evidently with the object of supporting the Western Railway striking staff, as there had been no provocation whatsoever on the part of the Northern Railway Administration. All services were, however, running during the day, though with delay.

All the assurances given to the locomen after the August strike had been implemented. All those who were arrested in connection with the May—August agitations had been released, as promised. All those relieved had been taken back to duty. Penal proceedings of reversions, suspensions and removals had been cancelled and breaks in service had been condoned, as promised. Periods of absence arising out of the August, 1973 agitation had been adjusted against leave. A Committee under the Chairmanship of Deputy Minister for Railways, Shri Mohd. Shafi Qureshi, consisting of 5 representatives of the loco running staff had been constituted to examine other points of grievances and the Committee was still functioning.

He appealed to the striking locomen to return to duty keeping in view the larger national interests.

In a subsequent statement on December 22, 1973, Shri Mishra reiterated that implementation of 10 hours duty would be completed in a phased manner in three years time from December 1, 1973. As a matter of fact, special efforts had been taken to implement the assurance. In spite of the assurance, the loco running staff went on strike on the Western Railway on November 26, 1973, clearly with the object of coercing the Qureshi Committee. In all, at its peak, the present locomen's illegal strike had affected 25 per cent of the Divisions and that too only on four out of 9 Railways. The working on the other Railways was normal.

The Loco Running Staff Association was a category union and there were 700 such categories on the Indian Railways. It was not possible to give the categorical groups recognition and facilities to negotiate. The emoluments and promotional avenues for various categories had got a certain relativity and should one get any advantage as a result of an agitational approach, it upset the balance in relation to the other categories and that in turn led to further agitation. The strike by the locomen was illegal, more so when the talks in the Qureshi Committee were still continuing. The staff who were absenting themselves from duty would quite inevitably have to face the consequences of their illegal action in such situation. Law had naturally to take its own course.

*Twelve Year Secondary Course: Raising Half-an-Hour* discussion on December 14, 1973 Shri Samar Guha said that education was

the most neglected subject and there was deterioration in the standard of education. There was no uniformity of curricula and syllabuses in different States. The result was that if a student wanted to go from one State to another there was lot of difficulty. Also, there was lot of difficulty faced in all-India examinations. A realistic scheme of vocationalization of education should be drawn up so that the students after completing the higher secondary education did not run after clerical jobs, but tried to find some jobs of their own in agriculture, industry and other spheres.

The Deputy Minister in the Ministry of Education and Social Welfare and in the Department of Culture, Shri D. P. Yadav said that a number of commissions were appointed to consider the problems of education from time to time, e.g. the Calcutta University Commission, the University Education Commission and the Kothari Commission. As regards uniformity in the curricula, the Government had to work within the guidelines set out by the Education Commission. A conference of Education Ministers was called twice a year, where they were requested to accept the pattern of 10, 2 and 3 year courses. As regards vocationalisation, the representatives of the teachers' associations would be sent to the agricultural universities where they would receive training for 3 to 5 days in dairy-farming and allied matters.

*Crash of Lufthansa Boeing near Palam Airport:* Making a statement on December 21, 1973 the Minister of Communications and Tourism and Civil Aviation, Shri Raj Bahadur said that a Lufthansa Boeing 707 aircraft crashed while landing at Palam airport at 01.01 hours. The aircraft was on a scheduled flight and was coming from Bangkok. There was no loss of life and all the 98 passengers and 11 crew members on board were safe. Six passengers and the Captain of the aircraft received some injuries. A Court of Inquiry was being appointed to investigate the circumstances and causes of the accident.<sup>12</sup>

*Incidents in Meerut:* The Minister of Home Affairs, Shri Uma Shankar Dikshit in a statement on December 17, 1973 said that ac-

---

<sup>12</sup>In a statement laid on the Table of the House by the Minister on December 22, 1973, it was stated that Shri Justice S. Rangarajan of the Delhi High Court would be appointed as Court of Enquiry under rule 75 of the Aircraft Rules, 1937. The Court would be assisted by two assessors, Gp. Captain S. Das Sharma, who was a meteorological expert with the Air Force till recently, and Captain S. B. Bhattejee, Boeing 707 Commander of Air-India.

ording to information received from the Government of Uttar Pradesh, disturbances in Meerut arose out of a minor scuffle between some persons belonging to different communities on Gudri Bazar on December 11, 1973. When the police reached the scene of occurrence, the rioters were indulging in extensive brickbattling and violence and to disperse them, the police had to resort to firing. Curfew was immediately imposed in that area and also later in the afternoon and on the following day after some serious incidents of violence. The situation became normal from the evening of December 13, 1973, whereafter no incident of violence was reported.

Eight persons had lost their lives in the disturbances and over 70 persons including 25 of the police personnel were reported to have received injuries. Monetary relief was being provided to the families of the victims of the riots. Adequate police reinforcements had been made available to the district authorities and it had been impressed upon them by the State Government that firm and prompt action should be taken to maintain normalcy in the town.

#### (B) THE QUESTION HOUR

During the Ninth Session of Fifth Lok Sabha, 19,560 notices of questions (17,805 Starred, 1,520 Unstarred and 235 Short Notice Questions) were received. Out of these 609 Starred, 5,907 Unstarred and 1 Short Notice Questions were admitted. After the lists of Questions were printed, 9 Starred and 179 Unstarred Questions were deleted on account of their having been either withdrawn by the member concerned or transferred from one Ministry to another.

Each Starred List contained 20 questions except those of November 27, 1973, and December 6 and 21, 1973 which contained 21 questions. The List of December 17, 1973 contained 22 questions and for December 20, 1973 contained 24 questions. On an average 7 questions were orally answered on the floor of the House. On each day when there was Question Hour the minimum number orally answered was 1 on November 12, 1973 and the maximum 12 on December 13, 1973.

#### (C) HALF-AN-HOUR DISCUSSIONS

Out of 612 notices of Half-an-Hour Discussions received during the Session, 12 were put down on the order paper and 11 were actually discussed on the floor of the House. Half-an-Hour Discussion regarding Ordinance on nationalisation of foreign owned

plantation in Kerala put down for November 21, 1973 could not be held as the member concerned was not present in the House on that day.

(D) OBITUARY REFERENCES

On December 3 1973, a reference was made by the Speaker to the passing away of Shri Abdus Samad Khan Achakzai, freedom fighter, popularly known as Baluchi Gandhi of Undivided India. On December 18, 1973, the Speaker also made reference in the House to the death of Shri Muzaffar Ahmad, founder member of the Communist Party of India and a renowned freedom fighter. On both the occasions, members stood in silence for a short while as a mark of respect to the memory of the deceased.

[A resume of some of the discussions held during the Eighty-sixth Session of the Rajya Sabha which commenced on November 12, 1973, was published in the January-March 1974 issue of the Journal'. A resume of some other discussions held and other business transacted during the remaining period of the Session is given below.

—Editor]

(A) DISCUSSIONS

*International Situation*<sup>2</sup>: On December 5, Sardar Swaran Singh, Minister of External Affairs, moving a motion on the international situation said that many significant events in the international world had recently happened which warranted a discussion in the House. The withdrawal of troops under the Simla Agreement was a significant step towards normalisation of relations in the Indian sub-continent. The conflict had created the problems of hundreds and thousands of people, finding themselves in territories other than their own and to reverse this process the Government again took the initiative and convened a meeting for bilateral talks. This resulted in the Delhi Agreement which was since being implemented. Further steps towards normalisation of relations between India and Pakistan could be thought of only after his phase was over.

India's relations with other neighbours in this region were very good. The Arabs-Israeli war had its effect on the rest of the world also. The United States and the Soviet Union, however, worked in cooperation and succeeded in bringing about a ceasefire. The latest Security Council Resolution had been accepted by the parties directly concerned in the conflict and the essence of the same was that the Arab lands in Israeli occupation should be vacated and should be restored to the countries concerned. It had also been agreed that there would be a peace conference. India's sympathies were with the Arabs because justice was on their side. It was the

---

\*Contributed by the Research Unit, Rajya Sabha Secretariat.

<sup>1</sup>See *J.P.I.*, Vol. XX No. 1 (Jan.—March 1974), P. 98.

<sup>2</sup>See also the resume of the discussion in Lok Sabha p. 343 *supra*.



Arab land which was under the aggressive and illegal occupation of Israel and this had to be vacated.

The situation in Indo-China had improved because in Laos also the parties had entered into an agreement and the international community desired that it should be honoured by all parties. There was a chance of all-party Government being installed there. But in Cambodia the situation still continued to be one of concern.

India's relations with Soviet Union were cordial, close and friendly and the mutual co-operation existing in political, economic and technological fields was much to the mutual advantage and benefit of the people of the two countries. The visit of Mr. Brezhnev had resulted not only in strengthening further the bonds of friendship that existed between India and Soviet Union, but also strengthened the forces of peace and progress in the whole world.

Replying to the debate, the Minister said that the repatriation of prisoners of war to Pakistan was going on very well. India had reserved its right to claim the expenditure which was recoverable according to international law. The criticism that was voiced about the recent visits of Mr. Brezhnev and Dr. Husak was not based on a correct appraisal of the contents of the various documents that were signed at the end of these visits. One should not attach importance to speculative things that had appeared in *The Economist*, London, and several American and West European newspapers and journals. They had tried to create misunderstanding between two friendly countries.

*Discussion on Food and Agriculture Situation in the Country:*  
On December 13, 1973, Shri Bhupesh Gupta, initiating a discussion said that while a total production of 115 million tonnes of foodgrains was expected in 1973-74, the Food Minister had stated that even this target might be exceeded. The problem was that most of the extra yield was generally accounted for by three or four States and other States did not come up to the level of higher production. Some areas were very deficit areas. The per capita availability of foodgrains had gone down and so, we were eating less as compared to ten years back when the situation was by no means good. More production of foodgrains was a must to solve the problem but at the same time equitable and just distribution must also be there. As far as the prices were concerned, they continued to rise thus reducing the value of rupee to 36 paise only. The Food Ministry must have a national food policy which could answer the demands of the situation. As the procurement prices had been increased the

Government should go in for the maximum possible procurement. Hoarding and profiteering were going on and no steps were being taken. The Government was very much under the influence of hoarders and profiteers. At the State level there were Ministers who were having direct links with these elements.

Shri A. P. Shinde Minister of State in the Ministry of Agriculture, replying to the discussion said that in the First Plan period, i.e., 1951—56, the average production of foodgrains in the country was 63 million tonnes while during the Fourth Plan, from 1968-69 to 1973-74, it was going to be 102 million tonnes. Such a substantial increase could not have been achieved without some definite policy approach on the part of the Government. The peculiar feature was that 70 per cent of agricultural production was obtained from kharif crop and only 30 per cent from rabi crop. The Government's strategy, therefore, had been to lay more emphasis on rabi production than on kharif production.

During the current year as on December 12, 1973 the total procurement had been 12,95,000 tonnes out of which rice accounted for 11,50,000 tonnes and coarse grains 1,45,000 tonnes. The rice crop also, fortunately, had been one of the best crops in the country. The market arrivals were already 17 per cent more than the last year. According to an assessment, the kharif production this year was likely to reach 67 to 68 million tonnes. There was no disagreement about a proper distribution machinery and whatever was possible should be procured and made available through fair price shops.

*Strike by Northern Railway Loco Running Staff:* On December 18, 1973, Shri Yogendra Sharma called the attention of the Minister of Railways to the strike by a section of the Northern Railway loco running staff and the steps taken by Government to meet the situation. Shri Mohd. Shafi Qureshi, Deputy Minister of Railways said in a statement<sup>a</sup> that all the assurances given to the locomen after the August, 1973 strike had been implemented. All those who were arrested in connection with the May-August agitations had been released as promised and all those released had been taken back to duty. The Penal proceedings of reversions, suspensions and removals arising out of the May and August, 1973 strikes had been cancelled. A Committee under the Chairmanship of the Deputy

---

<sup>a</sup>See also the Minister's statement in Lok Sabha, p. 359, *supra*.

Minister, consisting of 5 representatives of the loco running staff had been constituted to examine other points of grievances and this Committee was still functioning.

The Railways had also started the implementation of ten hours' duty from the 1st December, 1973, and would be completing it in a phased manner in 3 years' time. The entire question of duty hours was examined at length by the Mianbhoy Tribunal and it was found by the Tribunal that even for reducing the duty hours from 14 to 12, as many as eight years would be required.

The Minister added that the Government did not grudge the higher pay and allowances to the loco running staff. But the point was that when negotiations were going on and a date had been fixed for the next meeting with the consent of the parties it was improper to go on strike. The Government was trying to see that the situation created by the strike came back to normal.

#### (B) LEGISLATIVE BUSINESS

*Press Council (Amendment) Bill, 1973*<sup>4</sup>: On December 3, 1973, Shri I. K. Gujral, Minister of Information and Broadcasting, moving the motion for consideration of the Bill said that in the amended Press Council Act of 1970 it was decided that a Nominating Committee consisting of the Chairman of the Council of States, the Chief Justice of India and the Speaker of Lok Sabha should be set up to nominate the Chairman and members of the Press Council. Unfortunately, after the second Press Commission was set up, there was some criticism in some sections of the Press about the functioning of the Nominating Committee. The Nominating Committee members took exception to it and had submitted their resignations. Efforts to persuade them to reconsider their decision did not succeed and in the meantime, since the term of the Press Commission was coming to an end, the Government had to issue an Ordinance extending it to June 1974 or earlier if the Government were in a position to decide about the new set up of the Nominating Committee. The term of the Chairman and Members of the Press Council, which was to expire on September 30, 1973, would now be extended till June 30, 1974.

The motion was adopted and the Bill was passed on the same day.

---

<sup>4</sup>The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on November 29, 1973

*The Indian Railway (Second Amendment) Bill, 1973*<sup>5</sup>: On December 4, 1973, Shri L. N. Mishra, Minister of Railways, moving the motion for consideration of the Bill said that it sought to amend Sections 82-A and 82-J of the Indian Railways Act, 1890. These sections and the rules framed under Section 82-J constituted the provisions under which compensation to victims of railway accidents and their dependents were paid at present. The maximum amount payable had been Rs. 20,000. The Bill provided that in the case of every person who died or suffered injuries which completely prevented him from pursuing his normal activities, the amount of compensation payable would be Rs. 50,000. The motion was adopted and the Bill was passed on the same day.

*Central Excises and Salt (Second Amendment) Bill, 1973*<sup>6</sup>: On December 12, 1973, the Rajya Sabha took up for consideration simultaneously a Statutory Resolution seeking disapproval of the Central Excises and Salt (Amendment) Ordinance, 1973 (No. 3 of 1973) and the Central Excises and Salt (Second Amendment) Bill, 1973.

Moving the resolution, Dr. Bhai Mahavir said that the Ordinance in question was not an ordinary one because new taxes of Rs. 300 crores were imposed on the people through it. The way in which huge taxes had been imposed was in no way in conformity with the democratic principles because the taxes levied through the Ordinance were more than those levied in the General Budget of the country.

The increase in price of crude was only 7 paise per litre, but the Government had increased the price of petrol by rupees 1.07 per litre. That was a cruel joke on the people. The new levy on petrol had not confined itself to petrol only; it had also affected the general price level in the country. Kerosene prices should not have been increased as that affected the common man. The present difficulties of the nation were due to the wrong policies of the Government which should be reviewed.

Moving the motion for consideration of the Central Excises and Salt (Second Amendment) Bill, 1973, Shri K. R. Ganesh, Minister of State in the Ministry of Finance said that consequent on the steep increases in crude oil prices in the world market, the outgo

---

<sup>5</sup>The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on November 30, 1973.

<sup>6</sup>The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on December 11, 1973.

of foreign exchange from the country had increased from Rs. 200 crores last year to an estimated Rs. 500 crores during the current year.

To curb the consumption of motor spirit, a steep increase in its price had to be effected. On account of disparity in prices, kerosene was being widely used as an adulterant with high speed diesel oil. The price of kerosene was increased so as to bring it at par with the price of HSD. The matter was reviewed later on in the light of the public reaction and it was decided to lower the excise duty on kerosene by ten paise per litre.

All the developments necessitating the increase in the prices of kerosene and HSD had taken place during the time when Parliament was not in session and required immediate and drastic steps to conserve the available petroleum products for more essential uses. There was thus no other alternative but to increase the rates by promulgation of an Ordinance.

The Minister also said that the increase in the price had to be effected in the form of an excise levy because a mere increase in the price of petrol corresponding to the increase in crude prices would not have achieved the objective of curbing its consumption. This could be achieved only by a steep increase in its price through a fiscal measure which would also simultaneously reduce the level of budgetary deficit.

The resolution was negatived. The motion for consideration of the Bill was adopted and the Bill was returned on December 12, 1973.

*The Constitution (Thirty-Second Amendment) Bill, 1973<sup>7</sup>*: On December 20, 1973, Shri Umashankar Dikshit, Minister of Home Affairs, while moving for the consideration of the Constitution (Thirty-Third Amendment) Bill, 1973, said that the Bill sought to amend article 371 of the Constitution and to give legal and constitutional effect to the understanding reached between the various leaders of Andhra Pradesh to solve the tangled problem of Telengana.

---

<sup>7</sup>The Bill was introduced in the Lok Sabha as the Constitution (Thirty-Third Amendment) Bill, 1973 and its short title was amended by that House to read as the Constitution (Thirty-Second Amendment) Bill, 1973. The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on December 19, 1973.

This understanding which was commonly known as 'Six Point Formula' provided among other things for the setting up of an Administrative Tribunal to deal with the various grievances on account of seniority, promotion, transfers etc. In pursuance thereof the Bill provided for setting up of a Tribunal and provision had also been made for its discontinuance when the various problems relating to service matter had been sorted out to the satisfaction of the employees and its continuance was considered superfluous. No other Court except the Supreme Court would have jurisdiction in respect of matters falling within the purview of the Tribunal.

The motion was adopted and the Bill was passed with the requisite majority, as required under article 368 of the Constitution.

---

## STATE LEGISLATURES\*

### GUJARAT LEGISLATIVE ASSEMBLY

*No-confidence Motion:* On November 15, 1973, the Assembly discussed a motion of no-confidence moved by Shri Maneklal Gandhi, Leader of the Opposition. When put to vote, the motion was lost.

*Constitution (Thirty-first Amendment) Bill, 1973:* On October 3, 1973, the Assembly discussed and adopted a statutory motion moved by the Chief Minister, Shri Chimanbhai Patel seeking to ratify the Constitution (Thirty-first Amendment) Bill, 1973 as passed by both Houses of Parliament.

*Rise in prices of essential commodities:* On October 4, 1973, the Assembly discussed the following non-official resolution moved by Shri Maneklal Gandhi:—

“During the last two years or so the spiralling prices of food articles and other commodities have caused boundless hardships to the people of Gujarat and their enduring capacity has reached its maximum. Prices of essential commodities like foodgrains have increased by 21 per cent during last one year only, and the price level is still rising. A cut has been imposed on the per-head ration quota in Gujarat. Today the poor and common man of Gujarat is sandwiched between shortages and price-hike. Oil is priced at Rs. 168.00 per tin, i.e. Rs. 10.50 per Kg. and yet it is not available in the market. Government is not able to repeat one more round of oil. Even vegetable ghee is not available in this State. Shortage and price-rise in coal and cement besides other essential commodities have broken the back of the people. On top of all this the recent unprecedented floods have devastated the ready standing crop of the farmer. Not only this, but the floods have destroyed his fields, houses and land. Wrong and faulty policies of the Government are directly responsible for this unendurable price rise. It has made the poor poorer. In view of the above, this House

---

\*Contributed by the Research and Information Service, Lok Sabha Secretariat on the basis of the material received from the Secretariats of the State Legislatures. For details regarding duration of the sessions and activities of the State Legislatures. See Appendices III and V.

urges the State Government to take steps to end this unendurable price rise and to provide at cheap rate the minimum basic requirements like foodgrains, oil and other daily necessities."

When put to vote the Motion was rejected by the House.

#### HIMACHAL PRADESH VIDHAN SABHA

*Constitution (Thirty-first Amendment) Bill, 1973:* On October 15, 1973, the Vidhan Sabha discussed and adopted a resolution moved by Dr. Y. S. Parmar, Chief Minister, seeking to ratify the Constitution (Thirty-first Amendment) Bill, 1973 as passed by both Houses of Parliament.

*Prevention of Water and Air Pollution:* On October 17, 1973, the House discussed and adopted a resolution moved by Dr. Salig Ram, Minister of Agriculture seeking to empower Parliament to make law for prevention of water and air pollution in the State.

*Dangers of Smoking:* On October 18, 1973 the House discussed and passed a resolution moved by Dr. Salig Ram, Minister of Food, seeking to empower Parliament to make law for imposition of a ban on advertisements and printing of warning on cigarette packets| cartons for cautioning the public regarding hazards of cigarette smoking.

#### KARNATAKA LEGISLATIVE COUNCIL

*Constitution (Thirty-first Amendment) Bill, 1973:* On October 13, 1973 the Council passed a resolution, moved by Shri D. K. Naikar, Minister of Law and Parliamentary Affairs, seeking to ratify the Constitution (Thirty-first Amendment) Bill, 1973 as passed by both Houses of Parliament.

#### MADHYA PRADESH VIDHAN SABHA

*Worsening food situation:* On December 26, 1973, Shri Kailash Chandra Joshi, Leader of the Opposition initiated a discussion under rule 130 of the Vidhan Sabha Rules on the worsening food situation and mounting prices of almost all commodities in the State. Shri Basant Rao Uikey, Minister of Food replied to the debate.

*Prevention of Water Pollution:* On December 28, 1973, the Assembly adopted a resolution seeking to authorise parliament to



enact a law on the prevention of water pollution, to keep or maintain water healthy, and to constitute a Board to achieve the said purpose.

*Danger from cigarette smoking:* On December 28, 1973, Kumari Vimla Verma, State Minister of Public Health moved a resolution seeking to authorise Parliament to enact a law for imposition of a ban on advertisements and printing of warning on cigarette packets etc. about the dangers arising out of cigarette smoking. The resolution was adopted by the House on December 29, 1973.

#### MEGHALAYA LEGISLATIVE ASSEMBLY

*Rise in price of essential commodities:* On December 8, 1973, the Assembly discussed a motion on "spiralling rise in prices of essential commodities and the shortage and instability of supply of foodgrains in the State" moved by Shri H. S. Lyngdoh. The Minister-in-charge of Supply replied to the discussion.

#### MIZORAM LEGISLATIVE ASSEMBLY

*No-confidence motion against Ministry:* On October 8, 1973 the Assembly discussed a no-confidence motion against the Ministry led by Shri Ch. Chhunga, moved by Shri J. Thanghuma, Leader of the Opposition. When put to vote the motion was negated by the House.

#### NAGALAND LEGISLATIVE ASSEMBLY

*Deletion of article from the Constitution:* On December 17, 1973, Shri Chingwang Konyak, Minister-in-charge of Tuensang Affairs moved a resolution in the House seeking to delete article 371A (1) (d) and article 371A (2) and (3) relating to Tuensang District Regional Council from the Constitution of India. The resolution was adopted by the House unanimously.

#### PONDICHERRY LEGISLATIVE ASSEMBLY

*Retirement of Secretary to Assembly:* On October 27, 1973, the Assembly adopted the following motion moved by Shri M. O. H. Farook Chief Minister:—

"That the Hon. Speaker be requested to convey to Thiru J. M. Bendit, on laying down the Office of the Secretary to Legislative Assembly on retirement, the sincere

appreciation of this House of the distinguished and outstanding services which he rendered to it and all its Members by his deep knowledge of the procedures and precedents, law and conventions of Legislatures and in the conduct of the affairs of the Legislative Assembly and convey the good wishes of the Legislative Assembly for his success in all the days to come."

#### RAJASTHAN LEGISLATIVE ASSEMBLY

*Constitution (Thirty-first Amendment) Bill.* 1973: On October 10, 1973, the Assembly passed a resolution moved by Shri Ram Chandra Chowdhry, Minister of Law seeking to ratify the Constitution (Thirty-first Amendment) Bill, 1973 as passed by both Houses of Parliament.

*Prices of essential commodities:* On October 8, 1973, Shri Paras Ram Maderna, Minister of Food moved a motion seeking to consider the food situation and prices of essential commodities in the State. The motion was discussed by the House on October 8 and 9, 1973 and 30 members participated in the discussion. The motion was not put to vote and Shri Maderna replied to the debate.

*Sub-standard Medical Colleges:* On November 6, 1973, the Assembly adopted a resolution moved by the Minister of Food and Agriculture seeking to empower Parliament to make laws for imposition of a ban on the setting up of private medical (Allopathic) colleges and for regulation of such colleges already set up.

*Condolence resolution on the death of Shri Barkatullah Khan:* On October 15, 1973 the Assembly unanimously adopted a condolence resolution moved by Shri Hardeo Joshi, Chief Minister on the death of Shri Barkatullah Khan the late Chief Minister.

#### TAMIL NADU LEGISLATIVE ASSEMBLY

*Thermal power plants:* On November 19, 1973 the Assembly discussed and passed the following resolution, moved by Shri M. Karunanidhi, Chief Minister:—

"The economic development of Tamil Nadu will be greatly retarded if the daily ever increasing demand for electricity is not fully met. As the major hydel power possibilities in Tamil Nadu have been fully exploited, it has become indispensable to set up Thermal Power Plants. While there is the problem of coal shortage in the country, there is an imminent need to exploit and utilise the available lignite found at Neyveli to increase the power generation in

Tamil Nadu. Hence, this Assembly earnestly requests the Union Government to include the implementation of the second mine cut and the associated 1,000 M.W. station straightaway in the Fifth Five-Year Plan."

TAMIL NADU LEGISLATIVE COUNCIL

*Appointment of Judges:* On November 29, 1973, the Council discussed the following resolution moved by Shri G. Vasantha Pai:—

"That this House recommends to the Government to convey to the Union Government its most considered opinion that the super-imposition of the qualification of 'having the most suitable philosophy or outlook to occupy the highest judicial office in the country in the eyes of the Union Government' on the existing qualifications enumerated in articles 124 and 217 of the Constitution of India, relating to appointments to the Union and State Judiciary, is detrimental to the independence of the Judiciary and opposed to article 50 and other provisions of the Constitution of India, and to urge upon the Union Government to desist from any further appointments to the State or Union judiciary on the basis of this super-imposed qualification."

-----

# PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS IN THE STATES\*

(November 1, 1973 to January 31, 1974)

## ANDHRA PRADESH

### *New Ministry Sworn-in*

Shri P. V. Narasimha Rao resign as leader of the Andhra Pradesh Congress Legislature Party on November 25, 1973. Shri J. Vengal Rao was chosen on December 7, as the new leader of the party. On the basis of a report from the State Governor and the Union Cabinet's recommendation, the President issued on December 10, a proclamation under article 356(2) of the Constitution revoking President's rule in the State. The same day, a 15-member Ministry headed by Shri Vengal Rao was sworn-in. The new Council of Ministers consisted of 13 Cabinet Ministers and 2 Ministers of State.

### *Expansion of Ministry*

The Ministry was expanded on January 11, 1974, with the inclusion of three more Ministers—two of Cabinet rank and one Minister of State, thus raising the strength of the Ministry to 18.

## BIHAR

### *Expansion of Ministry*

Following the addition of 6 Cabinet Ministers and 16 Ministers of State on September 25, 1973, the Ministry was further expanded on November 17, 1973, with the inclusion of one Minister of Cabinet rank, 4 Ministers of State and 4 Deputy Ministers. This raised the strength of the Ministry to forty-six, consisting of 22 Cabinet Ministers, 20 Ministers of State and 4 Deputy Ministers.

---

\*This feature, prepared by the Research and Information Service, is based primarily on newspaper reports and no responsibility is accepted for the accuracy or veracity of information or views covered.

*No-confidence Motion in the Council of Ministers*

A no-confidence motion in the Council of Ministers, sponsored by the Jana Sangh, was lost in the Vidhan Sabha on December 11, 1973 by 175 votes to 86. The motion was supported by the SSP, the Socialist Party and the Congress-O.

*Government's Defeat on a Snap Vote*

The Government was defeated in the Vidhan Sabha on a snap vote on December 13, 1973, when the House rejected the Sales Tax (Amendment) Ordinance, by 68 votes to 43. Following this the entire Opposition demanded immediate resignation of the Government, as its defeat was on a Money Bill. The Speaker, however, ruled on the next day that there was no provisions in the Constitution or in the Rules under which the Assembly or the Speaker could force or direct the Government to resign because of defeat on a snap vote. Following the Speaker's ruling, the entire Opposition, with the exception of Congress-O, walked out.

*Report of the Sub-Committee of the Estimates Committee in respect of Kosi Contracts*

On December 22, 1973, the last day of the Winter Session of the Legislative Council, Shri Shambhu Sharan Thakur, Minister of State for Parliamentary Affairs laid on the Table of the Council, the report of the Sub-Committee of the Estimates Committee on River Valley projects (Kosi) with regard to the contract work of the Kosi Project.

Earlier on December 21, 1973, the Deputy Speaker Shri Shakoor Ahmed refused permission to the Finance Minister, Shri Daroga Prasad Rai, to place the departmental report on the same subject on the Table of the Legislative Assembly and ruled that such a report could be placed before the Estimates Committee itself if the Minister so desired.

*Change in portfolio*

The Chief Minister, Shri Abdul Ghafoor on January 16, 1974, took over the portfolios of Food, Supply and Commerce from Shri L. P. Sahi and appointed a high level committee headed by Shri Deva Singh (Socialist) to advise him in streamlining the working of paddy procurement in the State.

## GUJARAT

*By-election to State Assembly*

Shri Nemji Keniya (Congress) was declared elected, on December 10, 1973, from the Mandvi (Kutch) Constituency defeating his nearest rival, Shri Suresh Mehta (Jan Singh) by a modest margin of 1347 votes in a four-cornered contest. The by-election was caused by the death of a Congress member, Dr. Naushir Dastur.

*By-election to Lok Sabha*

In a by-election held on December 9, 1973, Kumari Maniben Patel (Congress-O) won the Sabarkantha seat defeating her nearest rival, Shri Shantubhai Patel (Congress) by a margin of 13,815 votes in a ten cornered context. The by-election was caused by the death of Shri C. C. Desai, elected on the Congress-O ticket in the mid-term poll in 1971. Shri Desai had later joined the Congress.

*Change in portfolio*

On January 14, 1974, the Chief Minister, Shri Chimanbhai Patel took over the Civil Supplies portfolio from Shri Narendrasinh Jhala. Shri Jhala, however, retained the portfolio of Departments of Revenue and Parliamentary Affairs.

## HARYANA

*Expansion of the Ministry and Election of a new Speaker*

Shri Banarsi Das Gupta on November 15, 1973, resigned as the Speaker of the Vidhan Sabha and was sworn in as Cabinet Minister the following day. With this the strength of the Ministry rose to fifteen—10 Cabinet Ministers and 5 Ministers of State.

On November 16, Shri Sarup Singh was elected as the new Speaker.

## HIMACHAL PRADESH

*Removed of Minister of Agriculture from Office*

Dr. Saligram, Minister of Agriculture and the leader of the dissident group in the Congress Legislature Party, was, on November 18, 1973, removed from the office by the State Governor, on the advice of the Chief Minister, under article 164(1) of the Constitution.

## JAMMU AND KASHMIR

### *Change in the Council of Ministers*

Shri Trilochan Dutt, Minister of Agriculture and Revenue resigned from the Cabinet on December 8, 1973.

On December 12, 1973, Sarvashri Mubarak Shah and Rangil Singh were sworn in as Cabinet Minister and Minister of State respectively. With these appointments, the State Ministry was restored to the strength existing before the resignations of Sarvashri Abdul Ghani Lone who resigned on September 7, 1973, and Trilochan Dutt.

### *Independent members join Congress*

On January 3, 1974, three independent members—Sarvashri Mohammed Shafi from Uri, Peer Mohammad Yasin from Karnah and Ghulam Hasan Panay from Qasigund constituencies—joined the Congress. With this, the strength of the ruling party rose to 60 in the House consisting of 75 members.

## KARNATAKA

### *Mysore State renamed as Karnataka*

With effect from November 1, 1973, Mysore State was renamed as Karnataka. A resolution to this effect had been passed unanimously by both Houses of the State Legislature on July 27 and August 5, 1972 respectively. A Bill to give effect to the resolution was passed by both Houses of Parliament in July-August, 1973.

### *Cabinet reshuffle*

At a Cabinet meeting held on December 5, 1973, out of twelve, all but two Cabinet Ministers and eight Ministers of State submitted their resignations to the Chief Minister in order to enable him to deal with the situation created by the students' agitation over the remarks reportedly made by Shri Basavalingappa, Minister of Municipal Administration about Kannada literature. The remaining two Members, Sarvashri Basavalingappa and Badrinarayan, who were out of town "telephoned him that they would follow suit." On December 14, the Governor, on the recommendation of the Chief Minister accepted the resignations of four Cabinet Ministers and two Ministers of State. The resignations of the remaining eight Cabinet Ministers and five Ministers of State were not accepted.

Simultaneously, the appointment of Shri K. H. Ranganath, President of the Karnataka Pradesh Congress Committee, as the Minister of Cabinet rank, elevation of Shri N. Chikke Gowda, Minister of State to Cabinet rank and re-appointment of Shri R. D. Kittur who resigned in May, 1973 as Minister of State, were announced. Subsequently on December 19, the appointment of three more Cabinet Ministers were announced. Except Shri C. M. Patil, all others were administered the oath on the same day.

#### MADHYA PRADESH

Shri Amolak Chand, Minister of State for Power and Irrigation, on November 29, 1973, submitted his resignation in the wake of the High Court judgment setting aside his election to the Assembly.

#### *By-election*

Shri Bherulal Patidar (Jan Sangh) on December 16, 1973, won the Mhow Assembly seat defeating his nearest rival, Congress candidate Shri Rameshwar Soni, by a margin of 4818 votes, in a six cornered contest. Shri Patidar polled 20,289 votes. The Congress had held this seat since 1952. In the last general elections this seat was won by the Chief Minister, Shri P. C. Sethi who had resigned as he was also elected from the Ujjain constituency.

#### *Bill banning sale of lottery tickets*

The Vidhan Sabha, on December 28, 1973, passed a Bill banning the sale in the State of lottery tickets of other States and imposing a 25 per cent tax on the prize money of licensed private lotteries.

#### *Expansion of Ministry*

The Chief Minister, Shri P. C. Sethi, announced on January 7, 1974, the addition of one Minister of State and four Deputy Ministers in his Ministry. The new Ministers were: Shri Aziz Kureshi, Minister of State and Sarvashri D. P. Suryavansi, S. R. Patel, B. S. Porte and K. L. Kosaria, Deputy Ministers. With this, the strength of the Ministry was raised to 26.

#### MAHARASHTRA

#### *Three by-elections to Lok Sabha*

By-elections to Lok Sabha were held in three constituencies, viz., Karad, Central Bombay and Ramtek on December 21, 1973, January



14 and 15, 1974 respectively. The by-elections were necessitated by the deaths of Shri D. R. Chavan, former Union Minister of State for Law and Company Affairs, and of Shri A. G. Sonar, a sitting member and by the resignation of Shri R. D. Bhandare who had been appointed as Governor of Bihar. In Karad, Shri Premalabai Chavan was declared elected unopposed; in Central Bombay and in Ramtek, Smt. Roza Deshpande, the CPI candidate and Shri Ram Hedau, the Mahavidarbha Rajya Sangarsha Samiti candidate, were declared elected.

#### *By-elections to State Assembly*

By-elections to the State Assembly were held in two constituencies of Sawantwadi and Sangola in January, 1974. These were caused by the death of Sarvashri Prataprao Bhosle and Patil Salunke, sitting members. In Sawantwadi, the Socialist Party candidate Shri Jayanand Matkar and in Sangola, the Peasants and Workers Party candidate Shri Ganpatrao Deshmukh respectively were elected.

#### PUNJAB

##### *Expansion of Ministry*

The Punjab Ministry was expanded on November 21, 1973 with the inclusion of ten more Ministers. This raised the strength of the Ministry from seven to seventeen.

#### RAJASTHAN

##### *Expansion of Ministry*

The Rajasthan Ministry was expanded on November 12, 1973, with the appointment of five more Cabinet Ministers and three Ministers of State. This raised the strength of the Ministry to fifteen.

##### *Ceiling on Holdings Bill, 1973*

The President, on January 15, 1974, gave his assent to the Rajasthan Imposition of Ceiling on Holdings (Amendment) Bill, 1973. The Bill sought to make the present Act applicable to the whole of Rajasthan and reduce the ceilings on hilly areas and semi-fertile areas to 54 acres.

##### *By-elections to Vidhan Sabha*

On January 21, 1974, Shri Girdharilal Vyas, the Pradesh Congress Committee chief, won the by-election from Asind constituency

in a straight contest, defeating Shri Parasmal Ranka (Jan Sangh) by 25,412 votes.

In the Bharatpur constituency, Shri Ram Kishan of the Socialist Party was elected, defeating the Congress nominee, Shri Hari Singh by a margin of 6279 votes.

#### TAMIL NADU

##### *Change in party affiliation*

Shri Kovai Chezhan, DMK member of the Tamil Nadu Legislative Assembly joined the Anna DMK.

#### UTTAR PRADESH

##### *New Ministry sworn-in*

Shri H. N. Bahuguna, Union Minister of Communications was unanimously elected Leader of the Congress Legislature Party in Uttar Pradesh on November 7, 1973. President's rule promulgated in the State on June 13, 1973, was revoked on November 8, 1973 and a 35-member Ministry headed by Shri Bahuguna sworn in. The new Council of Ministers consisted of 15 Cabinet Ministers, 11 Ministers of State and 9 Deputy Ministers.

##### *Demise of a member*

Shri Harinath Tiwari, a member of the Assembly from Milipur constituency since 1962, died on January 12, 1974 following a heart attack. He was 63. Shri Tiwari was the President of the District Jan Sangh and was a party candidate from that constituency for the ensuing Assembly election.

#### UNION TERRITORIES

##### *Lakshadweep*

The Union Territory of Laccadive, Minicoy and Amindivi Islands was renamed as "Lakshadweep" on November 1, 1973. A Bill to this effect was passed by both the Houses of Parliament in August, 1973.

#### MIZORAM

##### *Merger of Mizo Union with Congress*

The ruling Mizo Union, at a two-day special session of the Mizo Union party, which ended in Aizwal on November 3, 1973, decided to merge with the Congress.

PONDICHERRY

*President's Rule*

The President on January 3, 1974, signed a Proclamation bringing Pondicherry under his rule and dissolving the 30-member Assembly of the Union Territory. The imposition of President's rule became inevitable when the DMK Ministry headed by Shri Farook Maricar, which had been in power since March 1969, first in coalition with the CPI and later on the strength of its party, submitted its resignation to the Governor, Shri Cheddi Lal, on December 30 following the defection of two Ministers—Sarvashri S. Ramaswamy ( Home Minister and D. Ramachandran, Minister of P.W.D.—to the Anna DMK, thus reducing the strength of DMK to 13.

This was the second time that the Union Territory came under President's rule since it came into being in 1954. The first was in 1968 when a Congress Government formed by Shri Venkatasubba Reddiar fell after defection by legislators.

---

## SUMMARIES OF BOOKS

### 1. COUNCIL OF STATES IN INDIA: A STRUCTURAL AND FUNCTIONAL PROFILE. By Bhawani Singh. Meerut: Meenakshi Prakashan, 1973.

This work by an Indian University Professor attempts to examine and evaluate the structural and functional profile of the upper house of the Indian Parliament. The author traces the history of the Council of State from 1919 to 1947, describes the planning of the Second Chamber by the framers of the Constitution and carries out a structural analysis of the planning of the Second Chamber by the framers of the Constitution and carries out a structural analysis of the House formed after the commencement of the Constitution.

*Smaller size of the House:* The smaller size of the Council of States has, in some cases, enabled it to conduct leisurely debates which is not the case with the Lower House having been hard-pressed for time owing to its large size. Consequently, the Council of States often tends to play the role of an alternative forum for calm deliberation, though the chamber may not always be going as far as one would like it to go in this respect.

*High standard of Debates:* The Council of States is also known for its high quality of debates. This has been testified not merely by the observers of the ministers who have had the privilege of sitting in both the chambers, but even by those who do not swear by a second chamber.

*Absence of party feelings:* The absence of acute party feeling in the Council gives the legislators belonging to different political parties, greater freedom in the deliberations which is not always possible in the lower chamber. This is because an adverse vote in the Council of States does not affect the fortunes of the government and hence party whip is often relaxed to provide members real freedom to speak and act the way they choose. This makes the debate in the Council comparatively freer.

*Private Members' Business:* Through its resolutions, the Council of States has endeavoured to raise discussion on practically every aspect of the country's political, economic and social life. In this,

the contribution of the private members is significant, even though in most cases their resolutions were not accepted by the government. But unmindful of the fact that they had to face repeated rejections, causing in some cases even the hushed anguish of mortification, they did not give up and kept on tabling resolutions. Despite the government's refusal to accept them, the discussion on them had been very useful and purposive.

Apart from the resolutions, the members had also raised half-an-hour discussion, on matters of great public importance. Through such debates, the weaker sides of the polity were spotlighted, their redressal was sought and many valuable suggestions and guidelines were offered to the government.

*The Question Hour:* The question hour in the House was always a very lively affair. Members attached great importance to this mode of parliamentary control over the executive. They had raised all sorts of questions to elicit information on the working of the various government departments. With the spate of supplementaries following an unsatisfactory answer, the members did their very best to wriggle out every conceivable public information.

*Introduction of Reformatory Measures:* The Council served as the forum for the initiation of some very useful and socially reformatory legislation concerning the Hindu marriages, adoptions and successions. And whereas one may question the appropriateness of introducing such controversial laws in an upper House, one cannot doubt the pains which the latter took in elaborating and enacting them.

*The Federal Role:* Despite the fact that the architects of the Constitution did not specifically assign to it a federal role, the Council of States had shown a great concern and awareness for the rights of the federating States of the Indian Union. In standing by the rights of the States, the Council had shown special interest on several occasions. This is evidenced by the fact that on many occasions when the Centre invaded the spheres of the States, the Council fought for the autonomy of the States.

*Duty conscious Members:* On an average, the members of this House had shown themselves to be very duty conscious. This is borne out by the fact that the first adjournment of the House for the lack of quorum was reported as late as seven years after its formation which is indeed a significant fact.

*A Saviour of Democracy:* During emergencies, the Council of States has a special responsibility and is capable of saving the entire edifice of democracy and constitutionalism in the country.

*Assistance to Lower House:* Without caring to meddle with the Money Bills, which it had no power to do, it had made such modifications in some of them were legally necessary. Thus, it assisted the lower chamber in the exercise of its exclusive financial powers.

*The Architectural Flaws:* Having seen the credit side of the Council of States, one can now turn to the debit side. The Council has many architectural and functional shortcomings. One may begin with the architectural flaws:

(i) The architects of the Indian Constitution apparently did not give much thought to the question of creating a second chamber in India which would serve the federal ends of the polity. A few members talked about the advantages of bicameralism and also advanced some arguments of a text-book variety but no elaborate justification for the creation of a second chamber was offered by them. They took it for granted that in a federation, an institution of this type was necessary. Hence they did not care to examine its institutional or functional necessity in relation to a country like India which has a plural society.

(ii) A change was made in the title of the Upper House. In the pre-independence era it was known as the Council of State but its present title is the Council of States. But what accounted for this change was never fully explained. While its pre-independence title indicated the advisory nature of the chamber, the present title implied a federal role for it. But significantly enough the architects of the Constitution did nothing to constitute the Council of States in such a manner as to enable it to fulfil its federal role.

(iii) The composition of the Council of States appears to be a hybrid of many strands taken from different sources. It has thus become an exotic transplant on our soil and represents neither the people, nor the State legislatures. Some members wanted it to be composed of seasoned people but there is no provision in the Constitution to ensure that something could have been done through the provision of the nominated members to harness the services of the intellectual elite but this also was not done.

(iv) The architects of the Indian Constitution did not codify the privileges of the two chambers and left them to be determined by the future legislators. They, however, did not forget to lay down a permissive clause stating that till such codification the privileges of legislators in India

would continue to be the same as in the British House of Commons which indeed was rather strange. This is, perhaps, the first example of a constitution of an independent country incorporating in it a clause confirming its dependence upon an existing foreign model.

**Operational defects:** Apart from these institutional defects, there were also some operational defects, namely:

(i) The Council of States failed to acquit itself well as a revisory chamber. In the first ten years of its existence, it revised only 17 legislative Bills which is a woefully insignificant number. Even in respect of these Bills, the revision made was either nominal or of a minor nature. Substantive revision was made only in two Bills, viz., the Representation of People (Second Amendment) Bill, 1956, and the Pharmacy (Amendment) Bill, 1959.

(ii) As a delaying chamber also the Council of States did not do much. In the twenty-one years of its existence, it delayed only one Bill—the Dowry Prohibition Bill, 1959. To say that no other Bill was worth delaying and that by allowing a smooth passage to other Bills, the Council of States proved that it was not an obstructionist chamber, would be only making a virtue of necessity, if not a glorification of failure to fulfil statutory obligations.

(iii) That as a chamber for the initiation of laws also, the Council of States was not properly used. Instead of initiating the non-controversial legislation here for which it was the appropriate forum, those Bills which carried with them a power-gek of pent-up emotions such as those relating to the Hindu marriage, divorce, adoption and succession were initiated in it, which was manifestly a wrong thing to do. A second chamber is primarily meant for the initiation of non-controversial legislation. Any Bill, howsoever ameliorative and reformatory, if it contained a controversial provision in it, should not have been initiated here. The proper place for its initiation was the House of the People and not the Council of States.

(iv) The Council of States could not benefit by the wisdom and ability of its private members. Though it had a reservoir of talented members in it, the government did not show any willingness to accept their suggestions. This was proved by the large-scale rejection of the private members' Bills and resolutions.

(v) As a critic of the annual budget also, the Council failed to make any impression. The excellence which it exhibited at the time of the general debate on the Bills and resolutions, was lacking while discussing the budgetary proposals.

(vi) Though the standard of discussion in the Council of States was quite high but by itself it was nothing more than a prologue without a play. This was because it had neither the authority to remove the government nor the power to censure it. And whereas one can understand that an indirectly elected and partly nominated chamber should not be allowed to remove a popularly elected ministry, the denial to it of the important power of moving the adjournment motions, was a serious handicap. While the former would promote ministerial unaccountability towards the members of the Council, the latter would encourage public unaccountability among the members themselves who, having been denied the authority to castigate or to bring to book an erring department of the government, would slump into an attitude of utter indifference or callousness towards important public issues. That the Council of States has not exhibited this attitude so far, is no reason for getting complacent.

(vii) Quite a few of the members of the Council of States were there by sufferance only and not by any choice. Either defeat in the general elections or inability to face a huge electorate drove many of them to this chamber. But they made no secret of their antipathy for this chamber. With a sizeable section of its own members professing no loyalty or love for it, the Council of States remained obviously handicapped in its functioning.

(viii) The Council of States, being an integral part of Parliament, should have been treated as a national forum; but this was not the case with a large number of its members, who looked upon the political issues coming before it, not from a nationalist angle but from the point of view of their States. They gave priority and precedence to the regional interests over the national interests.

(ix) Most of the members did not possess the resources in terms of technical skill and assistance to frame laws, with the result that quite a few of them must have been deprived of the opportunity of exercising their right to introduce laws. Even today, the few members who actually introduce the Bills, have to run from pillar to post to get technical assistance of the skilled draftsman, employed by the various ministries and departments of the Government. But these government employed draftsmen may or may not oblige the private members with the result that many of the legislative Bills presented by them contain technical flaws which, in turn, serve as grounds for their rejection.

(x) The telescoping of several departments in a few broader groups for the purposes of parliamentary interrogation did not allow a proper parliamentary scrutiny because most members concentrated on the more important



departments to the exclusion of the less important ones. Thus several less known departments got an immunity from parliamentary interrogation for no other reason than their being yoked with one or few more important departments.

(ix) The answers given during the Question Hour also left much to be desired. The Ministers concealed more than what they revealed. In most cases the answers were evasive and the unsatisfied members were compelled to ask a large number of supplementaries to dig out the concealed information. This naturally resulted in a tremendous waste of the time which was actually set apart for oral answers. Hence oral answers in respect of many Starred Questions could not be given and this was not merely a serious infringement of the rights of the members to raise questions but was also the cause of much discontentment and unhappiness among members regarding the efficacy of the Question Hour. While doubtlessly the executive would share a major portion of the blame for the ineffectiveness of the Question Hour, it cannot be denied that sometimes the questioners also abused their right by a barrage of needless supplementaries, not with the intention of adding to their information but with the object of touching off political controversies.

*Need for Retention of the House:* In spite of its rather disappointing performance and short-comings, the objective conditions in Indian warrant its retention, though not in the present form, broadly for two reasons. First, the compulsions of a federation coupled with the rather polygot nature of our country demand its continuation; and secondly, none of its present shortcomings are beyond redemption or redressal. It can be mended to act as a useful second chamber. One can examine here its theoretical rationale in the light of the objective conditions of India.

*Federal diversities in India:* The problem of second chamber in a federation is not one of merely legal formalism or formal jurisprudence. It is intimately related to the question of giving recognition to the federal diversities of a nation. By itself an institution cannot serve as a true index of the federal nature of society which subtends it. On the other hand, an institution is merely a surface manifestation of the deeper federal traits of a society. The essence of federalism lies in the society itself and a federal government is nothing more than a device by which the federal qualities of society are articulated and projected. It, therefore, follows that as an institutional appendage, a second chamber is not at all necessary. Its necessity lies in the fact that the federal diversities of a nation require adequate recognition and representation. It is not necessary that a state as a territorial unit should be represented. It is enough

if the quality of statehood consisting of its numerous diversities is represented. In a country like India which is so full of federal diversities in terms of races, religions, languages and more particularly ethnic groups, the creation of a second chamber is warranted both by the facts of history and logic. Being a polygot country, India must give recognition to her numerous diversities or else it will have to face the spectre of the country dividing itself into loose congeries of unconnected groups. The creation and 'sustained vitality' of a second chamber is, there, an imperative federal necessity. Moreover, territorial representation is defective in as much as it squeezes out the ethnic minorities and special interests. Such groups and interest can be accommodated only in a second chamber if it is properly constituted. The real problem of India is not merely that of political representation but also of sociological representation, which can be provided only by improving the structure of the Council of States. This is because the architects of the Indian Constitution, while planning a second chamber for India, did not adequately take into consideration the federal ends which it was to serve. Nor did they assign to it a definite federal role. A second chamber is needed in India on account of certain federal compulsions and hence, both the composition and the powers of the Council have to be changed.

*Relationship between the two Houses:* Between the two chambers there had been a keen rivalry, bordering at times on enmity. This is borne out by the efforts made in the House of the People to do away altogether with the second chamber. It is not merely the habit of institutions to give birth to loyalties that produced these crisis but also the attitude of those people who thought in terms of a sub-chamber and a super-chamber which had been a contributory factor in creating these conflicts. Right from its inception, the Council of State had been at pains to emphasise its co-equal status with the other chamber.

Things will be much better off if the Council of States gives up its assertion of parity and decides to emulate the *Bundesrat* or the German Federal Council which has been called 'an organ of agreement and not a forum of disagreement.' And this can be done when the Upper House accepts its constitutional position which is not of parity. They must realise that they are not two separate entities, created to obstruct and thwart each other, but are the two halves of a single composite whole. They are, what Herman Finer once said

in a different context: "flesh of each other's flesh, in full sovereignty for neither constitutional limitations nor courts declare them out of bounds; and they are still flesh of each other's flesh even when they are thorns in each other's flesh."

2. CONSTITUTIONALISM IN THE EMERGENT STATES By B. O. Nwabueze, London: C. Hurst & Co., 1973.

The author, who is one of Africa's foremost academic lawyers, offers in this book a legal analysis of revolutions, *coups d'état*, acts of secession and other manifestations of constitutional breakdown and reviews the body of case law on these subjects that has already emerged from Pakistan, Cyprus, Rhodesia, Uganda, Nigeria and Ghana. He devotes special attention to constitutional and political history of Nigeria since 1960, which he uses as a base for his discussion.

Emergencies, *coup d'état* and secessions, according to the author, are part of a general phenomenon which today holds the emergent nations in its grip. Hardly any of the new nations has escaped some kind of violent emergency. Colonial authoritarianism showed how a country could be governed without popular backing. The nationalists who took over political power found too many temptations to cling to office regardless of constitutional restraints or minority interests, and the frustration of indefinite exclusion from office were too severe for the concept of loyal opposition to develop. Also when the major divisive factors in the state are communal—religious, racial, tribal and linguistic—the prospects for constitutionalism are never bright.

The author maintains that he is unconvinced of the superiority of single party regimes and advocates adaptation of constitutional ideas set in a European conceptual frame work to meet the needs of developing plural societies.

*Dangers to Constitutional Government:* Experience has amply demonstrated that the greatest danger to constitutional government in emergent states arises from the human factor in politics, from the capacity of politicians to distort and vitiate whatever governmental forms may be devised. Institutional forms are of course important, since they can guide for better or for worse the behaviour of the individuals who operate them. Yet, however carefully the institutional form may have been constructed, in the final analysis, much more will turn upon the actual behaviour of these individuals—upon their willingness to observe the rules, upon a statesmanlike acceptance that the integrity of the whole governmental framework and the regularity

of its procedures should transcend any personal aggrandisement. The successful working of any constitution depends upon what has aptly been called the 'democratic spirit'. There can be no constitutional government unless the wielders of power are prepared to observe the limits upon governmental powers.

*Perversion of the Processes and Institutions of Constitutional Government:* Liberty, it has been stated, is the substantive core of constitutionalism, and liberty in political matters means freedom to propagate political ideas and to organise politically even in opposition to the government; it means freedom in an electorate to choose who should govern, a choice which can be effectively exercised only where political parties are free to organise and to compete with one another for the favour of the electorate. But political liberty and the desire and determination by the rulers to perpetuate their rule are mutually exclusive. The latter can be achieved only by stifling opposition, especially organised opposition. The method adopted to this end vary between outright suppression or absorption of organised opposition and its toleration under conditions which make it virtually impossible for it to be effective. All emergent countries practise one or other method. The former, being openly avowed and somewhat more repressive, has caught the attention and therefore the condemnation of the Western World much more readily. The insidiousness of the latter has enabled the countries which practice it to retain the public image of a practising democracy. Thus, until the final collapse in 1966, Nigeria had been able to beguile the Western World as a bastion of democracy in Africa. Insofar as there was some scope for independent political action which permitted parties and trade unions to be organised and dissident opinions to be voiced without fear of outright suppression or of preventive detention without trial, there was perhaps some justification for treating Nigeria as a noble exception in a continent where the one-party state and preventive detention hold the stage. But it was unmerited to have regarded it as a bastion of democracy in Africa, unless one meant to be cynical in the sense that in the country of the blind the one-eyed man is king.

In perpetuating their rule and thereby incapacitating or enfeebling the opposition, the ruling parties in Nigeria has used three main instruments of perversion; political coercion, electoral malpractices and the undermining of the individual right of speech and assembly.

*Constitutionalism and the incidence of emergencies in new nations:* Emergent nations are having to live under an almost con-

tinual state of emergency. Their societies are not only plural, but are often riven by deep-seated division between the component groups. Tribal or racial division has been deepened still further by the action of unscrupulous politicians who, in order to achieve political ends, have exploited group sentiments, creating thereby an atmosphere charged with tension and unrest. The process of transforming a primitive, traditional society into a modern one has also imposed its own strain. The society is in a state of flux, and change, especially rapid change such as these countries are undergoing, creates tension. The forces of change, urbanisation, industrialisation, vast increases in literacy and education all have to be reconciled within the society, and they inevitably operate to undermine the traditional bases of authority and established values. On the other hand, the new political organisation, the modern state, is as yet not sufficiently rooted or legitimised to provide the alternative base of authority needed to contain the pressure of these forces, and the struggle between the various groups for the right to administer the state has weakened it still further. All these factors react upon one another to make the society of the new nations into a kind of cauldron, which continually gives off vapours of conflict and instability. Now and again the uneasy equilibrium break down, giving way to violence. This violence has generally taken one of three forms, or a combination of all three, viz., traditional feuds and warfare, riots and revolts against constituted authority, and civil war. Thus Nigeria, Guyana, Morocco, Iraq, Uganda, the Congo, Ruanda, Burundi, the Sudan, Cyprus, India, Pakistan, Ceylon, Burma, Laos and South Vietnam have all experienced the disruption of tribal, racial or communal violence, while revolutionary violence, insurrection, and guerrilla warfare have become almost a way of life in most parts of Latin America and in many parts of the Middle East and Asia.

Emergencies affect constitutionalism in two main respects; they attract the emergency powers under the constitution or the doctrine of civil necessity or both.

*Coups d'etat and Constitutionalism:* Organised violence is endemic in the society of the emergent state, but of the various types of violence mentioned above the *coup d'etat* is the most widely prevalent. But it is a phenomenon of the independence era. Before 1963, with the exception of Egypt (1952) and Sudan (1958), military intervention in the politics of the emergent states had been confined to the independent countries of Latin America, Asia and the Middle East. Since that date, however, from its first occurrence in Togo in

January 1963, the military *coup d'etat* has engulfed practically the whole of the African continent, and its endemicity shows no sign of foreseeable abatement. No less than nineteen countries have experienced it, some more than once. Dahomey with its four coups in six years tops the scale. The total is twenty-nine in seven years, and this is exclusive of abortive or attempted coups, such as the ones in Ethiopia in December 1960, Senegal in 1962, Niger in December 1963, the Ivory Coast in 1963, Congo-Brazzaville in June 1966 and November 1969, Algeria in December 1967, Ghana in April 1967, Sierra Leone in March, 1971, and the United Arab Republic in May 1971. Mention may also be made of the East African army mutinies of 1964 in Tanzania, Kenya and Uganda, though these were not aimed at overthrowing the government but at obtaining redress for army grievances.

Coups are an incident of the political situation in those states. Corruption, waste, concentration of wealth in a few hands, increasing unemployment, general mal-administration especially of the economy, electoral malpractices and other types of political perversion of the constitutional system, tribalism—these are the main factors compounded in this situation. They breed disillusionment and discontent against the rule of the politicians. This discontent is widespread in the society, and is shared alike by the civilian population and the military.

Yet discontent with the discreditable performance of the ruling politicians provides only a superficial explanation of the recurrent phenomenon of coups in the emergent states. When the deeper motivations are probed, most of the coups would be found to be the product of the ambition for political power among the different elements in the society. Coup-makers usually come from the class of the young elite, both civilian and military. These have their own ambitions for power, independently of the failure of the ruling politicians. It is a characteristic of the elite in emergent states that they consider themselves as a privileged group, with a right to rule. Army officers qualify by their training and standing in society as an elite and so share in this outlook. They believe that they have as much right as the ruling politicians to determine the political destiny of the country, and that, when politicians begin to mess up matters, they owe it to themselves and to the country to intervene to put matters right again. Their elitist outlook tends to outweigh the tradition and ethics of non-interference imposed upon the army profession by tradition. They are inclined to subordinate tradition to what they consider as their obligation as an elite to society.

*The Emergence from the Coups of Non-constitutional Military Governments:* The destruction of the constitution, the instrument of restraint upon government, by a revolution would not undermine constitutionalism if the object was to create a new constitution better adapted to the current need of the community. It is in this respect that the main difference lies between a coup, especially a military coup, and a revolution brought about by means of the people's constituent power. In the former the abolition of the constitution is usually not followed by the restoration of the limitations it imposes upon government. Usually the motivation for the coup is the assumption of absolute powers by the coup-makers and this is so whether the coup is staged from within or without the government. Hitler subverted the German Constitution in 1933 in order to escape from its fetters and assume dictatorial powers, so did Mirza in Pakistan in 1958, and, to a limited degree, Obote in Uganda in 1966. On the other hand, a revolution by means of the people's residuary constituent power is aimed at maintaining or even reinforcing constitutionalism. The people's participation in the revolution means that effort will be made to put restraints upon government.

Most of the coups in the emergent states have established military governments. In the result Africa has today thirteen military governments or governments with military heads—those of Algeria (headed by Colonel Boumedienne), Burundi (Captain Micombero), Central African Republic (Colonel Bokassa), Congo-Brazzaville (Captain Nagoubi), Congo-Kinshasa (General Mobutu), Libya (Colonel Gaddafi), Mali (Lieutenant Trarore), Nigeria (General Gowon), Somalia (General Barreh), Sudan (Colonel al Nimeiry), Togo (Colonel Eyadema), Uganda (General Amin), and Uper Volta (Colonel Laminaza). Sierra Leone, Ghana, Egypt and Dahomey have shed their military governments and returned to civilian rule.

*Secession and its implication:* Secession is another of the violent maladies that afflict constitutional government in the emergent states. Like the coup, it is directed against the constitution, the aim being to overthrow its authority in parts of the country. If it succeeds, it becomes a revolution, and creates a new legal order for those parts of the country affected, whereas its failure makes it the crime of treason. To this extent, it is essentially of the same nature as a coup, except it does not seek to destroy the existing legal order completely but only in respect of a section of the country. There is yet another difference which has an important bearing upon constitutionalism. Usually a coup either succeeds or fails immediately.

There is no prolonged period of uncertainty, during which two governments contend for ascendancy. If the coup succeeds, its organisers become immediately the new rulers for the whole country, and their regime is legitimised by the success of the coup and the effectiveness of their control. If it fails, its leaders are rounded up at once, and there is usually no question of a rival government operating in competition with, or in opposition to, the legitimate government for a period of time. This means that there is usually no civil war. Secession, on the other hand, invariably leads to the establishment of a secessionist government, and to a military confrontation to crush the rebellion. Almost invariably, too, the secession is crushed, but only after a period (which may extend over some years) of illegal government in the secessionist area, and of war. Now constitutionalism presupposes legality; it is government according to law, but a rebel government is essentially government in opposition to laws and is therefore anti-constitutionalist.

*Incidence of Disintegration:* The phenomenon of secession is apt to give the impression that the state itself in the emergent nations is in the process of disintegration. Far from this being the case, the state in Africa exhibits every mark of performance and continuity, its acknowledged artificiality notwithstanding. Indeed secession has had a rather limited incidence, and this gathering storm seems to be abating as the new states begin to settle down after the excitement over who should inherit power from the departing European colonisers. It was independence that gave impetus to secessionist demands among groups within the new state, who feared that the removal of the imperial protective power, with its professed solicitude for the interest of minorities, might leave them a prey to the tyranny of their more populous brethren. As the first decade of African independence passed by, these fears tend to diminish. The futility of secessionist demand has compelled a willingness to seek and accept accommodation with neighbours, and a realisation that one's interest is best served by trying to work out one's destiny within the inherited state rather than by devising a new one.

In the two African states, Congo and Nigeria, in which secession was actually attempted, its failure has been an object lesson, demonstrating the futility, the wanton waste of lives and resources, the misery and horror that result. In both countries, the secessionist region has been reintegrated into the state.

The new states in Africa have definitely come to stay. They are



colonialism's great legacy to the continent. They must be nurtured to maturity, for they provide the best hope of salvation through economic development. Instead of secession, they should be working towards greater regional co-operation on lines similar to those of the East African Community.

Leaving aside the impression of disintegration which secession is apt to engender, it might be thought that the picture of constitutionalism—one of failure—painted here is somewhat unduly pessimistic if not altogether too sombre. It might indeed be questioned whether constitutionalism can really be said to have failed in the emergent states of Africa.

*Erosion of Principles of Constitutionalism:* Erosion of the foundations and principles of constitutionalism there certainly has been. The erosion has had many causes and has taken various forms. Underlying these causes is the constitution's lack of legitimacy for the masses, and perhaps more disastrous, for the ruling politicians. Politicians in developing countries are yet to develop the right attitude towards the constitution; they are yet to learn to regard and respect it as an 'umpire above the political struggle, and not as a weapon in that struggle which can be used and altered in order to gain temporary and passing advantages over one's political opponents.' The constitution lacks sanctity because the values and ideas which it enshrines are different and opposed to those of the rulers and society alike. While a constitution is meant to be a check upon power, a limitation upon the arbitrariness of discretion, the politicians' orientation is authoritarian. They tend to be impatient with, and want to break away from all, constitutional restraints, and if the constitution proves an obstacle, then it must be bypassed or be made to bend to their desires. The result, as we have seen, is systematic perversion of the institutions and processes of government coupled with a spate of amendments to the constitution where it is thought necessary to maintain some facade of legality.

*The Human Problem:* This is the basic problem facing constitutionalism in the emergent states. The problem is largely human rather than institutional. And the motivation for the politicians' authoritarian tendencies is power together with its wealth and prestige. Disproportionate premium is attached to wealth in a community where poverty is the general condition for the overwhelming majority of the population. The ability to help one's friends and relatives with jobs and contracts is highly prized in a country in which unemployment is widespread, and in which the government is the main employer of labour. From this a flicker of hope

appears, howewers dimly, on the distant horizon. Poverty and unemployment cannot remain a permanent condition of the emergent states. Development has been launched upon its difficult and disultory course, yet no matter how long-drawn it is going to be, the experience of the developed societies gives ground for an optimistic future. When the new states have attained a sufficient degree of development in education, technology and industrialisation, the craze for power and wealth should diminish, and political power would then be cut to its proper dimensions. It would then lose some of its present appeal and cease to be regarded as the supreme object of human existence.

*The Myth of Charismatic Authority:* There is another ground for hope. It is perhaps not altogether surprising to encounter authoritarian tendencies in the first generation of rulers. Any new thing has a flattering and infatuating appeal, and the inheritance of the power of the white colonisers, with all its glory and myth, must be more than infatuating; it has indeed been intoxicating. The present generation of rulers were the leaders of the nationalist movement, and rightly consider themselves the founders of the new states. Herein lies their belief that they have a peculiar title to rule in order to safeguard the fruit of their revolution. Opposition is considered an attempt to destroy the revolution, a struggle in which they have sacrificed so much, borne so much humiliation and deprivation. The argument of the rulers is that 'we shall not sit by and allow others to snatch the fruit of our labour from us. Whatever amenities the people enjoy today, in the way of jobs, education, medical services, etc., they owe to us as the authors of the revolution.' The argument sounds somewhat naive, yet it impresses the unsophisticated masses. This is the attitude to power which has brought the ruling elite into conflict with other classes of the elite, who refuse to accept that the fact of having led the nationalist movement gives the rulers a right to govern indefinitely.

The point that it is necessary to make here is that this particular threat to constitutionalism is likely to prove ephemeral. It should not last longer than the situation that excites it. The generation of the elite that led the nationalist movement and succeeded to the power of the colonial government cannot be immune to the effect of the natural laws of wear and tear and age. It is true that at eighty some of them are still hanging on to power, but the alert and active octogenarian is a rare creature. When their era is over, as it will be sooner or later, then their claim to the state as a personal fief will have perished, and with it the myth of messianic or charis-

matic authority. Struggle for power among the younger and oncoming elites will not thereby be abolished, for that is the very essence of politics, but the repressive and perverse methods of the present day, which are primarily designed to maintain the 'founder' rights of the authors of the nationalist revolution, would, one hopes, disappear.

### 3. POLITICS AND SOCIAL CHANGE IN THIRD WORLD COUNTRIES.

By F. La Mond Tullis New York John Wiley Sons Ltd. 1973.

Contemporary political, social and economic changes in Asia, Africa, Latin America, and the Middle East provide the background for this book. The book describes and analyzes not only transformations in the physical environment of Third World countries and the way people relate to and think about them, but also alterations in the structure of whole societies and their underlying institutions. The main focus, however, is on the rise of new social forces and their relationship to the political institutions that they hope to create or with which they must deal. The approach is theoretical and empirical, and it includes extensive case studies on Brazil, Libya and Peru.

*Process of Modernization in Third World Countries:* Depending on historical time and place, a country's experience with modernizing change may be different, even unique. The kind experienced in today's Third World nations, for example, is extraordinarily unlike most of that recorded in histories of the United States. There are some noteworthy exceptions, of course, but for the most part newer nations of Asia and Africa, the old republics of Latin America, and the traditional monarchies of the Middle East and Southeast Asia have had a different start in their independent or modernizing life. Generally, they have different and more rigid social structures, more antagonistic cultural mores and norms, more complicated historical positions *vis-a-vis* modern technology, more dependent and vulnerable economies, more complex relations with the so-called "superpowers" and more basic problems with ethnic and language diversity and religious tradition. Indeed, when the processes of change occurring in the Third World today are compared in intensity and quality with those of North America's formative years, many of the apparent similarities with early experiences in the United States rapidly fade.

It does make a modernizing difference whether one begins as a new society with old political institutions, or as an old society with new political institutions. And a differing historical evolution frequently lays the foundation for major differences in the social and political consequences of modernization.

*The industrialization factor:* Industrialization with all of its associated social dislocations and political antagonisms, is a very difficult task even when the process is extended over two or three centuries and is built on substantially compatible values. Most of the citizenry, by gradual change and accommodation from generation to generation, have adequate time to be converted to the material benefits of technology and to become resigned to their social costs. But when one chooses to speed up that process, to attempt to do in 20 or 50 years what others have taken 300 years to accomplish, and to do so when social values are not compatible, then the story is entirely different. Hatred and dissent become incredibly intense as new groups, forcing their way up the development ladder, push aside, thrust down, or exterminate older established ones. Modernization is greatly facilitated when a country is first, when it can take a long time to do it, and when the process, though always generating conflict, nevertheless does not occasion frequent and absolute antagonisms among large groups in its society. North America was reasonably fortunate in this regard; today's Third World, for the most part, has not been. Historically, the United States has had only a handful of major political purges— and thus far only one civil war. In much of the Third World, purges are almost daily experience; civil violence and guerrilla warfare are commonplace; and political instability and frequent chaos are a way of life. Indeed, these are the basis for the international news stories of the early 1970's.

*The American Model:* Although America's history does not provide a universal model, its contemporary period is nevertheless ripe with analogies. When we reflect on its current protest movements—on the challenges to tradition and the time-honoured virtues of the past, and the systematic rejection of the sacred and the profane—we begin to get a better "feel" for what the Third World is experiencing. The great difference, of course, is that the United States is already rich and industrialized. Moreover, it has reasonably powerful and flexible political institutions that can heal the wounds of dissension and can make necessary reforms. Most of the Third World has neither the wealth nor the institutions. This is a simple fact that makes the modernizing problem of our Asian, African, Latin American, and Middle Eastern friends perhaps a hundred times more excruciating than the modernizing problem of our American forefathers.

*Results of Case Studies:* Modernization is accompanied as much by changes in people's attitudes and values as it is in alterations to their environment. In all the case studies, evidence was found of

these changes. Not only did the environment change and become more complex (urbanization, literacy, economic development, differentiation), but many people, particularly the upwardly mobile, adopted new values of empathy, rationality, material acquisitiveness, and aspiration for political efficacy. Numerous other transformations were observed as well. Many of these value and attitudinal changes arose as a product of experience in and exposure to formal education, new ideologies, new forms of communication and work experiences and macro-economic changes affecting the whole society.

The appearance of new attitudes and values is accompanied by changes in wants, aspirations, and desires. To a greater or lesser degree, depending on the developmental possibilities of the nation and the rigidity or openness of its political system, these wants, aspirations, and desires generally tend to outstrip the possibility of their being satisfied. The resulting "gap"—structural and psychological binds—occasion frustration and sometimes despair. Yet it is the existence of these gaps or binds among recently "mobilized" individuals that also sets the stage for the birth of new social forces. Accordingly, rapid environmental and value change, such as is commonly associated with "modernization," is generally accompanied by the appearance of new groups and classes that demand economic, political and social rights and opportunities.

Changes in attitudes and values and alterations in the environment are generally not accompanied by a compensating development in authoritative and integrating political institutions. The most singular political effect of the early stages of rapid modernization, therefore, is not political development but political decay, a condition accompanied by instability, disorder, corruption, and chaos.

*Revolutions:* One of the best visible signs that the political system is relatively weak, either because old traditional patterns of governance and control are decaying or because modern ones are simply not up to par, or because— and most probably this is the case— there is both decay and lack of political development at the same time, is the susceptibility of the regime to raids by organized groups within the society. In extreme instances, revolutions have resulted, but in most practical ones it is the military that controls civilian life in all of the case-study countries. In Brazil, the officers have ruled since the ouster of Goulart in 1964. In Peru, they have held sway since 1968 when they forced Belaunde to flee. In Libya it was in 1969 that the young officers left their desert garrisons to depose King Ifris while he sat in a Turkish bath.

*Charismatic leadership:* And yet, while the failure, or inability, of traditional political institutions to respond favourably to new demands occasions a decline in the legitimacy of the old order, no automatic assurance exists that a more capable, effective, or legitimate "rational-legal" or developed set of institutions will eventually emerge. Thus charismatic leaders and military officers frequently sound the attack, sometimes supporting one another, but often being at odds with each other.

Charismatic leadership is made possible by a combination of situational factors and personality or personal quality factors possessed by a potential leader. Such leadership is highly unstable. Either by success or failure in achieving his goals, a charismatic leader may lose his charisma. The only way to preserve charisma seems to be in knowing when to make it a legend, by bowing out of political power (willingly), or by death, or preferably by martyrdom at the hands of enemies, but by doing so only at the apex of success, not at the trough of failure. Charismatic leaders who do not withdraw or who are not removed have a tendency not only to delay the draw or who are not removed have a tendency not only to delay the emergence of developed rational-legal authority patterns but also to become despots in their own right.

Thus, as with the rise of charismatic leaders, it is the existence of unrequited anxieties, if not outright societal disturbances occasioned by "gap" conditions, that also precede the manifest intervention of the military in politics. Charismatic and military political authority—one with transitory political legitimacy, the other usually struggling to obtain it—rise on essentially the same social conditions. Depending on other factors, the appearance of a charismatic or populist leader may actually be the catalyst that triggers a military coup.

*Protests to Modernization:* The greater the binds that socially mobilized people suffer, and the greater the resistance to change and "bind-relieving" reform that the political and social system under which they live generates, the greater the probability that rapid modernization will be accompanied by severe protests if not attempts for a genuine revolution.

The intensity and, perhaps, success of protest, revolution, or general collective action among social forces relate not only to the underlying conditions that produce structural and psychological binds but to the power these forces have *vis-a-vis* other groups in the society.

Political and social institutions that resist modernizing change radicalize new social forces. Those that promote change radicalize old ones—the traditional elite and many of their middle class friends.

All of the case studies demonstrate the general validity of this observation. Newly mobilized groups want entrance and access to social mobility, political power, and economic benefits. Older established elite groups frequently perceive these wants to be a direct threat to their time honoured privileges and statuses.

*Surfacing of Ideologies:* The nature of modernization in the twentieth century encourages the surfacing of "socialist" and "developmentalist" ideologies among new social forces. *Trabalhismo*, *accion-popular*, and Arab socialism are examples encountered in the cases of Brazil, Peru and Libya. Virtually every developing country displays one or another brand with varying degrees of commitment to communalism and public entrepreneurship.

If either military or charismatic authority is to be replaced by more orderly rational-legal or politically modern forms of government, the first task is to begin to close the gap between social mobilization and political development. As it is unlikely that anyone will be able to stop social mobilization, the key to stability must therefore lie in political development. Yet to accomplish this entails a conscious act as well as an enormous will. Charismatic leaders, just as military officers, frequently have either.

*Political parties and political development:* Political parties, *per se*, neither enhance nor undermine political development. It is not the existence of parties, therefore, but their nature and function that is crucial for political development. Those parties which do enhance political development are more broad in their constituency than a single social force. They have an institutionalized pattern of leadership succession and change. They are decidedly "absorptive" in their political participation functions. And they are not totally dependent on official government sanction for their existence. As new social forces rise, they attempt to incorporate them under their wing and relieve the binds which so frustrate them. The most successful arrangements in this regard in the developing countries seem to be the "dominant party systems", Mexico being one of the best examples. Unfortunately, none of our case countries has such a system. Brazil has two parties sanctioned by the military—the party

of "yes" (MDB "Opposition") and the party of "yes sir" (ARENA). Peru has gone essentially "a political" as far as parties are concerned, and Libya sports only an officially sponsored semblance of one.

As long as rapid modernizing change impinges upon people, as long as traditional political institutions continue to decay and the development of modern ones remains attenuated and skeletal, and as long as new social forces continue to experience serious structural and psychological binds, instability rather than the art of peaceful association will be the most salient political news stories of the contemporary Third World.

*Political instability:* Political instability is not inevitable, but as long as conditions exist which foster its occurrence, we must in any case consider the probability of its continuation very great. What observations, therefore can we make about some of these conditions? For one thing, social mobilization will in all likelihood not reduce its tempo, at least for the next two or three decades. Moreover, people's wants and expectations, and their capacity, will no doubt continue to outstrip any possibility of their being generally satisfied. Compounding this dilemma is the general lag in the development of political institutions and procedures, either because of elite restraint on their absorptive capability or internal weaknesses which have produced the same result. Up to now they have not been able to respond adequately either to demands or pressures. One is led to conclude that their performance in the immediate future will not appreciably improve, although some notable exceptions may occur. The outlook, it would seem, is that if "political stability" is to be achieved, it will be done so either on the basis of a substantial amount of domestic coercion and police power (which may be supported by one or another superpower whose domestic meddling significantly alters the odds in favour of a clientele group selected for support), or by transitory national distractions which reduce people's felt problems in favour of attention toward resisting, or destroying a perceived threat to national sovereignty and well being (e.g. Egypt and Libya vs. Israel).

Accordingly, if political stability with democracy is one's overriding goal in the Third World, he probably ought not to be overtly optimistic about the possibilities of a general realization soon.



## Recent Literature of Parliamentary Interest

### I. BOOKS

#### General

Antulay, A. R.: *Appointment of a Chief Justice: Perspectives on judicial independence, rule of law and political philosophy underlying the Constitution*. Bombay: Popular Prakashan, 1973.

Barston, R. P. (ed.): *The other powers: Studies in the foreign policies of small states*. London: George Allen & Unwin, 1973.

Benewick, Robert and Smith, Trevor (ed.): *Direct action and democratic politics*. London: George Allen & Unwin, 1972.

Berrier, Ivan: *International legal aspects of federalism*. London: Longman, 1973.

Blair, Thomas L.: *The poverty of planning*. London: Macdonald, 1973.

Chavan, R. S.: *Nationalism in Asia* New Delhi Sterling Publishers, 1973.

Commonwealth Parliamentary Association. General Council: *Report of the proceedings of the eighteenth Commonwealth Parliamentary Conference (Malawi)*. London: Houses of Parliament, 1972.

Cullingworth, J. B.: *Problems of an urban society*. London: George Allen & Unwin, 1973.

Dahl, Robert A. (ed.) *Regimes and oppositions*. New Haven: Yale University Press, 1973.

Dinwiddy, Bruce: *Aid performance and development policies of Western countries: Studies in U.S. U.K., E.E.C. and Dutch pro-histories 1945-1970*. London. Europe Publications, 1973.

Donelan, M. D. and Grieve, M. J. : *International disputes; case histories 1945-1970*. London: Europe Publications, 1973.

Hegde, K. S.: *Judiciary and the people*. New Delhi: Friends of Democracy, 1973.

Malik, Surendra: *Supreme Court on constitutional law*. Lucknow: Eastern Book Co., 1973.

Plamentz, John: *Democracy and illusion: an examination of certain aspects of modern democratic theory*. London: Longman, 1973.

Schlesinger, Arthur N. (ed.): *The documentary history of United States foreign policy 1945-1973*. New York: Chelsea House Publishers, 1973.

..

Shiv Lal: *The Supreme Court on elections*. New Delhi: The Election Archives, 1973.

Singhvi, L. M.: *Parliamentary democracy*. New Delhi: Publications Division, Ministry of Information and Broadcasting, 1973.

Tope, T. K.: *Union State relations: The G. V. Mavalankar memorial lecture, 1972*. Ahmedabad: Harold Laski Institute of Political Science, 1972.

Tripathi, P. K.: *Spotlights on constitutional interpretation*. Bombay, 1972.

Tullis, F. La Mond: *Politics and social change in the third world countries*. New York: John Wiley, 1973.

#### Australia

Parliament: *Parliamentary retiring allowances handbook*. Canberra: The Treasury, 1973.

#### India

Appadorai, A.: *Documents on political thought in modern India*. Bombay: Oxford University, 1973.

Jha, Manoranjan: *Civil disobedience and after: the American reaction to political developments in India during 1930-1935*. Delhi: Meenakshi Prakashan, 1973.

Veerappan, S. M.: *The political gospel of India*. Varanasi: The Gospel Publications, 1973.

Verma, R. S.: *Bureaucracy in India*. Bhopal: Progress Publishers, 1973.

## U.S.A.

Hyman, David N.: *The economics of governmental activity*, New York: Holt, Rinehart and Winston, 1973.

Schlesinger, Arthur M. (ed.): *The dynamics of world power: a documentary history of United States foreign policy 1945—1973*, New York: Chelsea House Publishers, 1973.

## U.S.S.R.

Jain, A. P. (Comp.): *Dissent in the Soviet Union*. Institute of Public Affairs, 1973.

## II. REPORTS

## A. LOK SABHA (FIFTH)

Committee on Government Assurances, 1973-74: *Seventh report*, 1973.

Committee on Petitions: *Sixth report*, 1973.

—————: *Fourteenth report*, 1973.

—————: *Fifteenth report* (development of Kandla Port) 1973.

Committee on Subordinate Legislation: *Ninth report*, 1973.

Public Accounts Committee 1973-74: *Ninety-sixth report*. Excesses over voted grants and charged appropriations for the year 1970-71, 1973.

Railway Convention Committee, 1973: *Interim report*, 1973.

## B. RAJYA SABHA

Rajya Sabha Secretariat: *Committees of Rajya Sabha and other bodies on which Rajya Sabha is represented*. 1973-74, 1973.

## C. STATE LEGISLATURES

## Bihar

Vidhan Sabha Secretariat: *Report of the Goodwill Committee constituted by Bihar Vidhan Sabha on 2nd April, 1973*.

### Gujarat

Vidhan Sabha (4th), Committee on Privileges: *First report: (Writ petition case)*, 1973.

—————: *Second report: (Bribery for defection of members (five cases))*, 1973.

### Goa Daman and Diu

Vidhan Sabha (3rd), Committee on Delegated Legislation (73-74): *Fourth report*, 1973.

Vidhan Sabha (3rd), Public Accounts Committee: *Eleventh report*, 1973.

—————: *Twelfth report, (Report of the Comptroller and Auditor General of India for the year 1970-71)*, 1973.

Vidhan Sabha (3rd), Rules Committee 1973-74: *Second report*, 1973.

### Haryana

Vidhan Sabha, Committee on Privileges: *Report Regarding Alleged criticism by Chaudhri Ram Lal, M.L.A. of the conduct and ruling of the Speaker*, 1973.

Planning Department: *Fifth Five Year Plan 1974—79: Draft proposals*, 1973.

### Himachal Pradesh

Vidhan Sabha (3rd), Public Accounts Committee, 1972-73: *First report: action taken by the Government on the recommendations made in the fourth report of Public Accounts Committee, 1968-69*, 1973.

### Jammu and Kashmir

Vidhan Sabha, Committee on Public Accounts, 1973-1974: *Tenth report*, 1973.

### Kerala

Vidhan Sabha (4th), Committee on Private Members' Bills and Resolutions: *Twenty-ninth report*, October, 1973.

—————: *Thirtieth report*, 1973.

*Mizoram*

Vidhan Sabha, Committee on Privileges: *First report in the matter of breach of Privilege*, July, 1973.

*Mysore*

Vidhan Sabha (5th), Committee on Public Undertakings, 1972-73: *Third report*: (report on certain aspects of State Government companies), 1972.

Vidhan Sabha (5th), Committee on the Welfare of Scheduled Castes and Scheduled Tribes, 1972-73: *First report* (education of Scheduled Castes and Scheduled Tribes), 1973.

—————: *Second report* (Reorganisation of Social Welfare Department), 1973.

*Pondicherry*

Vidhan Sabha (3rd), Committee on Delegated Legislation, (1973-74) *Sixth report*: (Report on the action taken by the Government on the recommendations of the Committee), 1973.

*Rajasthan*

Vidhan Sabha (5th), Committee on Estimates 1972-73: *Second report*, 1972.

—————: *Third report*, 1972-73.

Vidhan Saha (5th), Public Accounts Committee 1972-73, *Second report*, 1973.

*Tamil Nadu*

Vidhan Parishad, Rules Committee: *Report*, 1973.

Vidhan Sabha (5th), Committee on Public Undertakings, 1973-74: *First report* (Report on the audit report on the accounts of the Tamil Nadu Housing Board for the year, 1964-65), 1973.

*West Bengal*

Vidhan Sabha, Public Accounts Committee: *Report on the Appropriation and Finance Accounts for 1966-67 and 1967-68 and Audit reports thereon*, 1973.

## D. FOREIGN

*Australia*

Commonwealth Parliamentary Association: *Summary report of proceedings of the first Australian Parliamentary Seminar, Canberra, 1972.*

*Great Britain*

Parliamentary Commissioner for Administration: *Fourth report, 1972-73, London, HMSO, 1973.*

Parliament, House of Commons: *Mr. Speaker's Conference on Electoral Law, 1972-73: Minutes of evidence, 1973.*

—————: Select Committee on the Parliamentary Commissioner for Administration, 1972-73: *Report, together with the proceedings of the Committee and minutes of evidence, 1973.*

Parliament, House of Lords, Select Committee on the House of Lords offices: *Third report, London HMSO, 1973.*

*New Zealand*

Royal Commission upon Parliamentary Salaries and Allowances: *Report, 1973.*

## E. UNITED NATIONS

United Nations Development Programme: *United Nations system in India: Partnership in development and human welfare, 1973-74, New Delhi, 1973.*

## III. ARTICLES

*General*

Constraints on Public Sector by V. A. Gaitonde (*Free Press Journal*, December 11, 1973).

Indian Ocean and US naval presence by K. M. Panikkar (*Mainstream*, December 1, 1973, pp. 11-12).

Indira Gandhi—Her thought and working by Govind Narain Singh (*States*, December 8, 1973, pp. 20-21).

**Planning for Development of Backward Areas and Weaker Sections of Society** by Mohan Dharia *Indian Journal of Public Administration*, July—September, 1973 pp. 259—268).

Mr. Bhutto on Kashmir: A matter of dramatics by Dilip Mukerjee (*Times of India*, December 1, 1973).

Public relations in public sector by V. S. Padmnabhan (*Lok Udyog*, December 9, 1973, pp. 9—12).

Socialist Countries' support to India's Fifth Plan by S. Nilakantan (*Foreign News & Features*, December 8, 1973).

Trade Union rights in Public Services by O. P. Gupta (*Patriot*, December 20, 1973).

Women's Lib in India by R. C. Aggarwal (*Social Welfare*, January 1974, pp. 11-12 & 28).

#### *Centre-State Relations*

Finance Commission and injustice to states by Subhash Chandra Sarkar (*Mainstream*, December 15, 1973, pp. 11—17).

Inter-State water dispute: Need for bold initiative (*Mainstream*, December 8, 1973, pp. 10—12 and 34).

#### *Constitution and Law*

Constitution making in Bangladesh by Abul Fazal Huq (*Pacific Affairs*, Spring, 1973, pp. 59—76).

#### *Democracy*

Democratic socialist path to economic development by V. M. Dandekar (*Mainstream*, January 19, 1974, pp. 11—14 & 23—28).

Indian approach to socialism: Emphasis on democratic and peaceful measures by B. T. Advani (*Mail*, December 24, 1973.)

Onward to people's democracy by Jayaprakash Narayan (*Radical Humanist*, January, 1973, pp. 10—14 & 28).

#### *Elections*

Fair elections? by J. B. Kripalani (*Indian Express*, January 22, 1974).

Streamlining the election law by M. Pattabhiram (*Hindu*, December 24, 1973).

#### Parliamentary Affairs

Computers in the House of Commons—Retrospect and Prospect by J. B. Poole (*The Parliamentarian*, October 19, 1973, pp. 214—222).

Is Parliament effective by G. K. Reddy (*Hindu*, December 11, 1973).

Mrs. Bandaranaike's government in trouble by K. A. da Silva (*Round Table*, July 1973, pp. 381—390).

Opposition, and government, by violence, by C. J. Friedrich (*Government and Opposition*, vol. 7, No. 1 Winter 1972, pp. 3—19).

Opposition in France: an interpretation by Roy C. Macridis (*Government and Opposition*, Vol. 7, Number 2, Spring, 1972, pp. 166—185).

Parliament and the executive in Jamaica by R. S. Macpherson (*The Parliamentarian*, October, 1973, pp. 209—213).

Powers and responsibilities of governors by G. N. Dixit (*Motherland*, December 5, 1973).

Role of parliamentary consultative bodies by A. G. Noorani (*Indian Express*, January 15, 1974).

Secularism in India: Muslim ambivalence by A. A. K. Soze (*Weekly Round Table*, December 2, 1973, p. 3).

Secularism in India: Need for new moorings by Radhakrishna (*Weekly Round Table*, December 2, 1973, pp. 9—14).

Secularism in India, policy or obsession by Bhai Mahavir (*Weekly Round Table*, December 2, 1973, pp. 6—8).

The House of Commons Expenditure Committee by Sir Henry d'Anigdor-Goldsmid (*The Parliamentarian*, October, 1973, pp. 205—208).

The President and the opposition by A. G. Noorani (*Indian Express*, December 11, 1973).

#### Political Affairs

Asian security, what's it any way? by R. S. (*Radical Humanist*, January, 1974, pp. 8-9).



Australia's new Asian policy by K. V. Narain (*Hindu*, December, 14, 1973).

Bilateralism in South Asia by S. Birin Tabir-Kheli (*World Affairs*, No. 1, 1973, pp. 74—87).

Continuity and change in Japanese foreign policy by J. A. A. Stockmin (*Pacific Affairs*, 77—93).

Expansion of Soviet-Japanese relations by N. Nikolayer [*International Affairs* (Moscow), August, 1973, pp. 41—45].

Foreign Policy and federalism by Dr. C. D. Deshmukh (*Motherland*, December 28, 1973).

Foreign policy of Soviet Union by N. K. Krishnan (*Mainstream*, December 22, 1973, pp. 15—23).

Freedom of Press: A critique of Bennett Coleman case by Vinod Sethi (*Indian Political Science Review*, January 1974, pp. 27—40).

GDR view point: Origins of India's foreign policy by Diethelm Weidemann (*Mainstream*, December 8, 1973, pp. 17-18).

India and America at odds by William J. Barnds (*Strategic Digest*, September 1973, 11—21).

India and South-East Asia by Parimal Kumar Das (*Review of International Affairs*, November 20, 1973, pp. 12 and 21).

India and the U.S.S.R. (A Symposium) by Dinesh Singh, K. P. S. Menon, V. Shankar, Dr. Mulk Raj Anand, Saral Patra, M. S. N. Menon, Bharat Wariavwalla, A. Kalashnikov and C. Rajeshwara Rao (*Weekly Round Table*, December 30, 1973, pp. 3—42).

India's relations with the two Koreas by Prem Bhatia (*Motherland*, December 18, 1973).

It's still a bipolar world: Power balance in the seventies by J. D. Singh (*Times of India*, December 4, 1973) 1.

Lessons of Arab-Israel war by K. Subramanyam (*Motherland*, December 19, 1973).

Mrs. Bandaranaike's visit: Prickly problems require solution by Dilip Mukerjee (*Times of India*, January 22, 1974).

Mr. Brezhnev's visit to India of V. P. Dutt (*Indian and Foreign Review*, December 1, 1973, pp. 14-15 & 18).

Mrs. Gandhi's firm grim on foreign policy by J. D. Sethi (*Young Indian*, January 17, 1974 pp. 5-6).

One country one people by G. L. Mehta (*Indian Police Journal*, April, 1973, pp. 3-6).

On ideologies in India's foreign relations by Paul F. Pamer (*Indian Political Science Review*, January, 1974, pp. 1-6).

Pakistan builds a new by Zulfikar Ali Bhutto (*Strategic Digest*, September 1973, pp. 1-10).

Pakistan builds up sinews of war by Col. R. Rama Rao (*Tribune*, January 14, 1974).

Peking's foreign policy by Ernest Henry (*Mainstream*, Dec. 15, 1973, pp. 18-25).

Public discontent rising in Pakistan: Another coup likely by Syed Yusuf Reza (*Mail*, January 17, 1974).

Stalemate over Asian security by M. L. Sondhi (*Tribune*, December 10, 1973).

Taming super-power by T. V. Parasuram (*Indian Express*, December 10, 1973).

The military and politics in China by Arthur Huck (*Round Table*, July, 1973, pp. 403-408).

The present situation in Iran by Ali Jandaghi (*Mainstream*, December 15, 1973, pp. 26-30).

The special relationship of the two German States by Peter Bender (*World Today*, September 1973, pp. 389-397).

Untold inside story—liberation of Bangladesh by Lt. Gen. J. S. Aurora (*Illustrated Weekly of India*, December 16, 1973, pp. 6-11).

U.S. Role in West Asia: Limits to pressure on Israel by Girilal Jain (*Times of India*, January 16, 1974).

USSR-FRG: A turn toward new relations by Shri Sanakoyev (*International Affairs (Moscow)*, August, 1973, pp. 12-17).

*Political parties*

The Praja Socialist Party of India 1952—1972: A Final assessment by Lewis P. Fickett, (*Asian Survey*, September 1973, pp. 826—832).

*Public Administration*

Wage problem in Indian industry by Dilip Dastidar (*Financial Express*, December 22, 1973).

---

## APPENDICES

- I. Statement showing the work transacted during the Ninth Session of the Fifth Lok Sabha.
- II. Statement showing the work transacted during the Eighty-sixth Session of Rajya Sabha.
- III. Statement showing the activities of the State Legislatures during the period October 1, 1973 to December 31, 1973.
- IV. List of Bills passed by the Houses of Parliament and assented to by the President during the period November 1, 1973 to January 31, 1974.
- V. List of Bills passed by the State Legislatures during the period October 1, 1973 to December 31, 1973.
- VI. Ordinances issued by the Central Government during the period November 1, 1973 to January 31, 1974, and State Governments during the period October 1, 1973 to December 31, 1973.
- VII. Party Position in Parliament and State Legislatures:
  - A. (i) Lok Sabha (State-wise)  
(ii) Lok Sabha (Party-wise)
  - B. (i) Rajya Sabha (State-wise)  
(ii) Rajya Sabha (Party-wise)
  - C. State Legislative Assemblies

## APPENDIX I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE NINTH SESSION OF THE FIFTH LOK SABHA

1.	Period of the Session—12th November to 22nd December, 1973	
2.	Number of meetings held—31	
3.	Total number of sitting hours—197 hours and 7 minutes	
4.	Number of divisions held—25	
5.	<b>GOVERNMENT BILLS :</b>	
(i)	Pending at the commencement of the Session . . . . .	23
(ii)	Introduced . . . . .	18
(iii)	Laid on the Table as passed by Rajya Sabha . . . . .	7
(iv)	Returned by Rajya Sabha with any amendment/recommendation and laid on the Table . . . . .	NIL
(v)	Referred to Select Committee . . . . .	1
(vi)	Referred to Joint Committee . . . . .	1
(vii)	Reported by Select Committee . . . . .	NIL
(viii)	Reported by Joint Committee . . . . .	2
(ix)	Discussed . . . . .	27
(x)	Passed . . . . .	25
(xi)	Withdrawn . . . . .	NIL
(xii)	Negatived . . . . .	NIL
(iii)	Part-discussed . . . . .	NIL
(xiv)	Discussion postponed . . . . .	NIL
(xv)	Returned by Rajya Sabha without any recommendation	5
(xvi)	Motion for concurrence to refer the Bill to Joint Committee adopted . . . . .	NIL
(xvii)	Pending at the end of the Session . . . . .	23
6.	<b>PRIVATE MEMBERS' BILLS :</b>	
(i)	Pending at the commencement of the Session . . . . .	132
(ii)	Introduced . . . . .	15
(iii)	Laid on the Table as passed by Rajya Sabha . . . . .	NIL
(iv)	Returned by Rajya Sabha with any amendment and laid on the Table . . . . .	NIL
(v)	Reported by Select Committee . . . . .	NIL
(vi)	Discussed . . . . .	3

(vii)	Passed		NIL
(viii)	Withdrawn		1
(ix)	Negatived		1
(x)	Circulated for eliciting opinion		NIL
(xi)	Part-discussed		1
(xii)	Discussion postponed		NIL
(xiii)	Motion for circulation of Bill negatived		NIL
(xiv)	Referred to Select Committee		NIL
(xv)	Removed from the Register of Pending Bills		NIL
(xvi)	Pending at the end of the session		145
<b>7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 :</b>			
<b>(Matters of Urgent Public Importance)</b>			
(i)	Notices received		142
(ii)	Admitted		6
(iii)	Discussion held		5
<b>8. NUMBER OF STATEMENTS MADE UNDER RULE 197 :</b>			
<b>(Calling-attention to matters of urgent public importance)</b>			
	Statements made by Ministers		18
<b>9. HALF-AN-HOUR DISCUSSION HELD</b>			<b>11</b>
<b>10. STATUTORY RESOLUTIONS :</b>			
(i)	Notices received		3
(ii)	Admitted		1
(iii)	Moved		1
(iv)	Adopted		NIL
(v)	Negatived		1
(vi)	Withdrawn		NIL
<b>11. GOVERNMENT RESOLUTIONS :</b>			
(i)	Notices received		1
(ii)	Admitted		1
(iii)	Moved		1
(iv)	Adopted		1
<b>12. PRIVATE MEMBERS' RESOLUTIONS :</b>			
(i)	Received		7
(ii)	Admitted		7
(iii)	Discussed		5
(iv)	Withdrawn		1
(v)	Negatived		2

(vi)	Adopted	NIL
(vii)	Part-discussed	1
(viii)	Discussions postponed	1
<b>13. GOVERNMENT MOTIONS :</b>		
(i)	Notices received	5
(ii)	Admitted	5
(iii)	Moved	2
(iv)	Adopted	—
(v)	Discussed	2
<b>14. PRIVATE MEMBERS' MOTIONS :</b>		
(i)	Received	263
(ii)	Admitted	158
(iii)	Moved	1
(iv)	Adopted	NIL
(v)	Discussed	1
(vi)	Negatived	NIL
(vii)	Part-discussed	NIL
(viii)	Withdrawn	NIL
<b>15. MOTIONS RE: MODIFICATION OF STATUTORY RULE :</b>		
(i)	Received	NIL
(ii)	Admitted	NIL
(iii)	Moved	NIL
(iv)	Adopted	NIL
(v)	Negatived	NIL
(vi)	Withdrawn	NIL
(vii)	Part-discussed	NIL
<b>16.</b>	<b>Number of Parliamentary Committees created, if any, during the session</b>	<b>NIL</b>
<b>17.</b>	<b>Total number of Visitors' Passes issued during the session</b>	<b>22925</b>
<b>18.</b>	<b>Maximum number of Visitors' Passes issued on any single day and date on which issued</b>	<b>1044 on 7-12-1973</b>
<b>19. NUMBER OF ADJOURNMENT MOTIONS :</b>		
(i)	Brought before the House	6
(ii)	Admitted and discussed	1
(iii)	Barred in view of Adjournment Motion admitted on the subject	5
(iv)	Consent withheld by Speaker outside the House	53

(v)	Consent given by Speaker but leave not granted by House	NIL
20. TOTAL NUMBER OF QUESTIONS ADMITTED :		
(i)	Starred	600
(ii)	Unstarred (including Starred Questions converted as Unstarred Questions)	5728
(iii)	Short Notice Questions	1

## 21. PARLIAMENTARY COMMITTEES :—

Serial No.	Name of the Committee	No. of sittings held during the period 1-11-73 to 31-1-74	No. of reports presented during the session
1	2	3	4
(i)	Business Advisory Committee	4	3
(ii)	Committee on the Absence of Members from the sittings of the House	1	1
(iii)	Committee on Government Assurances	4	1
(iv)	Committee on Petitions	5	2
(v)	Committee on Private Members Bills and Resolutions	4	—
(vi)	Committee of Privileges	4	1
(vii)	Committee on Public Undertakings	32	6
(viii)	Committee on Subordinate Legislation	7	1
(ix)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	4	—
(x)	Estimates Committee	41	1
(xi)	General Purposes Committee	1	—
(xii)	Public Accounts Committee	16	—
(xiii)	Railways Convention Committee	1	1
(xiv)	Rules Committee	1	1
<i>Joint Select Committees :</i>			
(xv)	Joint Committee on Offices of Profit	2	1
(xvi)	Joint Committee on Salaries and Allowances of Members of Parliament	1	—
(xvii)	Joint Committee on the Companies (Amendment) Bill, 1972	1	1



1	2	3	4
(xviii)	Joint Committee on the Disturbed Areas (Special Courts) Bill, 1972	4	—
(xix)	Joint Committee on the Constitution (Thirty-Second Amendment) Bill, 1973	1	—
(xx)	Joint Committee on the National Library Bill, 1972	5	—
(xxi)	Joint Committee on the Presidential and Vice-Presidential Elections (Amendment) Bill, 1972	1	1
(xxii)	Joint Committee on the Untouchability (Offences) Amendment and Miscellaneous Provisions Bill, 1972	6	—
(xxiii)	Select Committee on the Direct Taxes (Amendment) Bill, 1973	4	—
(xxiv)	Select Committee on the Taxation Laws (Amendment) Bill, 1973	14	—

22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . . 7
23. PETITIONS PRESENTED . . . . . NIL
24. NAME OF NEW MEMBERS SWORN WITH DATES AND CONSTITUENCIES :

Sl. No.	Name of the Member sworn	Date on which sworn	Constituency
1.	Kumari Maniben Vallabhbhai Patel	13-12-1973	Sabarkantha Gujarat
2.	Smt. Pramalabhai Dejisahab Chavan	22-12-1973	Karad-Maharashtra

## APPENDIX II

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE EIGHTY-SIXTH SESSION OF RAJYA SABHA

1. Period of the Session—November 12 to December 24, 1973
2. Number of meetings held—32
3. Total number of sitting hours—168 Hrs. and 41 Mts. (excluding lunch break)
4. Number of divisions held—7
5. GOVERNMENT BILLS:
 

(i)	Pending at the commencement of the Session	7
(ii)	Introduced . . . . .	6
(iii)	Laid on the Table as passed by Lok Sabha	20
(iv)	Returned by Lok Sabha with any amendment	5
(v)	Referred to Select Committee by Rajya Sabha	Nil
(vi)	Referred to Joint Committee by Rajya Sabha	Nil
(vii)	Reported by Select Committee . . . . .	Nil
(viii)	Reported by Joint Committee . . . . .	Nil
(ix)	Discussed . . . . .	27
(x)	Passed . . . . .	27
(xi)	Withdrawn . . . . .	Nil
(xii)	Negatived . . . . .	Nil
(xiii)	Part-discussed . . . . .	Nil
(xiv)	Returned by Rajya Sabha without any recommendation	6
(xv)	Discussion postponed . . . . .	Nil
(xvi)	Pending at the end of the Session . . . . .	6
6. PRIVATE MEMBERS BILLS :
 

(i)	Pending at the commencement of the Session . . . . .	54
(ii)	Introduced . . . . .	9
(iii)	Laid on the Table as passed by Lok Sabha . . . . .	Nil
(iv)	Returned by Lok Sabha with any amendment and laid on the Table . . . . .	Nil
(v)	Reported by Joint Committee . . . . .	Nil
(vi)	Discussed . . . . .	3

(vii)	Withdrawn	1
(viii)	Passed	Nil
(ix)	Negatived	1
(x)	Circulated for eliciting opinion	Nil
(xi)	Part-discussed	1
(xii)	Discussion postponed	Nil
(xiii)	Motion for circulation of Bill negatived	Nil
(xiv)	Referred to Select Committee	Nil
(xv)	Pending at the end of the Session	61

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176

*(Matters of Urgent Public Importance)*

(i)	Notices received	15
(ii)	Admitted	3
(iii)	Discussion held	3

8. NUMBER OF STATEMENTS MADE UNDER RULE 180

*(Calling attention to matter of urgent public importance)*

(i)	Statement made by Ministers	24
(ii)	Statement laid by Minister	1

9. HALF-AN-HOUR DISCUSSION HELD

10. STATUTORY RESOLUTIONS

(i)	Notices received	2
(ii)	Admitted	2
(iii)	Moved	2
(iv)	Adopted	Nil
(v)	Negatived	2
(vi)	Withdrawn	Nil

11. GOVERNMENT RESOLUTIONS

(i)	Notices Received	1
(ii)	Admitted	1
(iii)	Moved	1
(iv)	Adopted	1

12. PRIVATE MEMBERS' RESOLUTIONS

(i)	Received	9
(ii)	Admitted	9
(iii)	Discussed	1
(Discussion not concluded on the second Resolution)		
(iv)	Withdrawn	1
(v)	Negatived	Nil

(vi)	Adopted	. . . . .	Nil
(vii)	Part-discussed	. . . . .	1
(viii)	Discussion postponed	. . . . .	Nil
<b>13.</b>	<b>GOVERNMENT MOTIONS :</b>		
(i)	Notices received	. . . . .	5
(ii)	Admitted	. . . . .	5
(iii)	Moved	. . . . .	5
(iv)	Adopted	. . . . .	Nil
(v)	Part-discussed	. . . . .	Nil
<b>14.</b>	<b>PRIVATE MEMBERS' MOTIONS</b>		
(i)	Received	. . . . .	60
(ii)	Admitted	. . . . .	52
(iii)	Moved	. . . . .	Nil
(iv)	Adopted	. . . . .	Nil
(v)	Part-discussed	. . . . .	Nil
(vi)	Negated	. . . . .	Nil
(vii)	Withdrawn	. . . . .	Nil
<b>15.</b>	<b>MOTIONS REGARDING MODIFICATION OF STATUTORY RULE :</b>		
(i)	Received	. . . . .	Nil
(ii)	Admitted	. . . . .	Nil
(iii)	Moved	. . . . .	Nil
(iv)	Adopted	. . . . .	Nil
(v)	Negated	. . . . .	Nil
(vi)	Withdrawn	. . . . .	Nil
(vii)	Part-discussed	. . . . .	Nil
<b>16.</b>	<b>Number of Parliamentary Committees—created, if any during the session</b>		Nil
<b>17.</b>	<b>Total number of visitors' Passes</b>		3787
<b>18.</b>	<b>Maximum number of visitors' Passes issued or any single day, and date, on which issued</b>	<b>19th December, 1973; and Number of passes issued—281</b>	
<b>19.</b>	<b>NUMBER OF MOTION FOR PAPERS UNDER RULE 175</b>		
(i)	Brought before the House	. . . . .	Nil
(ii)	Admitted and discussed	. . . . .	Nil
<b>20.</b>	<b>TOTAL NUMBER OF QUESTIONS ADMITTED</b>		
(i)	Starred	. . . . .	871
(ii)	Unstarred (including Starred Questions)	. . . . .	1750
(iii)	Short-notice Questions	. . . . .	Nil

21. DISCUSSION ON THE WORKING OF THE MINISTRIES Nil  
 22. WORKING OF PARLIAMENTARY COMMITTEES :

Name of Committee	No. of meetings held during the period 1-11-73 to 31-1-74	No. of Reports presented during the session
1. Business advisory Committee . . . . .	1	—
2. Committee on Government Assurances	4	1
3. Committee on Petitions . . . . .	4	1
4. Committee on Public Undertakings . . . . .	—	7
5. Committee on Subordinate Legislation . . . . .	5*	1
6. Committee on the Welfare of Scheduled Castes & Scheduled Tribes . . . . .	—	2
7. Railway Convention Committee . . . . .	—	1
8. Joint Committee on the Adoption of children Bill, 1972 . . . . .	5	—
9. Joint Committee on the Indian Penal Code (Amendment) Bill, 1973 . . . . .	8	—
10. Joint Committee on Offices of Profit . . . . .	—	1
11. Joint Committee on the Plantations (Labour) Amendment Bill, 1973 . . . . .	4	—

\*Includes one sitting of sub-committee of the Committee on Subordinate Legislation.

23. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . . 3  
 24. PETITIONS PRESENTED . . . . . 3  
 25. NUMBER OF NEW MEMBERS SWORN WITH DATES :

Sr. No.	Name of Members Sworn	Date on which sworn
1.	Smt. Kumudben Manishanker Joshi . . . . .	12-11-1973
2.	Shri Kamapati Tripathi . . . . .	12-12-1973

## APPENDIX III

### STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD OCTOBER 1, 1973 TO DECEMBER 31, 1973.

#### ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. No. of sessions held	. . . . .	NIL
2. Starred Questions—		
Notices received		253
Notices admitted		17
3. Unstarred Questions—		
Notices received		—
Notices admitted		18*

#### ASSAM LEGISLATIVE ASSEMBLY

1. No. of sessions held	. . . . .	One
2. Period of the session	. . . . .	21-11-73 to 7-12-73
3. No. of sittings held	. . . . .	13
4. No. of Bills introduced—		
Government	. . . . .	4
Private	. . . . .	—
5. No. of Bills passed—		
Government	. . . . .	15
Private	. . . . .	—
6. Starred Questions—		
Notices received	. . . . .	453
Notices admitted	. . . . .	427
7. Unstarred Questions—		
Notices received	. . . . .	32
Notices admitted	. . . . .	32

\*Starred Notices admitted as Unstarred Questions.

8. Short Notice Questions—

Notices received	25
Notices admitted	14

9. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee	2	..
Committee on Petitions	1	
Committee on Privileges	3	1
Estimates Committee	1	1
House Committee/Members' Accommodation Committee	2	..
Public Accounts Committee	15	2
Rules Committee	1	..

BIHAR LEGISLATIVE COUNCIL

1. No. of sessions held	One
2. Period of the session	7-12-73 to 22-12-73
3. No. of sittings held	12
4. No. of Bills introduced—	
Government	3
Private	
5. No. of Bills passed—	
Government	10
Private	
6. Starred Questions—	
Notices received	778
Notices admitted	669
7. Unstarred Questions—	
Notices received	..
Notices admitted	67
8. Short Notice Questions—	
Notices received	193
Notices admitted	71

## 9. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee	5	3
Committee on Government Assurances	9	..
Committee on Petitions	8	
Committee on Private Members Bills and Resolutions	1	..
Committee on Privileges	5	2
Committee on Subordinate Legislation	9	
General Purposes Committee	10	
House Committee	7	
Library Committee	8	..

## DELHI METROPOLITAN COUNCIL

1. No. of sessions held . . . . . Nil

## 2. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Rules Committee	1	..
Joint/Select Committee	16	..

## GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . . NIL

## 2. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Government Assurances	3	..
Committee on Subordinate Legislation	1	
Estimates Committee	1	..
Library Committee	1	..
<i>Select Committees :</i>		
The Goa, Daman and Diu Mundkars (Protection from Eviction) Bill, 1973	2	..



GUJARAT LEGISLATIVE ASSEMBLY

1. No. of session held	One
2. Period of the session	1-10-73 to 12-10-73 and 12-11-73 to 16-11-73
3. No. of sittings held	15
4. Total No. of sittings hours	80 hours and 29 minutes
5. No. of Bills introduced	
Government	15
Private	4
6. No. of Bills passed—	
Government	16
Private	
7. Starred Questions—	
Notices received	552
Notices admitted	324
8. Unstarred Questions—	
Notices received	356
Notices admitted	278
9. Short Notice Questions—	
Notices received	38
Notices admitted	5
10. Committees at work :	

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee	2	2
Committee on Absence of Members	1	1
Committee on Government Assurances	1	..
Committee on Private Members Bills and Resolutions	3	3

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Privileges	2	2
Committee on Public Undertakings	2	—
Estimates Committee	3	2
House Committee/Members' Accommodation Committee	1	
Library Committee	1	
Public Accounts Committee	1	
Rules Committee	2	1
<i>Select Committees :</i>		
(i) Select Committee on Gujarat Freedom of Religion Bill 1972	..	
(ii) Gujarat Agricultural Lands Ceiling (Amendment) Bill, 1972	3	1

#### HARYANA VIDHAN SABHA

1. No. of sessions held	One
2. Period of the session	10-1-73 to 16-11-73
3. No. of sittings held	5
4. No. of Bills introduced—	
Government	12
Private	
5. No. of Bills passed—	
Government	11
Private	
6. Starred Questions—	
Notices received	396
Notices admitted	269
7. Unstarred Questions—	
Notices received	44*
Notices admitted	39

\*37 notices received for Starred Questions were admitted as Unstarred Questions.

8. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	2	2
Committee on Government Assurances . . . . .	12	..
Committee on Privileges . . . . .	4	1
Committee on Subordinate Legislation . . . . .	10	
Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	5	..
Estimates Committee . . . . .	10	1
Library Committee . . . . .	9	
Public Accounts Committee . . . . .	20	..

HIMACHAL PRADESH VIDHAN SABHA

1. No. of sessions held . . . . .	One
2. Period of the session . . . . .	15-10-73 to 19-10-73
3. No. of sittings held . . . . .	5
4. No. of Bills introduced—	
Government . . . . .	8
Private . . . . .	
5. No. of Bills passed—	
Government . . . . .	15
Private . . . . .	..
6. Starred Questions—	
Notices received . . . . .	281
Notices admitted . . . . .	164
7. Unstarred Questions—	
Notices received . . . . .	63
Notices admitted . . . . .	71
8. Short Notice Questions—	
Notices received . . . . .	4
Notices admitted . . . . .	1

## 9. Committee at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	2	2
Committee on Government Assurances . . . . .	10	..
Committee on Privileges . . . . .	1	..
Committee on Public Undertakings . . . . .	16	..
Committee on Subordinate Legislation . . . . .	14	..
Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	14	..
Estimates Committee . . . . .	18	
General Purposes Committee . . . . .	1	
Public Accounts Committee . . . . .	16	
Rules Committee . . . . .	1	..

## JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY\*

1. No. of sessions held . . . . .	One
2. Period of the session . . . . .	17-9-73 to 3-10-73
3. No. of sittings held . . . . .	10
4. No. of Bills passed—	
Government . . . . .	11
Private . . . . .	
5. Starred Questions—	
Notices received . . . . .	587
Notices admitted . . . . .	468
6. Unstarred Questions—	
Notices received . . . . .	434
Notices admitted . . . . .	378
7. Short Notice Questions—	
Notices received . . . . .	5
Notices admitted . . . . .	2

\*Information relates to the period 1-7-73 to 30-9-73

8. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee	5	
Committee on Government Assurances	2	
Committee on Petitions	1	
Committee on Private Members Bills and Resolutions	6	..
Committee on Public Undertakings	13	1
Committee on Subordinate Legislation	10	..
Estimates Committee	14	
House Committees/Members' Accommodation Committee	2	
Library Committee	3	..
Public Accounts Committee	11	1
Rules Committee	2	..

KARNATAKA LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . . NIL

2. Starred Questions—

Notices received	1
Notices admitted	1

3. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Government Assurances	3	..
Committee on Privileges	2	..
Committee on Public Undertakings	15	
Committee on Subordinate Legislation	4	
Committee on the Welfare of Scheduled Castes and Scheduled Tribes	4	2
Estimates Committee	5	..

Name of the Committee	No. of sittings held	No. of reports presented
Public Accounts (Joint) Committee	12	
<i>Joint/Select Committees :</i>		
(i) Mysore State University Bill, 1973	2	
(ii) University of Health Sciences Bill, 1973	11	..

## KARNATAKA LEGISLATIVE COUNCIL

1. No. of sessions held	One
2. Period of the session	8-10-73 to 24-10-73
3. No. of sittings held	15
4. No. of Bills introduced—	
Government	16
Private	
5. No. of Bills passed—	
Government	6
Private	
6. Starred Questions—	
Notices received	61
Notices admitted	56
7. Unstarred Questions—	
Notices received	8
Notices admitted	5
8. Short Notice Questions—	
Notices received	17
Notices admitted	9

9. Committees at work :

Name of the Committee	No. of sittings held	No. of repts presented
Business Advisory Committee	3	—
Committee on Government Assurances	2	—
Committee on Public Undertakings	15	—
Committee on Subordinate Legislation	4	—
Committee on the Welfare of Scheduled Castes & Scheduled Tribes	4	—
Public Accounts Committee	12	—
<i>Joint/Select Committee</i>		
1. Joint Select Committee on Mysore State Universities Bill, 1973	2	—
2. Joint Select Committee on University of Health Sciences Bill, 1973	11	—
3. Select Committee on Mysore State Civil Services (Regulations of Promotion, Pay and Pension) Bill, 1973	—	1
4. Joint Select Committee on Mysore State Agricultural Universities Bill, 1973	—	1

MADHYA PRADESH VIDHAN SABHA

1. No. of sessions held	One
2. Period of the session	24-12-73 to 29-12-73
3. No. of sittings held	5
4. No. of Bills introduced—	
Government	12
Private	
5. No. of Bills passed—	
Government	12
Private	
6. Starred Questions—	
Notices received	1040
Notices admitted	548
7. Unstarred Questions—	
Notices received	458
Notices admitted	331

## 8. Short Notice Questions—

Notices received	.	.	25
Notices admitted	.	.	9

## 9. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	2	1
Committee on Government Assurances . . . . .	3	1
Committee on Private Members Bills and Resolutions	1	1
Committee on Privileges . . . . .	3	
Committee on Public Undertakings . . . . .	3	
Committee on Subordinate Legislation . . . . .	4	
Estimates Committee . . . . .	3	
General Purposes Committee . . . . .	1	..
House Committee/Members' Accommodation Committee . . . . .	1	
Library Committee. . . . .	2	..
Public Accounts Committee . . . . .	8	..
Rules Committee . . . . .	1	..

## MEGHALAYA LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . .	One
2. Period of the session . . . . .	5-12-73 to 13-12 -73
3. No. of sittings held . . . . .	7
4. No. of Bills introduced—	
Government . . . . .	6
Private . . . . .	..
5. No. of Bills passed—	
Government . . . . .	6
Private . . . . .	—
6. Starred Questions—	
Notices received . . . . .	5
Notices admitted . . . . .	5



7. Unstarred Questions—

Notice received . . . . .	135
Notices admitted . . . . .	124

8. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	1	..
Committee on Petitions . . . . .	1	..
Committee on Privileges . . . . .	5	4
House Committee/Members' Accommodation Committee.	4	1
Public Accounts Committee . . . . .	6	..

MIZORAM LEGISLATIVE ASSEMBLY\*

1. No. of sessions held . . . . .	One
2. Period of the session . . . . .	25-9-1973 to 10-10-1973
3. No. of sittings held . . . . .	9
4. No. of Bills introduced—	
Government . . . . .	5
Private . . . . .	..
5. No. of Bill passed	
Government . . . . .	5
Private . . . . .	..
6. Starred Questions—	
Notices received . . . . .	87
Notices admitted . . . . .	84
7. Unstarred Question—	
Notices received . . . . .	16
Notices admitted . . . . .	14

\*Information relates to the period 1-7-73 to 30-9-73.

## 8. Committees at work:

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	2	2
Committee on Government Assurances	3	1
Committee on Privileges . . . . .	..	1
Estimates Committee . . . . .	6	..

## MIZORAM LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . .	Nil
Committees at work :	

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	1	1
Committee on Government Assurances . . . . .	1	
Estimates Committee . . . . .	4	..
House Committee/Members' Accommodation Committee . . . . .	1	
Public Accounts Committee . . . . .	3	..

## NAGALAND LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . .	One
2. Period of the session . . . . .	15-12-73 to 17-12-73
3. No. of sittings held . . . . .	2
4. No. of Bills introduced—	
Government . . . . .	1
Private . . . . .	..
5. No. of Bills passed—	
Government . . . . .	1
Private . . . . .	..

6. Starred Questions—  
     Notices received . . . . . 34  
     Notices admitted . . . . . 27
7. Unstarred Questions—  
     Notices received . . . . . 42  
     Notices admitted . . . . . 34
8. Committees at work:

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	1	..
Committee on Government Assurances	1	1
Committee on Petitions . . . . .	1	1
Estimates Committee . . . . .	2	2

PONDICHERRY LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . . One
2. Period of the session . . . . . 27-10-73 to 3-11-73.
3. No. of sittings held . . . . . 6
4. Total No. of sittings hours . . . . . 20 Hrs. and 45 min.
5. No. of Bills introduced—  
     Government . . . . . 9  
     Private . . . . . ..
6. No. of Bills passed—  
     Government . . . . . 9  
     Private . . . . . ..
7. Starred Questions—  
     Notices received . . . . . 94  
     Notices admitted . . . . . 87
8. Unstarred Questions—  
     Notices received . . . . . 24  
     Notices admitted . . . . . 29\*

\*Includes five Starred Questions converted into Unstarred Questions.

## 9. Committees at work:

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	1	1
Committee on Government Assurances . . . . .	4	..
Committee on Subordinate Legislation . . . . .	2	1
Estimates Committee . . . . .	25	1
Library Committee, . . . . .	3	..
Public Accounts Committee . . . . .	22	..
Select Committees . . . . .	2	..

## PUNJAB LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . . NIL
2. Starred Questions—
  - Notices received . . . . . 239
  - Notices admitted . . . . . ..
3. Unstarred Questions—
  - Notices received . . . . . 59
  - Notices admitted . . . . . ..
4. Committees at work:

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Government Assurances . . . . .	20	..
Committee on Public Undertakings . . . . .	24	..
Committee on Subordinate Legislation . . . . .	28	..
Estimates Committee . . . . .	32	..
House Committee Members' Accommodation Committee . . . . .	2	
Library Committee, . . . . .	16	..
Public Accounts Committee . . . . .	12	..

RAJASTHAN LEGISLATIVE ASSEMBLY

1. No. of sessions held . . . . .	One
2. Period of the session . . . . .	3-10-73 to 15-10-73 and 5-11-73 to 7-11-73
3. No. of sittings held . . . . .	8
4. No. of Bills introduced—	
Government . . . . .	13
Private . . . . .	..
5. No. of Bills passed—	
Government . . . . .	3
Private . . . . .	..
6. Starred Questions—	
Notices received . . . . .	839
Notices admitted . . . . .	196
7. Unstarred Questions—	
Notices received . . . . .	168
Notices admitted . . . . .	151
8. Short Notice Questions—	
Notices received . . . . .	16
Notices admitted . . . . .	..
9. Committees at work :	

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	3	3
Committee on Government Assurances . . . . .	18	..
Committee on Petitions . . . . .	18	1
Committee on Privileges . . . . .	14	..
Committee on Public Undertakings . . . . .	10	2
Committee on Subordinate Legislation . . . . .	12	1
Committee on the Welfare of Scheduled Castes' Scheduled Tribes . . . . .	16	1
Estimates Committee . . . . .	18	
House Committee/Members' Accommodation Committee . . . . .	9	
Library Committee . . . . .	14	..
Public Accounts Committee . . . . .	10	..

## TAMIL NADU LEGISLATIVE ASSEMBLY

1. No. of sessions held	. One
2. Period of the session	. 19-11-73 to 4-12-73
3. No. of sittings held .	14
4. No. of Bills introduced—	
Government	. . 16
Private	. —
5. No. of Bills passed—	
Government	. . 17
Private .	. . —
6. Starred Questions—	
Notices received . . . .	1501
Notices admitted . . . .	372
7. Unstarred Questions—	
Notices received . . . .	40
Notices admitted . . . .	40
8. Short Notice Questions—	
Notices received . . . .	1
Notices admitted . . . .	1
9. Committees at work :	

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Government Assurances . . . . .	2	..
Committee on Public Undertakings . . . . .	7	1
Estimates Committee . . . . .	21	1
Public Accounts Committee . . . . .	23	..
<i>Joint/Select Committees :</i>		
1. Joint Select Committee on the Tamil Nadu Societies Registration Bill, 1972 . . . . .	1	..
2. Joint Select Committee on the Tamil Nadu Legal Aid and Advice Bill, 1973 . . . . .	1	..

## TAMIL NADU LEGISLATIVE COUNCIL

1. No. of sessions held	. One
2. Period of the session	. 20-11-1973 to 27-12-1973
3. No. of sittings held	. 14

4.	No. of Bills passed—	
	Government . . . . .	17
	Private . . . . .	..
5.	Starred Questions—	
	Notices received . . . . .	225
	Notices admitted . . . . .	121
6.	Unstarred Questions—	
	Notices received . . . . .	..
	Notices admitted . . . . .	18
7.	Short Notice Questions—	
	Notices received . . . . .	4
	Notices admitted . . . . .	4
8.	Committees at work :	

Name of the Committee	No. of sittings held	No. of reports presented
Business Advisory Committee . . . . .	2	—
Committee on Government Assurances . . . . .	—	1
Rules Committee . . . . .	2	1

TRIPURA LEGISLATIVE ASSEMBLY

- No. of sessions held . . . . . NIL
- Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Absence members . . . . .	2	..
Committee on Government Assurances . . . . .	2	..
Committee on Petitions . . . . .	7	
Committee on Privileges . . . . .	1	
Committee on Delegated Legislation . . . . .	5	
Estimates Committee . . . . .	7	
House Committee/Members' Accommodation Committee . . . . .	2	
Library Committee . . . . .	2	
Public Accounts Committee . . . . .	15	
<i>Select Committees :</i>		
The Tripura Co-operative Societies Bill, 1973 . . . . .	2	..

## UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. No. of Sessions held : Nil  
 2. Committees at work :

Name of the Committee	No. of sittings held	No. of reports presented
Committee on Government Assurances	19	
Committee on Petitions	3	
Committee on Privileges	3	
Committee on Public Undertakings	15	..
House Committee	4	
Rules Committee	1	
Compilation of Ruling Committee	8	
Committee on Cultural Affairs	4	
Committee on Administrative delays	3	..
Chitrakoot Committee	2	
Agro-Industrial Corporation Examining Committee	9	..

## WEST BENGAL LEGISLATIVE ASSEMBLY

1. No. of Sessions held : NIL  
 2. Committees at work :

Name of Committee	No of sittings held	No. of reports presented
Committee on Government Assurances	6	
Estimates Committee	15	
Public Accounts Committee	19	..



## APPENDIX IV

### LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD NOVEMBER 1, 1973 TO JANUARY 31, 1974

S. No.	Title of Bill	Date of assent by the President
1	2	3
1	The Foreign Awards (Recognition and Enforcement) Amendment Bill, 1973	26-11-73
2	The State Bank Laws (Amendment) Bill, 1973	26-11-73
3	The Code of Civil Procedure (Amendment) Bill, 1973	29-11-73
4	The Authorised Translations (Central Laws) Bill, 1973	5-12-73
5	The Textiles Committee (Amendment) Bill, 1973	11-12-73
6	The Maternity Benefit (Amendment) Bill, 1973	11-12-73
7	The Press Council (Amendment) Bill, 1973	14-12-73
8	The Indian Railways (Second Amendment) Bill, 1973	14-12-73
9	The Payment of Bonus (Second Amendment) Bill, 1973	14-12-73
10	The Alcock Ashdown Company Limited (Acquisition of Undertakings) Bill, 1973	14-12-73
11	The Burn Company and Indian Standard Wagon Company (Taking over of Management) Bill, 1973	17-12-73
12	The Central Excises and Salt (Second Amendment) Bill, 1973	19-12-73
13	The Homoeopathy Central Council Bill, 1973	19-12-73
14	The Advocates (Amendment) Bill, 1973	22-12-73
15	The Appropriation (Railways) No. 4 Bill, 1973	22-12-73
16	The Konkan Passenger Ships (Acquisition) Bill, 1973	22-12-73
17	The Appropriation (No. 4) Bill, 1973	25-12-73
18	The Appropriation (No. 5) Bill, 1973	25-12-73
19	The Orissa Appropriation (No. 4) Bill, 1973	25-12-73

1	2	3
20	The Income-tax (Amendment) Bill, 1973 . . . . .	25-12-73
21	The Industries (Development and Regulation) Amendment Bill, 1973 . . . . .	28-12-73
22	The Mulki Rules (Repeal) Bill, 1973	28-12-73
23	The Delhi Urban Commission Bill, 1973 .	1-1-74
24	The Code of Criminal Procedure Bill, 1973 . . . . .	25-1-74

## APPENDIX V

### LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD OCTOBER 1, 1973 TO DECEMBER 31, 1973 ASSAM LEGISLATIVE ASSEMBLY

- \*1. The Assam Appropriation Bill, 1973.
2. The Assam Aid to Industries (Small and Cottage Industries) (Amendment) Bill, 1973
- \*3. The Assam Agricultural Produce Market Bill, 1972.
- \*4. The Bengal, Agra and Assam Civil Courts (Assam Amendment) Bill, 1973.
- \*5. The Dibrugarh University (Amendment) Bill, 1973.
- \*6. The Assam Excise (Second Amendment) Bill, 1973.
- \*7. The Assam Excise (Third Amendment) Bill, 1973.
- \*8. The Assam Finance (Sales Tax) (Amendment) Bill, 1973.
- \*9. The Assam Ganja and Bhang Prohibition (Amendment) Bill, 1973.
- \*10. The Gauhati University (Amendment) Bill, 1973.
- \*11. The Assam Legislative Assembly Members' Salaries and Allowances (Second Amendment) Bill, 1973.
- \*12. The Assam Legislative Assembly Members' Salaries and Allowances (Third Amendment) Bill, 1973.
- \*13. The Assam Liquor Prohibition (Amendment) Bill, 1973.
- \*14. The Assam Opium Prohibition (Amendment) Bill, 1973.
- \*15. The Assam State Legislature Members (Removal of Disqualifications) (Amendment) Bill, 1973.

#### BIHAR LEGISLATIVE COUNCIL\*\*

1. Bihar Lok Sewa, (Motorgadi Dwara Vahit) Yauri Evam Moal Karahopan (Sanshodhan) Vidheyak, 1973.  
[Bihar (Transportation by Public Vehicles) Passengers and Goods Taxation (Amendment) Bill, 1973.]

---

\*Bills awaiting assent of the President.

\*\*Original in Hindi. The titles of the Bills have been given in romanised form followed by translation in English in parenthesis.

2. Bihar (Makan, Patta, Kiraya Aur Bedakhli) Niyantran (Sanshodhan) Vidheyak, 1973.  
[Bihar (House, Lease, Rent and Eviction) Control (Amendment) Bill, 1973.]
3. Bihar Panchayat Samiti Aur Zila Parishad (Sanshodhan) Vidheyak, 1973.  
[Bihar Panchayat Committee and District Council (Amendment) Bill, 1973.]
4. Vihar Utpad Shulk (Sanshodhan), Vidheyak, 1973.  
[Bihar Excise Duty (Amendment) Bill, 1973]
5. Bihar Lok Bhang Vasooli (Sanshodhan) Vidheyak, 1973.  
[Bihar, Public Procurement of Bhang (Amendment) Bill, 1973.]
6. Bihar Sahooakar (Samvyavhar Viniyaman) (Sanshodhan) Vidheyak, 1973.  
[Bihar Money Lenders (Regulation of Transactions) (Amendment) Bill, 1973.]
7. Bihar Viniyog (Sankhya 3) Vidheyak, 1973.  
[Bihar Appropriation (No. 3) Bill, 1973]
8. Bihar Lokayukta Vidheyak, 1973.  
[Bihar Lokayukta Bill, 1973.]
9. Bihar Kendu Pathi (Vyapar Niyantran) Vidheyak, 1973.  
[Bihar Kendu Lease (Trade-control) Bill, 1973.]

#### GUJARAT LEGISLATIVE ASSEMBLY

- \*1. The Gujarat Agricultural Lands Ceiling (Amendment) Bill, 1972.
2. The Bombay Labour Welfare Fund (Gujarat Amendment) Bill, 1973.
3. The Gujarat Ministers' Salaries and Allowances (Amendment) Bill, 1973.
4. The Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) (Amendment) Bill, 1973.
5. The Gujarat Judicial Courts Laws (Amendment) Bill, 1973.

---

\*Bills awaiting assent.

6. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1973.
7. The Bombay Town Planning (Gujarat Amendment) Bill, 1973.
8. The Gujarat Contingency Fund (Temporary Increase) (Amendment) Bill, 1973.
9. The Gujarat University (Amendment) Bill, 1973.
- \*10. The Bombay Relief Undertakings (Special Provisions) (Gujarat Amendment) Bill, 1973.
- \*11. The Indian Electricity (Gujarat Amendment) Bill, 1973.
12. The Gujarat Secondary Education (Amendment) Bill, 1973.
13. The Gujarat (Second Supplementary) Appropriation Bill, 1973.
14. The Bombay Irrigation (Gujarat Amendment) Bill, 1973.
15. The Gujarat Panchayats (Second Amendment) Bill, 1973.
16. The Presidency Small Cause Courts (Gujarat Amendment) Bill, 1973.

## HARYANA VIDHAN SABHA

1. The Haryana Municipal (Amendment) Bill, 1973.
2. The Punjab State Aid to Industries (Haryana Amendment) Bill, 1973.
3. The Punjab Village Common Lands (Regulation) Haryana Second Amendment Bill, 1973.
4. The East Punjab Molasses (Control) Haryana Amendment Bill, 1973.
5. The Faridabad Complex (Regulation and Development) Amendment Bill, 1973.
6. The Haryana Appropriation (No. 3) Bill, 1973.
7. The Haryana Land Holdings Tax (Amendment) Bill, 1973.
8. The Punjab Sugarcane (Regulation of Purchase and Supply) Haryana Amendment Bill, 1973.
9. The Punjab Entertainment Tax (Cinematograph Shows) Haryana Amendment Bill, 1973.

---

\*Bills awaiting assent.

10. The Haryana Minerals (Vesting of Rights) Bill, 1973.
11. The Punjab Land Revenue (Haryana Amendment) Bill, 1973.
12. The Haryana Canal and Drainage Bill, (Referred to Select Committee).

HIMACHAL PRADESH VIDHAN SABHA

1. The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1973.
2. The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Bill, 1973.
3. The Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 1973.
4. The Himachal Pradesh Departmental Enquiries (Powers) Bill, 1973.
5. The Himachal Pradesh General Sales Tax (Amendment) Bill, 1973.
6. The Himachal Pradesh Public Moneys (Recovery of Dues) Bill, 1973.
7. The Stage Carriages (Himachal Pradesh Amendment) Bill, 1973.
8. The Prisons (Himachal Pradesh Amendment) Bill, 1973.
9. The Societies Registration (Himachal Pradesh Amendment) Bill, 1973.
10. The Press and Registration of Books and News Papers (Himachal Pradesh Amendment) Bill, 1973.
11. The Himachal Pradesh Suppression of Indecent Advertisements Bill, 1973.
12. The Cattle Trespass (Himachal Pradesh Amendment) Bill, 1973.
13. The Himachal Pradesh Restriction of Habitual Offenders Bill, 1973.
14. The Himachal Pradesh Factories (Control of dismantling) Bill, 1973.
15. The Local Authorities Loans (Himachal Pradesh Amendment) Bill, 1973.

## KARNATAKA LEGISLATIVE COUNCIL

- \*1. The Motor Vehicle (Mysore Amendment) Bill, 1973.
2. The Mysore Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1973.
3. The Mysore Agricultural Lands (Prohibition of Alienation) Bill, 1973.
4. The Mysore Appropriation Bill, 1973.
5. The Mysore Private Educational Institutions (Discipline and Control) Bill, 1973.
6. The Mysore Public Service Commission (Conduct of Business and Additional Functions) (Amendment) Bill, 1973.

## MADHYA PRADESH VIDHAN SABHA\*\*

1. Madhya Pradesh Vidhan Mandal Sadasya Nirahrata Nivaran (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Members of Legislature Prevention of Disqualification (Amendment) Bill, 1973.]
2. Madhya Pradesh Vidhan Sabha Sadasya Vetan Tatha Bhatta (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Salaries and Allowances of Member of Legislative Assembly (Amendment) Bill, 1973.]
3. Madhya Pradesh Ayurvedic Unani Tatha Prakratik Chikitsa Vyavsayi (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Ayurvedic, Unani and Naturopathic Practitioner (Amendment) Bill, 1973.]
4. Madhya Pradesh Samchikitsak Tatha, Jivrasayanik Chikitsak (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Homoeopathic and Biochemic Practitioner (Amendment) Bill, 1973.]
5. Madhya Pradesh Akasmikta Nidhi (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Contingency Fund (Amendment) Bill, 1973.]
6. Madhya Pradesh Latari (Niyantaran Tatha Kar) Vidheyak, 1973.  
[Madhya Pradesh Lottery (Control and Tax) Bill, 1973.]

---

\*Bill awaiting assent of the President.

\*\*Original in Hindi. The title of Bills have been given in romanised form followed by translation in English in parenthesis.

7. Madhya Pradesh Bhoomi Sudhar Yojna (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Land Reform Scheme (Amendment) Bill, 1973.]
8. Madhya Pradesh Vana Upaj (Vyapar Viniyaman) Sanshodhan Vidheyak, 1973.  
[Madhya Pradesh Forest Produce (Trade-Regulation) Amendment Bill, 1973.]
9. Madhya Pradesh Motoryan Karadhan (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Motor Vehicle Taxation (Amendment) Bill, 1973.]
10. Madhya Pradesh Bhoo Rajaswa Sanhita (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Land Revenue Code (Amendment) Bill, 1973.]
11. Madhya Pradesh Bhoo Rajaswa Sanhita (Sanshodhan) Vidheyak, 1973.  
[Madhya Pradesh Land Revenue Code (Amendment) Bill, 1973]
12. Madhya Pradesh Viniyog Vidheyak, 1973.  
[Madhya Pradesh Appropriation, Bill, 1973]

MEGHALAYA LEGISLATIVE ASSEMBLY

- \*1. The Motor Vehicles (Meghalaya Amendment) Bill, 1973.
- \*2. The Meghalaya Residential Permit Bill, 1973.
- \*3. The Meghalaya Civil Task Force Bill, 1973.
4. The Meghalaya Appropriation (No. iv) Bill, 1973.
5. The Meghalaya (Minister's Salaries and Allowances (Amendment) Bill, 1973.
6. The Legislative Assembly of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances (Amendment) Bill, 1973.

---

\*Bills awaiting assent.



## MIZORAM LEGISLATIVE ASSEMBLY\*\*

- \*1. The Mizoram Salaries and Allowances of Ministers Bill, 1973.
- \*2. The Mizoram Salaries and Allowances of Speaker and Deputy Speaker Bill, 1973.
- \*3. The Mizoram Salaries and Allowances of the Legislative Assembly Bill, 1973.
4. The Mizoram Excise Bill, 1973.
- \*5. The Mizoram (Sales of Petroleum and Petroleum Products including Motor Spirit and Lubricants) Taxation Bill, 1973.

## NAGALAND LEGISLATIVE ASSEMBLY

- \* The Nagaland Forest (Amendment) Bill, 1973.

## PONDICHERRY LEGISLATIVE ASSEMBLY†

1. The Pondicherry (Public) Health Bill, 1973.
2. The Pondicherry General Sales Tax (Amendment) Bill, 1973.
3. The Pondicherry Agricultural Produce Markets Bill, 1973.
4. The Pondicherry Occupants of Kudiyruppu (Conferment of Ownership) Bill, 1973.
5. The Pondicherry Non-Motorised Vehicles Tax Abolition Bill, 1973.
6. The Pondicherry Housing Board Bill, 1973.
7. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Bill, 1973.
8. The Karaikal Agricultural Labourer Fair Wages (Amendment) Bill, 1973.
9. The Pondicherry Motor Vehicles Taxation (Amendment) Bill, 1973.

## RAJASTHAN LEGISLATIVE ASSEMBLY

1. The Rajasthan Appropriation Bill, 1973.
2. The University of Rajasthan (Amendment) Bill, 1973.
3. The Rajasthan Lands and Buildings Tax (Amendment) Bill, 1973.

---

\*Bills awaiting assent.

\*\*Relates to the period 1-7-1973 to 30-9-1973.

†All the Bills awaiting assent.

## TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Tamil Nadu Prohibition (Suspension of Operation) Amendment Bill, 1973.
2. The Tamil Nadu Excise (Amendment) Bill, 1973.
- \*3. The Tamil Nadu Cultivating Tenants Protection (Amendment) Bill, 1973.
4. The Motor Vehicles (Tamil Nadu Amendment) Bill, 1973.
5. The Tamil Nadu State Housing Board (Amendment) Bill, 1973.
6. The Madras City Municipal Corporation Laws (Amendment) Bill, 1973.
- \*7. The Tamil Nadu Town and Country Planning (Amendment) Bill, 1973.
8. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 1973.
9. The Tamil Nadu Local Authorities Finance (Second Amendment) Bill, 1973.
10. The Tamil Nadu Hockney Carriage (Amendment) Bill, 1973.
11. The Tamil Nadu Appropriation (No. 4) Bill, 1973.
12. The Tamil Nadu Appropriation (No. 5) Bill, 1973.
13. The Tamil Nadu Entertainments Tax (Amendment) Bill, 1973.
- \*14. The Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Bill, 1973.
15. The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 1973.
16. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1973.
- \*17. The Tamil Nadu Recognised Private Schools (Regulation) Bill, 1972 as amended by the Joint Select Committee.

## TAMIL NADU LEGISLATIVE COUNCIL

1. The Madras City Municipal Corporation Law (Amendment) Bill, 1973.
2. The Tamil Nadu Appropriation (No. 4) Bill, 1973.
3. The Tamil Nadu Appropriation (No. 5) Bill, 1973.

---

\*Bills awaiting assent of the President

4. The Tamil Nadu Prohibition (Suspension of Operation) Amendment Bill, 1973.
5. The Tamil Nadu Excise (Amendment) Bill, 1973.
6. The Tamil Nadu Cultivating Tenants Protection (Amendment) Bill, 1973.
7. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 1973.
- \*8. The Tamil Nadu Local Authorities Finance (Second Amendment) Bill, 1973.
- \*9. The Tamil Nadu State Housing Board (Amendment) Bill, 1973.
10. The Tamil Nadu Entertainment Tax (Amendment) Bill, 1973.
- \*11. The Motor Vehicles (Tamil Nadu Amendment) Bill, 1973.
- \*12. The Tamil Nadu Hackney Carriage (Amendment) Bill, 1973.
- \*13. The Tamil Nadu Town and Country Planning (Amendment) Bill, 1973.
14. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1973.
15. The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 1973.
- \*16. The Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Bill, 1973.
- \*17. The Tamil Nadu Recognised Private Schools (Regulation) Bill, 1973.

---

\*Bills awaiting assent.

## APPENDIX VI

### ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD NOVEMBER 1, 1973 TO JANUARY 31, 1974 AND STATE GOVERNMENTS DURING THE PERIOD OCTOBER 1, 1973 TO DECEMBER 31, 1973

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
<b>CENTRAL</b>					
1	The Central Excises and Salt (Amendment) Ordinance, 1973	2-11-73	12-11-73	—	Replaced by an Act of Parliament.
2	The Konkan Passenger Ships (Acquisition) Ordinance, 1973	7-11-73	12-11-73	—	Replaced by an Act of Parliament
3	The North-Eastern Areas (Reorganisation) (Amendment) Ordinance, 1974.	19-11-74	19-2-74	—	—
<b>BIHAR*</b>					
1	Bihar Hindu Dharmik Nyas (Dwitiya Sanshodhan) Adhyadesh, 1973	25-8-73	7-12-73		Six weeks after the date on which laid on the Table.
	[Bihar Hindu Religious Trust (Second Amendment) Ordinance, 1973]				
2	Rajendra Krishi Vishwavidyalaya (Tritiya Sanshodhan) Adhyadesh, 1973]	Do.	Do.	Do.	—
	[Rajendra Agricultural University (Third Amendment) Ordinance, 1973]				

\*Original in Hindi. The titles of the Ordinances given in Romanised form are followed by their English translations in parenthesis.

1	2	3	4	5	6
3 Bihar Krishi Upaj Bazar (Dwitiya Sanshodhan) Adhyadesh, 1973. [Bihar Agricultural Produce Market (Second Amendment) Ordinance, 1973].	25-8-73	7-12-73	Six weeks after the date on which laid on the table.	—	
4 Bihar Panchayat Raj (Vidhimanyakari) Tritiya Adhyadesh, 1973. [Bihar Panchayat Raj (Validation) Third Ordinance, 1973.]	Do.	Do.	Do.	—	
5 Bihar Panchayat Raj (Dwitiya Sanshodhan Tatha Vidhimanyakari) Adhyadesh, 1973 [Bihar Panchayat Raj (Second Amendment and Validation) Ordinance, 1973]	Do.	Do.	Do.	—	
6 Bihar Panchayat Samiti Aur Zila Parishad (Dwitiya Sanshodhi Tatha Vidhimanyakari) Adhyadesh, 1973. [Bihar Panchayat Samiti and District Council (Second Amending and Validating) Ordinance, 1973]	Do.	Do.	Do.	—	
7 Bihar Panchayat Smmiti Aur Zila Parishad (Tritiya Sanshodhan) Adhyadesh, 1973 [Bihar Panchayat Committee and District Council (Third Amendment) Ordinance, 1973]	Do.	Do.	Do.	—	
8 Bihar Panchayat Samiti Aur Zila Parishad (Chaturtha Sanshodhan) Adhyadesh, 1973 [Bihar Panchayat Samitis and Zila Parishads (Fourth Amendment) Ordinance, 1973]	Do.	Do.	Do.	—	
9 Bihar Zila Board Tatha Sthaniya Board (Niyantana Aur Prabandh) (Tritiya Sanshodhan) Adhyadesh, 1973 [Bihar District Board and Local Board (Control and Management) (Third Amendment) Ordinance, 1973]	Do.	Do.	Do.	—	

1	2	3	4	5	6
10	Bihar (Lok Sewa Motorgadi Dwara Vahit) Evam Maal Kararopan (Dwitiya Sanshodhan) Adhyadesh, 1973. [Bihar Transportation by Public Vehicles and Goods Taxation (Second Amendment) Ordinance, 1973]	25-8-73	7-12 73	Six weeks after the date on which laid on the Table	—
11	Bihar Dookan aur Pratishtan (Dwitiya Sanshodhan) Adhyadesh, 1973. [Bihar Shops and Establishments (Second Amendment) Ordinance, 1973].	Do.	Do.	Do.	—
12	Bihar Bikri Kar (Dwitiya Sanshodhan) Adhyadesh, 1973 . . . . . [Bihar Sale Tax (Second Amendment) Ordinance, 1973]	26-8-73	Do.	Do.	—
13	Bihar Udyog Rajya Sahayya (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar subsidy industries (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
14	Bihar Audyogik Shetra Vikas Prathikar Dwitiya Adhyadesh, 1973 [Bihar Industrial Area Development Authority Second Ordinance, 1973]	Do.	Do.	Do.	—
15	Bihar Khadi Evam Gramodyog (Dwitiya Sanshodhan) Adhyadesh, 1973 . . . . . [Bihar Khadi and Village Industries (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
16	Bihar Makan (Patta, Kiraya Aur Bedakhli) Niyantran (Dwitiya Sanshodhan) Adhyadesh, 1973. [Bihar House (Lease, Rent and Eviction) Control (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
17	Bihar Parisar Aur Gadi (Adhigrahan) Dwitiya Adhyadesh, 1973. [Bihar Premises and Vehicles (Acquisition) Second Ordinance, 1973]	Do.	Do.	Do.	—
18	Bihar Rajya Avas Board Dwitiya Adhyadesh, 1973. . . . . [Bihar State Housing Board Second Ordinance, 1973.]	Do.	Do.	Do.	—

1	2	3	4	5	6
19	Motor Gadi (Bihar Dwitiya Sanshodhan) Adhyadesh, 1973 [Motor Vehicles (Bihar Second Amendment) Ordinance, 1973.]	25-8-73	7-12-73	Six weeks after the date on which laid on the table.	—
20	Mithila Vishwavidyalaya, Dwitiya Adhyadesh, 1973 [Mithila University Second Ordinance, 1974]	Do.	Do.	Do.	—
21	Bihar Prathamik Shiksha (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Primary Education (Second Amendment) Ordinance, 1973]	26-8-73	Do.	Do.	—
22	Anugrah Narayan Sinha Samaj Adhyayan Sansthan (Dwitiya Sansodhan) Adhyadesh, 1973 [Anugrah Narayan Singa Institute of Social Studies (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
23	Bihar Rajya Vishwavidyalaya (Bihar, Bhagalpur Aur Ranchi) Tritiya Sanshodhan Adhyadesh, 1973 [Bihar State University (Bihar, Bhagalpur and Ranchi) Third Amendment Ordinance, 1973].	25-8-73	Do.	Do.	—
24	Bihar Rajya Vishwavidyalaya (Patna, Bihar, Bhagalpur, Ranchi Aur Magadh Vishwavidyalaya) (Niyantran Aur Prabandh) Dwitiya Adhyadesh, 1973 [Bihar State University (Patna, Bihar, Bhagalpur, Ranchi and Magadh Universities) (Control and Management) Second Ordinance, 1973.]	Do.	Do.	Do.	—
25	Patna Vishwavidyalaya (Dwitiya Sanshodhan) Adhyadesh, 1973 [Patna University (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
26	Bihar Rajya Vishwavidyalaya Widhi Aur Vidyalya Vidhi (Dwitiya Sanshodhan Aur Nirсан) Adhyadesh, 1973 [Bihar State University Laws and School Laws (Second Amendment and Repeal) Ordinance 1973]	Do.	Do.	Do.	—

1	2	3	4	5	6
27	Bihar Vidyalaya Pariksha Board (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar School Examination Board (Second Amendment) Ordinance, 1973]	25-8-73	7-12-73	Six weeks after the date on which laid on the table.	—
28	Bihar Prachin Smarak Aur Puratatva Sthal Tatha Avashesh Dwitiya Adhyadesh, 1973 [Bihar Ancient Monuments and Archaeological sites and Remains Second Ordinance, 1973]	26-8-73	Do.	Do.	—
29	Pataliputra Medical College (Pra- bandha Grahan) Dwitiya) Adhya- adesh, 1973 [Pataliputra Medical College (Taking over of Management) (Second) Ordinance 1973.]	Do.	Do.	Do.	—
30	Bihar Chikitsa Shiksha Sanstha (Viniyaman Aur Niyantaran) (Dwi- tiya) Adhyadesh, 1973. [Bihar Institute of Medical Edu- cation (Regulation and Control) (Second Ordinance, 1973)]	25-8-73	Do.	Do.	—
31	Bihar Swasthya Ses (Dwitiya) Adhyadesh, 1973 [Bihar Health Cess (Second) Ordi- nance, 1973]	Do.	Do.	Do.	—
32	Bihar Balak Dwitiya Adhyadesh, 1973 [Bihar Children Second Ordinance, 1973]	26-8-73	Do.	Do.	—
33	Bihar Motorgadi Kararopan (Dwi- tiya Sanshodhan) Adhyadesh, 1973. [Bihar Motor Vehicles Taxation (Second Amendment) Ordinance, 1973]	25-8-73	Do.	Do.	—
34	Patna Nagar Nigam (Dwitiya San- shodhan) Adhyadesh, 1973 [Patna Municipal Corporation (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—



1	2	3	4	5	6
35	Bihar Nagarpalika (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Municipality (Second Amendment) Ordinance, 1973]	25-8-73	7-12-73	Six weeks after the date on which laid on the table	—
36	Bihar Lok Bhang Vasooli (Chaturtha Sanshodhan) Adhyadesh, 1973 [Bihar public Procurement of Bhang (Fourth Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
37	Bihar Adhiktam Shahri Sampatti Seema (Antaran Par Asthayee Nibandhan) Dwitiya Adhyadesh, 1973 [Bihar Ceiling on Urban Property (Interim Restriction on Transfer) Second Ordinance, 1973.]	26-8-73	Do.	Do.	—
38	Chhota Nagpur Kashtkari (Dwitiya Sanshodhan) Adhyadesh, 1973 [Chhota Nagpur Tenancy (Second Amendment) Ordinance, 1973.]	Do.	Do.	Do.	—
39	Bihar Mantri Vetan Aur Bhatta (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Salaries and Allowances of Ministers (Second Amendment) Ordinance, 1973]	25-8-73	Do.	Do.	—
40	Bihar Up-Mantri Vetan Aur Bhatta (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar salaries and Allowances of Deputy Ministers (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
41	Bihar Vidhanmandal (Padadhikarion Ka Vetan Aur Bhatta) Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Legislature (Salaries and Allowances of Officers) (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—
42	Bihar Kashtkari (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Tenancy (Second Amendment) Ordinance, 1973.]	26-8-73	Do.	Do.	—

1	2	3	4	5	6
43	Bihar Gramdan (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Gramdan (Second Amendment) Ordinance, 1973.]	26-8-73	7-12-73	Six weeks after the date on which laid on the table	—
44	Bihar Visheshadhikarat Vyakti Vashhoomi Kashtkari (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar tenancy of fallowland by Privileged persons (Second Amendment) Ordinance, 1973.]	Do.	Do.	Do.	—
45	Bihar Utpadanshulk (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Excise duty (Second Amendment) Ordinance, 1973.]	25-8-73	Do.	Do.	—
46	Bihar Lok Bhang Vasooli (Tritiya Sanshodhan) Adhyadesh, 1973 [Bihar Public Procurement of Bhang (Third Amendment) Ordinance, 1973.]	26-8-73	Do.	Do.	—
47	Bihar Bhoomi Our Jal Sanrakshan Tatha Bhoomi Vikas Dwitiya Adhyadesh, 1973 [Bihar Soil and Water Conservation and land Development Second Ordinance, 1973.]	25-8-73	Do.	Do.	—
48	Bihar Sahookar (Samvyawhar Viniyaman) (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Money Lenders (Regulations Transactions) (Second Amendment) Ordinance, 1973.]	26-8-73	Do.	Do.	—
49	Bihar Ookh (Apurti Evam Kharid Ka Viniyaman) Dwitiya Adhyadesh, 1973 [Bihar Sugarcane (Regulation of Supply and Purchase Regulations) Second Ordinance, 1973.]	25-8-73	Do.	Do.	—
50	Bihar Sahkari Sosayati (Dwitiya Sanshodhan) Adhyadesh, 1973 [Bihar Cooperative Societies (Second Amendment) Ordinance, 1973]	Do.	Do.	Do.	—

1	2	3	5	6	
51. Bihar Sinchai Our Udwah Sinchai (Dwitiya Sanshodhan) Adhyadesh, 1973.	[Bihar Irrigation and Lift Irrigation (Second Amendment) Ordinance, 1973]	Do.	Do.	Six weeks after the date on which laid on the table	—
52. Bihar Bhoomi Sudhar (Dwitiya Sanshodhan) Adhyadesh, 1973	[Bihar Land Reforms (Second Amendment) Ordinance, 1973]	26-8-72	Do.	Do.	—
53. Bihar Bhoomi Sudhar (Vidhi-manyakaran Aur Dwitiya Sanshodhan) Adhyadesh, 1973.	[Bihar Bhoomi Sudhar (Vidhi-manyakaran Aur Dwitiya Sanshodhan) Adhyadesh, 1973.]	26-8-73	Do.	Do.	—
54. Chhota Nagpur Evam Santhal Pargana Swashasi Vikas Pradhikar (Dwitiya Sanshodhan) Adhyadesh, 1973	[Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Second Amendment) Ordinance, 1973.]	Do.	Do.	Do.	—
55. Bihar Kendu Patti (Vyapar Niyantran) Dwitiya Adhyadesh, 1973	[Bihar Kendu Leaf (Trade Control) Second Ordinance, 1973.]	26-8-73	7-12-73	Do.	—
56. Bihar Vrati Vyapar Ajivika Aur Niyojan Karadhan, 1973	[Bihar Profession, Vocation callings and Employment Taxation Ordinance, 1973]	18-9-73	Do.	Do.	—
57. Bihar Bhoo Lagan (Bhugtan Se Chhoot) (Nirsan) Adhyadesh, 1973	[Bihar Land Revenue (Exemption from Payment) (Repeal) Ordinance, 1973]	25-9-73	Do.	Do.	—
58. Bihar Khadi Aur Gramodyog (Sanshodhan) Adhyadesh, 1973	[Bihar Khadi and Village Industries (Amendment) Ordinance, 1973]	28-9-73	Do.	Do.	—
		Do.	Do.	Do.	—

1	2	3	4	5	6
59.	Bihar Lokayukta (Tritiya) Adhyadesh, 1973 [Bihar Lokayukta (Third) Ordinance, 1973]	5-10-73	Do.	Six weeks after the date on which laid on the table.	—
60.	Bihar Sthaniya Swashasan (San-shodhan) Adhyadesh, 1973 [Bihar Local Self Government (Amendment) Ordinance, 1973]	22-10-73 Do.	Do. Do.	Do. Do.	— —
61.	Bihar Prathamik Shiksha (Tritiya Sanashodhan) Adhyadesh, 1973 [Bihar Primary Education (Third Amendment) Ordinance, 1973.]	30-10-73	7-12-73	Do.	Do.
62.	Bihar Rajya Vidhi (Pradhikrat Hindi Paath) Babashan Adhyadesh, 1973 [Bihar State Law (Authorised Hindi Text) Publication Ordinance, 1973]	3-11-73	Do.	Do.	—
63.	Bihar Eent Aapurti (Niyantrana) Adhyadesh, 1973 [Bihar Bricks Supply (Control) Ordinance, 1973.]	5-12-73	10-12-73	Do.	—
GUJARAT					
1.	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1973.	30-12-73	—	—	—
2.	The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Ordinance, 1973.	30-12-73	—	—	—
JAMMU & KASHMIR					
1.	The J & K Transfer of Land Laws Ordinance, 1973.	—	18-9-73	—	Replaced by legislation
2.	The J & K Land Revenue (Amendment) Ordinance, 1973.	—	—do—	—	—do—
3.	The Jammu and Kashmir Agrarian (Amendment) Ordinance, 1973	—	—do—	—	—do—
4.	The J & K Agrarian (Second Amendment) Ordinance, 1973.	—	—do—	—	—do—

1	2	3	4	5	6
5.	The J & K Preservation of Specified trees.	—	—do—		Replaced by Legislation
KARNATAKA					
1.	The Karnataka Housing Board (Amendment) Ordinance, 1973.	3-11-73	--	--	--
2.	The Karnataka and Mysore Universities (Amendment) Ordinance, 1973.	15-11-73	--	--	--
3.	The Karnataka State Civil Services (Regulation of Promotion, Pay and Pension (No. 2) Ordinance, 1973.	16-11-73	--	--	--
4.	The Mysore Betting Tax & Race Courses Licenses (Karnataka Amendment) Ordinance, 1973.	29-11-73	--	--	--
MADHYA PRADESH*					
1.	Madhya Pradesh Vanaupaj (Vyapar Viniyamn) Sanshodhan Adhyadesh, 1973.	8-11-73	27-12-73	--	Replaced by legislation
1.	[Madhya Pradesh Forest Produce (Trade Regulation) Amendment Ordinance, 1973].				
HARYANA					
1.	The Haryana Municipal (Amendment) Ordinance, 1973.	20-7-73	12-11-73	--	Replaced by legislation
2.	The Haryana Land Holdings Tax (Amendment) Ordinance, 1973.	27-9-73	—do—	--	—do—
HIMACHAL PRADESH					
1.	The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Ordinance, 1973.	--	15-10-73	--	Replaced by legislation
2.	The Himachal Pradesh Ceiling on Land Holdings (Amendment) Ordinance, 1973.	--	15-10-73	--	—do—

\* Original in Hindi. The titles of the ordinances given in romanised form are followed by English translation within parenthesis.

1	2	3	4	5	6
PUNJAB					
1.	The Punjab State Legislatures (Prevention of Disqualification) Amendment Ordinance, 1973 . . . . .	7-11-73		--	--
2.	The Punjab Co-operative Societies (Amendment), Ordinance, 1973 . . . . .	27-11-73	--	--	--
RAJASTHAN					
	The Rajasthan Tendu Leaves (Regulation of Trade) Ordinance, 1973 . . . . .	4-10-73	--	--	--
TAMIL NADU					
1.	The Tamil Nadu Prohibition (Suspension of Operation) Amendment Ordinance, 1973 . . . . .	30-8-73	21-11-73	--	Replaced by legislation
2.	The Tamil Nadu Excise (Amendment) Ordinance, 1973 . . . . .	30-8-73	--do--	--	--do--
3.	The Tamil Nadu General Sales Tax (Amendment) Ordinance, 1973 . . . . .	1-10-73	--do--	--	--do--
4.	The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of Office) Amendment Ordinance, 1973. . . . .	6-10-73	--do--	--	Allowed to lapse.
5.	The Tamil Nadu General Sales Tax (Amendment) Ordinance 1973 (Tamil Nadu Ordinance No. 6 of 1973). . . . .	9-10-73	--	--	Replaced by legislation
6.	The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment) and Extension of the term of office (Amendment) Ordinance, 1973 . . . . .	--do--	--	--	--do--
UTTAR PRADESH					
1.	Uttar Pradesh Sugarcane (Supply and Purchase Regulation) Amendment and Validation Ordinance, 1973 . . . . .	21-12-73	--	--	--

1	2	3	4	5	6
2. Uttar Pradesh Interim District Council (Amendment) Ordinance, 1973 .	19-12-73	—	—	—	—
WEST BENGAL.					
1. The West Bengal Tanks (Acquisition of Irrigation Rights) Ordinance, 1973 .	15-10-73	—	4-4-74	—	—
2. The West Bengal Industrial Infrastructure Development Corporation Ordinance, 1973 .	16-11-73	—	—do—	—	—
3. The Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Ordinance, 1973 .	30-11-73	—	—do—	—	—
4. The Calcutta Metropolitan Development Authority (Amendment) Ordinance, 1973 .	—do—	—	—do—	—	—
5. The Bengal Municipal (Amendment) Ordinance, 1973 .	1-12-73	—	—do—	—	—
6. The Bengal Finance (Sales Tax) (Third Amendment) Ordinance, 1973 .	5-12-73	—	—do—	—	—
7. The West Bengal Land (Requisition and Acquisition) (Amendment) Ordinance, 1973 .	21-12-73	—	—do—	—	—
8. The Hooghly River Bridge (Amendment) Ordinance, 1973 .	31-12-73	—	—do—	—	—

**APPENDIX VII**  
**A. PARTY POSITION IN LOK SABHA**

(i) STATE-WISE  
(As on March 1, 1974)

Name of the State	Seats	Cong.	CPI(M)	CPI	J.S.	D.M.K.	Other Parties	Unattached	Total
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	41	37	1	1	..	..	2(n)	..	41
Assam	14	13	1	..	..	..	..	..	14
Bihar	53	37	..	5	2	..	6(b)	2	52 (1 vacant)
Gujarat	24	12	..	..	..	..	10(c)	2	24 (1 vacant)
Haryana	9	7	..	..	1	..	..	1	9
Himachal Pradesh	4	4	..	..	..	..	..	..	4
Jammu and Kashmir	6	5	..	..	..	..	..	1	6
Karnataka	27	26	..	..	..	..	..	..	26 (1 vacant)
Kerala	19	6	2	3	..	..	7(d)	1	19
Madhya Pradesh	37	22	..	..	10	..	5(e)	..	37
Maharashtra	45	40	..	1	..	..	2(f)	2	45
Manipur	2	2	..	..	..	..	..	..	2
Meghalaya	2	..	..	..	..	..	..	2	2
Nagaland	1	..	..	..	..	..	1(g)	..	1
Orissa	20	14	..	1	..	..	5(h)	..	20
Punjab	13	9	..	1	..	..	..	1	11* (1 vacant)
Rajasthan	23	15	..	..	3	..	4(i)	1	23
Tamil Nadu	39	9	..	4	..	19	7(j)	..	39
Tripura	2	..	2	..	..	..	..	..	2
Uttar Pradesh	85	73	..	5	4	..	..	2	84 (1 vacant)
West Bengal	40	15	20	3	..	..	2(k)	..	40
<b>Union Territories</b>									
Andaman & Nicobar Islands	1	1	..	..	..	..	..	..	1
Arunachal Pradesh	1	1	..	..	..	..	..	..	1(l)
Chandigarh	1	1	..	..	..	..	..	..	1
Dadra and Nagar Haveli	1	1	..	..	..	..	..	..	1
Delhi	7	7	..	..	..	..	..	..	7
Goa, Daman and Diu	2	1	..	..	..	..	1(m)	..	2
Lakshadweep	1	1	..	..	..	..	..	..	1
Mizoram	1	..	..	..	..	..	..	1	1
Pondicherry	1	..	..	..	..	..	1(n)	..	1
Anglo-Indian	2	..	..	..	..	..	2(o)	..	2
<b>TOTAL</b>	<b>524</b>	<b>359</b>	<b>26</b>	<b>24</b>	<b>20</b>	<b>19</b>	<b>55</b>	<b>16</b>	<b>519*</b>

(excluding Speaker and 4 vacancies)

\*Excludes the Speaker, who is not a member of any Party.

(a) Telengana Praja Samiti	2	(h) Swatantra	3
(b) Socialist Party	2	UIPG	2
Congress (O)	3	(i) Swatantra	2
UIPG	1	UIPG	2
(c) Swatantra	2	(j) Muslim League	1
Congress(O)	8	Forward Bloc	1
(d) Muslim League	2	Congress(O)	1
Revolutionary Socialist Party	2	Ann. D.M.K.	4
Kerala Congress	3	(K) Socialist Party	1
(e) Socialist Party	1	Revolutionary Socialist Party	1
UIPG	4	(l) Nominated by the President	..
(f) Socialist Party	1	(m) UPIG	1
Forward Bloc	1	(n) ADMK	1
(g) UIPG	1	(o) UIPG	2

(Nominated by the President).



## A. PARTY POSITION IN LOK SABHA

## (ii) PARTY-WISE

(As on March 1, 1974)

<i>Name of the Party</i>	<i>Strength</i>
Congress Party	359
C.P.I.(M)	26
C.P.I.	24
Jan Sangh	20
D.M.K.	19
<i>Other Parties :</i>	
Congress (O)	12
U.I.P.G.	13
Swatantra	7
Socialist Party	5
Anna D.M.K.	5
Muslim League	3
Revolutionary Socialist Party	3
Kerala Congress	3
Forward Block	2
Telengana Praja Samiti	2
Unattached	16
Vacancies	4
	523
TOTAL	(excluding Speaker)

## B. PARTY POSITION IN RAJYA SABHA

(i) STATE-WISE

(As on March, 1, 1974)

States	No. of Seats	CONG.	CONG. (O)	JS	DMK	CPI	SWA	CPI(M)	M.L.	S.P. (L)	BKD	SP	AKALI DAL	APRLC	FB(M)	MPP	PSP	REP	SMS	RSP	MUP	ADMK	IND	Nominated	
A.P.	18	14					1																	3	
Assam	7	6										1													
Bihar	22	13	1	1		3				2							1							1	
Gujarat	11	9	1	1																					
Haryana	5	4	1																						
Himachal Pradesh	3	3																							
J. & K.	4	4																							
Kerala	9	1				2		3	1			1													
Madhya Pradesh	16	11	1	3																					1
Maharashtra	19	14				1					1	1							1						1
Manipur	1															1									
Meghalaya	1													1											
Karnataka	12	6	2																					4	
Nagaland	1	1																							
Orissa	10	4					6																		
Punjab	7	4		1									2												
Rajasthan	10	6		1			1																		2
Tamil Nadu	18	1	1		9		1	1	3															2	
Tripura	1	1																							
U.P.	34	16	7	5		1					3														2
W. Bengal	16	7				3		4							1										1
Arunachal Pradesh	1																								1
Delhi	3	1		2																					
Mizoram	1																					1			
Pondicherry	1				1																				
Nominated	12	2																							10
	243	128	14	14	10	10	9	8	4	2	4	3	2	1	1	1	1	1	1	1	1	1	2	15	11

## B. PARTY POSITION IN RAJYA SABHA

## (ii) PARTY-WISE

(As on March 1, 1974)

<i>Name of Party</i>	<i>Strength</i>
Congress	128
Congress (O)	14
Jan Sangh	14
D.M.K.	10
C.F.I.	10
Swatantra	9
C.F.I. (M)	8
<i>Other Parties :</i>	
Muslim League	4
B.K.D.	4
S.P. (L)	2
Akali Dal	2
S. P.	3
A.P.H.L.C.	1
R.P.	1
M.P.P.	1
F.B. (M)	1
R.S.P.	1
M.U.P.	1
P.S.P.	1
A.D.M.K.	2
Independents	15
Others	11
<b>TOTAL</b>	<b>243</b>

## C. PARTY POSITION IN STATE LEGISLATIVE ASSEMBLIES

States	Seats	Cong.	Cong. (O)	Swtg.	JS	CPI	CPI (M)	SP	DMK	Other Parties	Ind.	Nom.	Total
I	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh (as on 31-12-73)	288	214		..	..	8	1	..		38(a)	18	1	288(b)
Assam (as on 31-12-73)	114	94		1	..	3		4		5(c)	6	..	114(d)
Bihar (as on 22-7-73)	319	181	24	1	24	35		34		9(e)	14	1	319(f)
Gujarat (as on 31-12-73)	168	140	16		3	1				..	8	..	168
Haryana (as on 22-1-74)	81	51	5		2					6(g)	16	..	81(h)
Himachal Pradesh (as on 31-12-73)	68	53			5		1			..	8	..	68(i)
Jammu and Kashmir (as on 7-12-73)	75	57			3					5(j)	9	..	75(k)
Karnataka (as on 31-12-73)	217	165	23			3	1	2		1(l)	17	..	217(m)
Kerala (as on 30-3-73)	134	33	3	..	16	32	8	..	37(n)		3	..	134(o)
Madhya Pradesh (as on 1-1-74)	297	227			44	5		4		..	11	1	297(p)
Manipur (as on 2-3-74)	59	12				6		2	..	34(q)	5		59
Meghalaya (as on 31-12-73)	60	12							..	47(r)	1		60
Nagaland (as on 21-2-74)	60	..							..	48(s)	12		60
Orissa (as on 2-3-74)	147	69		21	7	3		..	38(t)		8		146
Punjab (as on 31-12-73)	104	67		..		10	1		..	25(u)		..	104(v)
Rajasthan (as on 31-12-73)	184	143	1	11	7	4		4	..	..	11	..	184(w)
Tamil Nadu (as on 2-2-74)	235	6	13	5		4	..	..	174	28(x)	2	1	235(y)
Tripura (as on 31-12-73)	60	41				1	16			..	2(z)		60
Uttar Pradesh (as on 3-4-74)	424	215	10	1	61	16	2	5	..	109(dd)	5	..	424
West Bengal (as on 31-12-73)	281	214	2			35	13			8(bb)	4(cc)	1	281(dd)
*Delhi (as on 31-12-73)	61	48	2		5	3				1(cc)	1	..	61(ff)
Goa, Daman and Diu (as on 31-12-73)	28	1							..	26(gg)	1		30(hh)
Mizoram (as on 31-12-73)	33	6							..	21(ii)	3		33
Pondicherry (as on 28-2-74)	30	7	5	..		2	1		2	12(jj)	1		30

\* Refers to Delhi Metropolitan Council.

- (a) Swatantra-Telangana Praja Samiti Front—2; Socialist Democratic Front 11; Andhra Progressive Democrats 8; Progressive Front 7; People's Democrats 6; Majlis Ittehad-ul-Muslimeen 3; RPI—1
- (b) Vacant—8
- (c) People's Democratic Party—3; RPI 1; Plains Tribal Party—1.
- (d) Vacant—1.\*
- (e) Includes All India Jharkhand—3; Hul Jharkhand—2; Progressive Hul Jharkhand—1; Jharkhand (N.E. Horo Group)—1; Hindustani Soshit Dal—2.
- (f) Vacant—1; Includes Hon. Speaker.
- (g) Includes Vishal Haryana Party—3; Progressive Independent Party—2.
- (h) Vacant—1.
- (i) Vacant—1.
- (j) Jamat Islami.
- (k) Vacant—1.
- (l) Janathapaksha
- (m) Vacant—4; Includes Hon. Speaker.
- (n) Includes Kerala Congress—13; Muslim League—11; Revolutionary Socialist Party—6; Kerala Socialist Party—2; Praja Socialist Party—2; Karshak Tozhilali Party—2; PSP—2.
- (o) Vacant—2; Includes Hon. Speaker.
- (p) Vacant—4; Includes Hon. Speaker.
- (q) Includes M.P.P.—20; MHU—12; K.N.A.—2.
- (r) Includes A.P.H.L.C.—39; H.S.P.D.P.—8.]
- (s) Includes Nagaland Nationalist Organisation—23; United Democratic Front—25.
- (t) Includes U.C.—33; SSP—2; SPI—2; JC—1.
- (u) Shiromani Akali Dal—25.
- (v) Vacant—1.
- (w) Vacant—3.
- (x) Tamil Arasu Kazhagam—1; Forward Bloc—7; Muslim League—6; Anna Dravida Munetra Kazhagam—11; Tamil Nadu Communist—3.
- (y) Vacant—1; Includes Hon. Speaker.
- (z) Independent supported by CP(M).
- (aa) Includes B.K.D.—106; Muslim League—1; Hindu Sabha—1; Soshit Samaj Dal—1.
- (bb) Includes R.S.P.—3; Socialist Unity Centre—1; Workers Party—1; Gorkha League—2; Muslim League—1.
- (cc) Includes Speaker.
- (dd) Vacant—4.
- (ee) Muslim League.
- (ff) Vacant—1.
- (gg) Includes Maharashtrawadi Gomantak Party—17; United Goans—9.
- (hh) Includes Hon. Speaker.
- (ii) Mizo Union.
- (jj) ADMK.