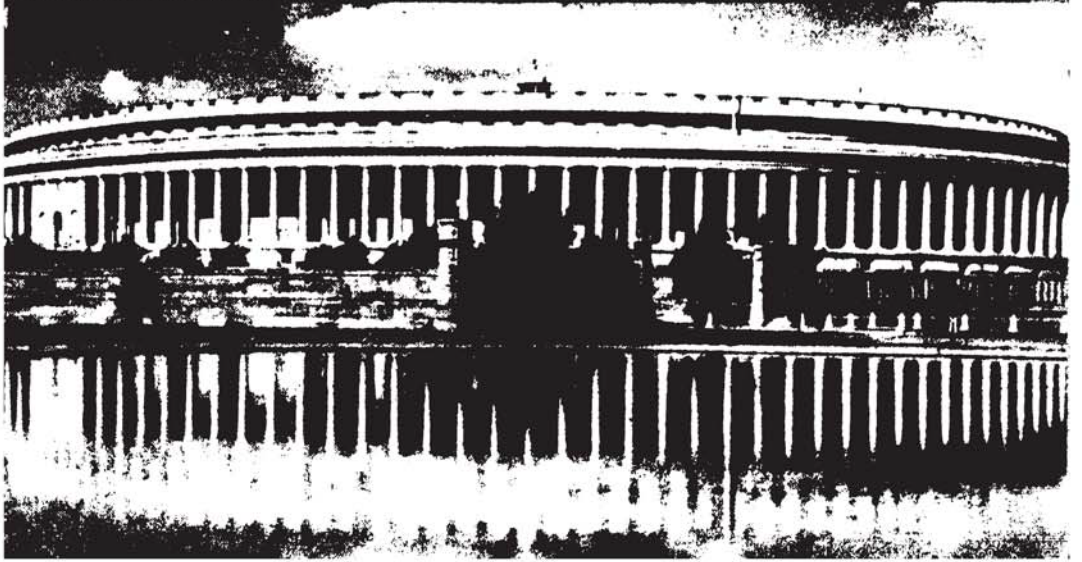


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The Journal Of Parliamentary Information



THE JOURNAL OF PARLIAMENTARY INFORMATION

Editor: S. L. SHAKDHER

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CONTENTS

	PAGE
EDITORIAL NOTE	747
ADDRESSES AND SPEECHES	
Farewell to Shri V. V. Giri, President of India	749
Farewell to Shri G. S. Pathak, Vice-President of India	754
ARTICLES	
Some Aspects of the Problems and Perspectives of Parliamentarians by P. Ranga Reddy	760
Role of Legislators as Intermediaries between the Citizens and their Government by Nivarthi Venkata Subbaiah	764
Making of a new Constitution for Trinidad and Tobago by S. L. Shakhder	768
The Election Law and Practice by J. M. Lobo Prabhu	785
The Presidential Election, 1974 by S. S. Bhalerao	792
The Election of the Vice-President by Table Office, Lok Sabha Secretariat	799
SHORT NOTES	
I. Parliamentary Events and Activities by Conference Branch, Lok Sabha Secretariat	803
II. Privilege Issues by Committee Branch I, Lok Sabha Secretariat	806

	PAGE
III. Procedural Matters	
<i>by</i> Table Office, and Research and Information Service, Lok Sabha Secretariat	815
IV. Parliamentary and Constitutional Developments in the States	
<i>by</i> Research and Information Service, Lok Sabha Secretariat	818
SESSIONAL REVIEW	
Lok Sabha—Eleventh Session	
<i>by</i> Research and Information Service, Lok Sabha Secretariat.	827
Rajya Sabha—Eighty-ninth Session	
<i>by</i> Research Unit, Rajya Sabha Secretariat	837
BOOK REVIEWS	
M. R. A. Baig : <i>The Muslim Dilemma in India</i>	
<i>by</i> H. N. Mukerjee, M.P.	849
Narayana Nair : <i>The Civil Servant under the law and the Constitution</i> , and S. K. Ghosh : <i>Crisis in Administration</i>	
<i>by</i> H. M. Patel, M. P.	853
N. N. Shrivastava : <i>Evolution of the Techniques of Monetary Management in India</i>	
<i>by</i> Y. S. Mahajan, M.P.	857
B. V. Carsberg and H. C. Edey (Ed.) : <i>Modern Financial Management</i>	
<i>by</i> S. Ranganathan, M. P.	858
RECENT LITERATURE OF PARLIAMENTARY INTEREST	
<i>by</i> Research and Information Service, Lok Sabha Secretariat	861
APPENDICES	869
INDEX TO VOL. XX—1974	911

EDITORIAL NOTE

Delivering his farewell address to the Members of Parliament, Shri V. V. Giri, who recently laid down the office of the President of India, said "Legislators as representatives of the people have the primary duty to keep in close touch with their constituents frequently, tell the people about the policies and programmes of government, ascertain their difficulties and needs and educate public opinion. They will then be able to perform their duty more fruitfully and purposefully through discussion and debate in Parliament and State Legislatures." In a similar vein, the outgoing Vice-President Shri G. S. Pathak described Parliament as "a microcosm of the nation" which controls the lives of millions of people and in his words "the future of the country depends on how the members contribute to the progress of the democratic institutions". The present issue of the *Journal* opens with the texts of these two important addresses. Also, it includes two articles on the legislators by the distinguished Presiding Officers of the Andhra Legislature. Shri P. Ranga Reddi, Speaker of the Andhra Pradesh Legislative Assembly writes on "Some Aspects of the Problems and Perspectives of Parliamentarians" while Shri Nivarthi Venkata Subbaiah, Chairman of the Andhra Pradesh Legislative Council dwells on the "Role of Legislators as Intermediaries between the Citizens and their Government".

The new Draft Constitution of Trinidad and Tobago prepared by the Constitution Commission represents a bold and imaginative experiment in constitution making. An article analysing the thought-provoking provisions of the Draft Constitution is being published in this issue.

The country recently went through elections to the two highest offices, viz., those of the President and the Vice-President of India. Two separate articles on the process of elections are being published in this issue.

In the previous issue of the *Journal* Shri Ajit Prasad Jain, a former M.P., had shared some of his thoughts about the election processes. The subject of election is naturally of vital interest to the legislators everywhere and continues to agitate their minds whether they are in the legislature or outside. In this issue another former member of Lok Sabha, Shri J. M. Lobo Prabhu, expresses his feelings about the role of money in the elections and makes some constructive suggestions for modification of the election law. The *Journal* would indeed welcome the readers' reactions in this regard for an objective and purposeful discussion on the subject.

—S. L. Shakhder,

FAREWELL TO SHRI V. V. GIRI, PRESIDENT OF INDIA

[On August 22, 1974, the Members of Parliament at a meeting held in the Central Hall of the Parliament House bid farewell to Shri V. V. Giri who was due to lay down the office of the President of India on August 24, 1974. We reproduce below the Farewell Address from the Members of Parliament read out by Dr. G. S. Dhillon, Speaker Lok Sabha and the valedictory speech by Shri Giri.

—Editor]

FAREWELL ADDRESS PRESENTED TO SHRI V. V. GIRI, PRESIDENT OF INDIA BY MEMBERS OF PARLIAMENT

Esteemed Mr. President,

We, the Members of Parliament, representing the people of our country, are assembled here to bid a nation's farewell to you, now about to lay down the high office of the President of India which you have filled with such dignity and distinction during the past five years. Even as we attempt to express our feelings, we are conscious how difficult it is to say in words what must remain largely unspoken—the great affection and regard our people have for you and our very mixed sentiments at this hour. All parting is sad, more so, when it comes to bidding good-bye to one like you, bound up with us in our freedom struggle, our Parliament, and our past history in so many ways. But does not this very hour also mark the happy culmination, the point of fulfilment of a long and full life, nobly lived in the service of the Nation? We take heart in this, as also in the thought that wherever you may be, you would be near enough to give of yourself most generously, should the call go to you at any hour, and even otherwise always.

India has indeed been more than fortunate in her sons and daughters. You will always be associated with your great warmth and humanity, your heartiness and winning informality, and your habit of zestful dedication—qualities which have endeared you to one and all and won for you universal regard and goodwill. You will be remembered always as a People's President. So, indeed, were you hailed, signifying thereby your life-long closeness to the common man and more particularly to your association with the working class in

our country, when in an unprecedented and most keenly-fought election you romped home to victory. And, in the midst of all the pomp and regalia associated with your office, you have remained a great commoner at heart. Significantly enough, in all the controversy that surrounded your election, paradoxical as it may seem, you stood as the solitary non-controversial figure on the scene. This was just as it should be—for, you had brought your own self-evident credentials for the highest office in the land: your fair mindedness, your great patriotism and courage, a demonstrated capacity to place principles above personal predilections and a mellowness born out of ripe political experience through years of public service spanning more than half a century.

Need it be recalled that your tenure of office has happened to coincide with a very truly momentous period in post-Independent India? It is a measure of your courage born of your deep dedication and love for your country that, far from flinching, you actively sought after and shouldered the burdens of your onerous office at this crucial juncture in the Nation's history. You have indeed been as a rock of calm in these troubled times, quietly inspiring courage and confidence all around.

Yours, Sir, has been a long and distinguished public career in the course of which you have filled several positions of trust with great ability and dignity. You have successively been trade union leader, legislator, Labour Minister—first in Madras and later at the Centre, our envoy in Ceylon (Sri Lanka), Governor in three States and Vice-President of India and *ex-officio* Presiding Officer of our Upper House—in which last capacity we had the privilege of knowing you closest—before your ultimate elevation to the august office you came to occupy. The cause of labour welfare and the trade union movement have, however, claimed your most active interest and stayed your first love through all these years. Your association with the trade union movement in this country beginning from the 20s of this century, when you were chosen at an early age as president, first of the Bengal-Nagpur Railway Indian Labour Union, and later of the All India Railwaymen's Federation, your role in the founding of the All India Trade Union Congress, your participation as the workers' representative in the International Labour Conference as early as 1927 and subsequently at the 1931 Round Table Conference, your unceasing espousal of the workers' cause as the principal spokesman of labour in the Central Legislative Assembly and later as Minister, your life long efforts to create a contented and co-operative labour force in the country, your decision to quit the Cabinet when the Bank

Award was sought to be modified by the Government, and your continued interest in labour matters, are all public knowledge and only bespeak of a life of passionate involvement in the welfare of the working masses and the underprivileged sections of our society.

Wherever you have been, in whatever you did, you have known nothing but utter commitment to the cause. A life such as yours will ever be an abiding inspiration for all those to come.

May we, in bidding farewell to you, wish you, Sir, with all the warmth of feeling, a long life of robust health and many, many more years of fruitful endeavour in the service of the country you hold dear.

Parliament House,
New Delhi;
August 22, 1974.

We remain,
Sir,
Yours respectfully,
MEMBERS OF PARLIAMENT OF INDIA.

[Dr. Dhillon then presented to Shri Giri, the Farewell Address and a memento—a Tanjore art plate engraved in bronze and silver—in token of the regard and affection of the Members.]

SPEECH BY SHRI V. V. GIRI, PRESIDENT OF INDIA

Mr. Speaker, Madam Prime Minister, Hon'ble Ministers, Hon'ble Members of Parliament, Comrades, Friends, Ladies and Gentlemen,

I am overwhelmed and deeply touched by the generous and whole-hearted compliments you have paid me. I have never felt so humble as I feel today, standing before you as the object of this unique honour. I shall cherish this occasion as one reflecting the warmth, affection and, may I also add, the sympathetic understanding that you, the chosen representatives of the people, have bestowed on me in such abundant measure during these past five years. I am conscious of my shortcomings, but I have always tried as an honest worker to do a job to the best of my ability and judgment.

Your company today gives me a feeling of freshness. I am more at home in an assembly like this than sitting inside the splendour of the Rashtrapati Bhavan or the Raj Bhavans. If I have gone out

on tours so often during my official tenure, attending diverse functions, it was because this was the only way I could remain in close relation with the people and their problems. I have not permitted constitutional niceties to stand in the way of my free functioning in public. This is why I have given frank expression to views concerning administration so often. I believe in self-criticism and a ruthless exposure of faults when dealing with affairs of government. A democratic government can gain strength and vitality only by constant scrutiny and by the genuine fear that it may be thrown out by a vigilant public opinion.

I come here to the role of the legislator. I must, at the outset, express my deep concern at the noisy scenes and demonstrations that have become so much part of present day proceedings in Parliament and State Legislatures. The problems of hunger and food, unemployment, a growing and crushing price rise in commodities needed for one's day-to-day subsistence have all naturally found angry expression—sometimes violent expression—in many parts of the country. Corruption and falling standard in administration and public life have added to their dimension. But, how or to what extent are these evils or problems being reflected on the floors of Parliament and the State Legislatures? Mere rousing of passion or a show of anger can make no substance. Legislators as representatives of the people have their primary duty to keep in close touch with their constituents and their problems. They should tour their constituencies frequently, tell the people about the policies and programmes of government, ascertain their reactions and gain first-hand knowledge of their difficulties and needs, and educate public opinion. They will then be able to perform their duty more fruitfully and purposefully through discussion and debate in Parliament and State Legislatures. We talk and hear so much about the hoarders and blackmarketeers and other similar evil-doers of society; but is it beyond the legislators to identify them and expose them? The parliamentary system is the most responsive and responsible system of government. Let us not allow it to go into disuse. Let us conduct ourselves in such a way that the people will keep their faith in the strongest base of our political life. Members of all political parties have equal responsibility here.

The youth of the country, who are the most potent force in building India to progress and in preserving its unity, have to be shown the right example and given the right lead. A spirit of self-introspection and dedication to national well-being will make us all go along the right path.

Friends and comrades, I have shared these thoughts with you on an occasion when my formal duty would have ended by thanking you sincerely for your most kind sentiments expressed in the address which my esteemed friend, the Speaker, delivered in such moving terms. The destiny of India is the destiny of the masses of the vast population that inhabit this country, and every citizen has a meaningful role in shaping that destiny. There is a sacred duty cast on all of us—not written down in laws, but which is inherent—that we stand by this commitment.

I thank you, Mr. Speaker, and all members of Parliament once again for this most kind gesture shown to me. This moment will remain one of the most cherished throughout my life.

FAREWELL TO SHRI G. S. PATHAK, VICE-PRESIDENT
OF INDIA

[On August 29, 1974, the Members of Parliament bid farewell to Shri G. S. Pathak, Vice-President of India who was due to retire on August 31, 1974. The Farewell Address from the Members of Parliament presented to Shri Pathak by Dr. G. S. Dhillon and Shri Pathak's speech on the occasion are reproduced below.

—Editor]

Esteemed Mr. Vice-President, Madam Prime Minister and Hon. Members of Parliament,

Esteemed Mr. Vice-President, Madam Prime Minister and Members of Parliament,

We, the Members of Parliament, have gathered here this evening to express our profound respect and regard for you, Mr. Vice-President, on the eve of your relinquishing charge of the august office of the Vice-President of India, an onerous office which you have adorned so gracefully for the past five years. In so doing, let us assure you, Sir, we are not being formal in any way. We are, in fact, voicing the sincere feelings of the masses of our country whom we have the honour to represent in Parliament and who have, over the years, developed immense love and affection for you. By virtue of your having graced the Chair in the Rajya Sabha, you have been very near to us and it has been our good fortune to observe from close quarters, the dignity and the sagacity with which you have been guiding the deliberations and upholding the privileges of the House.

Parting is always sad but it is more so when hearts drawn together with love and affection have to part. Our relations with you have developed on intense feelings of this love and affection; we gave it to you according to our capacity but received it in return from you in an abundant measure. Taking comfort from the fact that meeting and parting is a way of life, may we take this opportunity of wishing you, Sir, a sound health and many more years of devoted service and guidance to the nation you have served so well.

Your life, Sir, has been a wonderful amalgam of scholarship and dedication for the upliftment and advancement of your countrymen.

It has been indeed a life full of dynamism and whosoever had the opportunity of coming into contact with you would go back with unforgettable impressions about your versatility, depth of knowledge, and wisdom that you command.

Whenever you were called upon to serve the nation in various capacities and offices, you always responded like a disciplined soldier even if it meant some sacrifices on your part. And you have left an indelible impression of your magnificent personality on each one of the offices that you have occupied. Your soft-spoken manners and your persuasive nature were put to successful tests when you were entrusted with a number of diplomatic assignments on behalf of your country at the United Nations. You were elected as a Member of the Rajya Sabha in the year 1960 and you showed your skill and talents as a parliamentarian, particularly during debates and discussions involving important legal issues. Your legal cumen, which had brought you name and fame was called into play again when you were appointed as the Union Law Minister in 1966. Though you occupied that office for a very short period of a year and a half, the skill and confidence that you exhibited in solving the knotty legal problems facing the Government in the Parliament, can hardly be forgotten. When the call came to take up the Governorship of the Karnataka State, which you served for a little over two years, you established your reputation as one of the popular Governors by successfully maintaining the cordial and helpful relations with the Government of the day. This was remarkable particularly at a time when in some of the States strains had started developing between the Heads of the State and the popular Ministries.

Sir, you have had the privilege of being in the forefront of the legal profession and you have acquired over the years, a keen sense of perception and a fund of legal knowledge which has served as a beacon-light for the generations younger to yours. By virtue of your having been an active parliamentarian for a period of seven years before entering upon the Office that you are about to give up now, you had watched very closely as an active participant, the functioning of the House and the problems faced by Members. When subsequently the Rajya Sabha had the privilege of being guided by you in its deliberations, you were always keen to give due consideration to all sections of the House. Your unruffled temperament, your soft-spoken manners, your cheerful disposition and your mellowness, were your characteristic qualities that helped you largely in harmonising the conflicting view-points in the House and endeared you to one and all.

Parliament, as you have yourself once observed, "is a microcosm of the nation, as representation in it extends to all parts of the country." You have rightly considered the legislature as the repository of that power which controls the lives of millions of people and assiduously maintained that the future of this country depends on how our legislatures function and how the Members contribute to the progress of the democratic institutions, for democracy according to you, is not only a way of life but an attitude of minds as well. As the foremost upholder of the rule of law in this country and elsewhere, you have, time and again, deprecated violence as amounting to the very negation of democracy. You have been an ardent advocate of the drastic reforms in our legal and educational systems. You have been forthright in condemning the outmoded social customs and other pernicious ways of life. In fact, your noble words of wisdom on all aspects of life—social, economic, political, legal and constitutional, educational and the like—which your countrymen were fortunate to have from you from time to time during the course of your speeches and addresses at intellectual gatherings throughout the length and breadth of this country, have inspired and would continue to inspire the generations to come and lead to an awareness of the need for a drastic reform of our society.

Your exceptional qualities of head and heart and the versatility of experiences and achievements have brought lustre to the office of the Vice-President of India, an office which contrary to popular belief, involves very heavy responsibilities. You have enriched and embellished it and would be leaving behind many traditions worth emulating.

May we assure you, Sir, that we shall all cherish a great affection and reverence for your noble life of dedication to the service of your country in general and this Parliament in particular. While bidding you this affectionate farewell with our hearts full of emotion today, we wish you, Sir, once again, a happy contented life of sound health, well-earned rest and leisure. We trust and hope that wherever you go and live, your guidance and advice will be readily available to the nation.

We remain,

Sir,

Yours respectfully,

Parliament House,

New Delhi;

August 29, 1974.

MEMBERS OF PARLIAMENT OF INDIA.

[Dr. Dhillon then presented to Shri Pathak the Farewell Address and a memento—a Tanjore art plate in bronze and silver—in token of the regard and affection of the Members.]

SPEECH BY SHRI G. S. PATHAK, VICE PRESIDENT OF INDIA

My esteemed friend, Mr. Speaker and Honourable Members of Parliament,

I am deeply touched by the generous terms in which you have spoken about me and my work as Vice-President of India and Chairman of the Rajya Sabha. Five years ago you entrusted me with this dual office. Today, when you appraise my work and describe it in appreciative terms, it is naturally a matter of great pride and satisfaction to me. Your feelings and your voice are the feelings and the voice of the great people of this country. The affection and regard uniformly shown by you have been a source of great strength and encouragement to me. Your kindness has indeed overwhelmed me and I am deeply beholden to you. These five packed years will be the most memorable and this moment the most cherished, treasured part of my life.

Mr. Speaker, this dual office has been described by you as an onerous one. As Vice-President I had to discharge a large number of functions of a varied character. Part of my work was in the diplomatic sphere. I had to meet Ambassadors and foreign dignitaries and represent our country at National Day functions of all the foreign Embassies. Many foreign delegations visited me. I also went on goodwill missions abroad and naturally our foreign policy and world affairs often came up for discussion during these visits also. I had to receive and host Vice-Presidents of other countries and in the absence of our President, the Heads of State. I gave colours to military Regiments, visited our borders and cease-fire lines and met the armed personnel, visited our islands as guest of the Navy and was frequently with the Air Force Wing. Let me, Mr. Speaker, in passing, acknowledge the courtesy shown to me by our Armed Forces which are among the finest in the world and of which the whole nation is legitimately proud.

I felt that it was part of my duty to keep myself as fully acquainted as possible with the affairs of the State and the problems of the people. To discharge this function properly, the necessary material was always made available to me by the Government unreservedly. I travelled throughout the country and participated in functions of a varied character. This enabled me to meet the people and study

their problems in a closer perspective. As Chancellor of two Universities I remained in close touch with University affairs and sometimes had to sit as election tribunal also to decide their election disputes.

As Chairman of the Rajya Sabha my duties, Mr. Speaker, were as easy or as difficult as yours and I shared with you the attendant anxieties and the complexities of the situations in which intricate problems came up for decision. To you, Mr. Speaker, who have raised the stature of your office by your ability and attainments and who have acquired fame and distinction in the international world, I am grateful, for many acts of kindness. You have always extended your friendship and cooperation to me, particularly on those occasions when you and I participated in the same function. I take this opportunity of expressing my gratitude to the Deputy Chairman and Vice-Chairmen of the Rajya Sabha who were always ready to share my burden. The willing cooperation of Members of the Rajya Sabha made my task lighter. Their kindness and affection will always remain green in my memory. For a period of about twelve years I had been intimately associated with the Rajya Sabha as Member and Chairman. I am thankful not only to Members of the Rajya Sabha but also to the Members of the Lok Sabha who have uniformly shown affection and regard towards me. I shall always remember our association with great pleasure and gratitude. I shall miss you all and this Parliamentary atmosphere which for me possesses an incomparable charm.

I must not omit to thank the Secretary-General of the Rajya Sabha and his colleagues and also the Secretary-General of the Lok Sabha who was good enough to see me off and on. The sane and wise advice of my Secretary-General and the assistance that his staff unflinchingly rendered made my task less difficult.

During these five years in the Rajya Sabha I had the opportunity of studying national problems in some depth. The Question Hour and the debates gave me insight into these problems. I could see both sides of the picture and form my own conclusions, though being the Presiding Officer, I suffered from the inhibitions of the office in giving expression to my views publicly on controversial questions. A Presiding Officer's job is of the most delicate character. It is a quasi-judicial office. An expression of opinion on the matters discussed in the House could cause embarrassment to others apart from himself.

The topics which cause anxiety to Members of Parliament and the public were matters of deep concern to me also, such as corruption in all its ramifications, its remedies and their implementation, problems relating to the independence of the Judiciary, equal application of laws and equal justice to all, balance between the individual and social interests, grave economic issues and other problems. Mr. Speaker, you have referred to the Rule of Law in your Address. I strongly feel that an independent judiciary and the Rule of Law in its widest connotation are the *sine qua non* of a democracy. I also feel that corruption, if unchecked, can destroy the very democracy which is our most valuable asset given to us by our leaders who laboured selflessly and suffered so that we may be happy.

I have ventured to mention the range of my work and the width of these problems, as it is you, Members of Parliament, who gave me this opportunity to study these problems at close quarters. The rich and varied experience that I gained is so valuable to me and I shall ever remain thankful for this opportunity.

My fervent hope and prayer is that our institutions may always retain their innate vigour and glory and not be allowed to crumble or become mere shells devoid of their essential attributes. For it is on the strength of our institutions that the success of democracy depends. This hope can be fulfilled by you and by all those who believe in the freedom of man and in the Parliamentary system of government. Parliament is acknowledgedly the ultimate guardian of national integrity. While saying this I do not minimise the importance of the Courts and the Press which share responsibilities of a grave character. The nation needs sacrifices, purity of public life, strong public opinion, genuine hard work and unflinching discipline.

I am leaving you not in a mood of despondency but in the full confidence that the destiny of India is safe in your hands. I am retiring from this office but not from public affairs and active life. Your good wishes will always be a source of strength to me. I shall make every endeavour to serve my country to the best of my ability in whatever sphere I may find myself. I leave you with my best wishes and I feel assured that you will fulfil your mission and guard our cherished values and defend our institutions which are the bedrock of our national life. May I, Mr. Speaker, and Members of Parliament thank you again for this symbol of your kindness and affection?

Jai Hind.

SOME ASPECTS OF THE PROBLEMS AND PERSPECTIVES OF PARLIAMENTARIANS

A newly elected legislator whether at the Centre or in the States, while feeling elated over his victory and looking forward to a successful term of office for which he receives a surfeit of good wishes, is also oppressed by several uneasy feelings and disconcerting doubts. He is anxious about the kind of verdict which his electorate would pass on him at the end of his term. He is indeed equally worried whether he would get another term at all. He is also upset with doubts as to what kind of figure he is going to cut in the House. Will he be one of the many back-benchers or will he be regarded as a reasonably good and alert representative of the people if not an outstanding parliamentarian? Can he make his presence felt in that august body? Autobiographical narratives of eminent leaders reveal that even brilliant leaders were not free from such doubts, fears and anxieties, when they were first elected to such bodies.

Many people outside may not be aware of the problems and difficulties of the legislator. They regard his position as a bed of roses and his life as one of milk and honey. The image they form may obviously be based on the fact that he gets an assured income during his term, travelling and daily allowances and also accommodation in the Legislator's Hostel during his stay in the State capital. They also admire, nay, envy his close contact with V.I.Ps including Ministers. Those who have a little more knowledge about parliamentary bodies base this admiration also on the immunities and privileges enjoyed by the legislators. The prospect of a legislator becoming a Minister is not the least important among the reasons for this admiration. But all this is based on a superficial estimate and if we go into the matter a little deeper, it is obvious that the legislator has his own troubles and problems which have greater magnitude and complexity than those of persons in other spheres of activity.

*Shri Reddi is Speaker, Andhra Pradesh Legislative Assembly.

The problems confronted by a legislator can be broadly divided into two parts, *viz.* those confronted by him within the House and those faced by him outside the House.

One of the problems confronted by a legislator in India is that resulting from the language. The position of a member who is not conversant with both Hindi and English in the national Parliament are indeed unimaginable. Even in the State Legislatures English claims a lion's share. Sometimes he is hindered in his participation of the proceedings by his ignorance of English, notwithstanding the increasing importance being given to the regional languages in the State Legislatures. As all the best books and journals on parliamentary procedure are in English and authoritative works on parliamentary procedure are not available in regional languages, the chance of his mastering the intricacies of parliamentary procedure is indeed scanty. Another difficulty confronted both by English knowing and non-English knowing members is the difficulty to gather information. There is hardly any subject of human interest which is outside the purview of a modern legislature. It deals with matters pertaining to several subjects like famine to fertilisers, nylon-nets to national planning, land tenures to legal aid to the poor. Even though the Governments supply their publications to members, they may not cover all the subjects that come before the House and also they may not be free from pro-governmental attitudes. The modern legislatures try to remedy this in two ways. Firstly, by keeping a well stocked library though the time available to a modern legislator is too scanty to permit assiduous reading. The second remedy is the formation of Research and Reference Units in the Legislature Secretariats to make available factual data to members to facilitate their participation in the debates. They furnish to members newspaper clippings and other sources of information in a non-partisan way.

The other problem confronting a legislator is that resulting from a clash between his loyalties to the nation and the party. This kind of situation does not arise everyday but when it does it puts a severe strain on the nerves of a member. While on the one hand, the demands of party discipline require that he should support a measure, his own feelings may goad him to oppose it. Sometimes he may be having an uneasy feeling that his constituency is hostile to a measure and he would be failing in his duty if he supported it. Once a member is elected he owes a duty to the whole State. As Edmund Burke told his constituency long ago "You choose a Member indeed, but when once you chose him he is not a Member of Bristol but a Member of Parliament." But no member who wants

to be returned to the House in the next election can ignore the feelings of his constituency. There are several instances in which members were confronted by such an embarrassing situation. In one instance the ruling party decided to vote down the Harijan Temple Entry Bill brought by an opposition member but several members of that party brought up in the Gandhian tradition found it difficult to approve that. However, finally they had to toe the line with other members. The location of the capital of a new State created a similar embarrassing situation for some members in another Legislature. The reason why parties do not give freedom of vote to their members is understandable.

Last but not the least important problem before a new legislator is the problem of his making a headway in the House. Though the House may be polite to a new entrant to its ranks, it is never too friendly. Not long ago a cabinet Minister of the Central Government was narrating the problems confronted by him when he became a member of Parliament. For a member to get time to speak is difficult enough. It is still more difficult for a private member to make his presence felt by bringing bills, resolutions etc. The time allotted for non-official work is limited. Even the few speeches he gets an opportunity to make may not be adequately reported in the press and sometimes even the fact of his making a speech may remain unreported. In this respect members prior to the Second World War were more lucky because every day's paper gave a detailed summary of each member's speech. The shortage of newsprint after the out-break of the Second World War and subsequently has reduced the size of newspapers drastically, with the result that they are not able to spare more than a few inches of space to the proceedings of the legislatures. A faithful record of the actual speech is kept both by tape and print by the Legislature Secretariat through its official Reporters. But the number of people who have access to those reports may not be many. Several persons who have the desire to read them may not have the opportunity whereas others who have copious opportunities to read them may not have the desire. Besides, it takes considerable time to bring out these publications. This is a disadvantage to the public of his constituency also as they cannot know what views are voiced by their representatives in the legislature.

The problems confronted by a legislator outside the legislature are no less formidable. Any legislator who wants to give a good account of himself, who is eager to have his hold on his constituency and who intends to retain his seat in the House must keep himself in the closest touch with his constituency. How best to find time for

the propose is the problem for him, because the sittings of the legislature and the meetings of the committees claim a lot of his time. In a country like India where communication facilities are far from satisfactory, to travel far and wide to keep himself in touch with the people and ascertain their problems and seek ways and means to eradicate their difficulties is indeed far from easy for a legislator particularly if he is not a "whole time politician."

Another problem closely connected with this is the question as to what is meant by "service to the constituency?" In our country the favours sought by the public fall into three groups. There are on one hand demands from the villages for electrification, fertilisers, schools etc. which indeed merit the attention of any legislator worth the name. Secondly, there are the complaints against officials for the lapses—real or imaginary—on their part combined with demands for transfers. Sometimes a strict officer may as much be a target of complaints as a defaulter. Here the legislator will be failing in his duty if he does not act judiciously. But it is none too easy for him to get a correct and authentic picture. Thirdly, there are requests for seats, jobs, contracts and other things which put a legislator in a really embarrassing situation. The candidates who approach are never the most deserving and every job or seat given to an undeserving candidate results in the denial of a seat or job to a deserving person of talents. If the legislator takes this ethical aspect into consideration in his dealings with his constituency, he will be alienating the sympathy of some of the leading lights of his constituency.

Last but not the least is the financial problem. He enters the legislature after incurring a huge expenditure. The salary, travelling and daily allowance drawn by him are hardly sufficient for his needs in these days of soaring prices. He cannot carry out his profession with undivided attention and hence his income from that source is bound to dwindle. Where to find money to tour the constituency is the problem for him unless he is a very well-to-do person.

The problems before a legislator in India are indeed a legion. The fact that many individuals vie with each other to enter the parliamentary bodies in spite of the many problems confronted and financial difficulties faced is perhaps a tribute to the enthusiasm of the political workers in India.

ROLE OF LEGISLATORS AS INTERMEDIARIES BETWEEN THE CITIZENS AND THEIR GOVERNMENT

Democracy is not only a form of Government but also a way of life and one of the hall marks of democracy is the responsiveness of the Government to the needs and aspirations of the people. The concept of welfare state has replaced the concept of police state. This has multiplied the responsibilities of the government to the citizen. Particularly in a country like India where there is so much want, poverty, ignorance and ill-health, where we are yet to succeed in bringing 'sweetness and light' to the lives of the teeming millions for whom life has become a burden, the needs of the people are bound to be many and the one agency to which they look forward for the eradication of their hardships and the elimination of their troubles is the government. As Mahabharata lays down, people are like body to the King and the King is like the soul to his people. In a democracy Kings have no place. Democratic governments which are responsible to the legislatures elected by popular vote have stepped into their shoes. The responsibility of ensuring a better, richer and fuller life to the common people rests on them. If the government is to discharge its duty to the people, there must be some agency to highlight their difficulties before the rulers. There is of course the press which is regarded as a mirror of public opinion. There are also the various conferences and associations of the people as well as the local bodies. But none of them can claim the same representative status as a legislator who is the accredited representative of the constituency. He is on one hand responsible for the well-being of his constituency and on the other one of the law-makers of the state. This representative status of the parliamentarians—whether they are members of Parliament or members of the State Legislature, whether they are in the Upper House or in the Lower House—gives a special status to them which makes them admirably suited to play the role of intermediaries.

The very concept of intermediary comprises of two parts. He has to interpret the aspirations of the people to the Government. He has also to convey the view-point of the Government to the people.

*Sri Subbaiah is Chairman of the Andhra Pradesh Legislative Council.

So far as the first part is concerned it can again be sub-divided into two parts, viz. that which can be done on the floor of the House and that which has to be done outside the House.

Members are provided with several "Instruments" to highlight the difficulties of the people on the floor of the House. Questions, Call Attentions, Adjournment Motions, Debates etc., provide opportunities to them to bring to the notice of the government the needs and requirements of the people. Non-official day also gives a valuable chance to members to bring to the notice of the government, the troubles and turmoils of the people and suggest ways and means to put an end to the same. The brilliant work turned out by eminent legislators even in the pre-freedom days when legislatures did not have the same powers as now is proof of what an earnest and pains-taking legislator can achieve, provided he is hard working and well-informed person with a balanced outlook. Men of learning and vision always command respect in the House even if they do not have a huge following.

Legislature sits only for a limited period in the year and it is not possible for a parliamentarian to achieve all that he desires to achieve for the people through "Parliamentary Instruments" like questions. During the meetings the limited time available has to be distributed among hundreds of members with the result that he cannot highlight every thing in the House. The alternative is making representations to the authorities on behalf of the people. Any representative of the people can give a good account of himself in this respect only if he adheres to certain rigid norms. Firstly, he should keep himself in intimate touch with the people. The difficulties of a legislator in India where communication facilities are poor and where proper lodging and boarding facilities do not exist in villages, to tour frequently in his constituency are quite obvious. In the faction-ridden village of our country it is also difficult to know the truth. But he must somehow gather facts assiduously and weigh them judiciously to satisfy himself that he is supporting genuine causes. Secondly, he should confine himself to cases of general interest or individual cases in which injustice had been done to innocent people. God helps those who cannot help themselves. So also the legislator must range himself on the side of those who are unable to assert themselves by judicial remedies or otherwise. But he should scrupulously avoid canvassing on behalf of individuals for securing favours to them. Thirdly, he should try to meet as far as possible the higher authorities instead

of petty officials. Besides, he should have a readiness to take a "no" gracefully if an officer is unable to comply with his suggestion for valid reasons.

If a legislator takes up the public causes and ensures justice to the deserving it will bring a three fold benefit. Firstly, it will create a highly favourable image of him in the eyes of the public. Secondly, it will improve the prestige of his party because in the ultimate analysis people judge a party by what it does for them. Thirdly, it will increase the faith of the people in democracy which is unfortunately not in a very happy condition at the present juncture. People's verdict on a party is always based on what the party does for them and they look up to the legislator as the symbol of democracy. They attribute to democracy both the merits and lapses of their representative. He need not be a genius. He need not have extra-ordinary talents. What he should have is a capacity to think clearly, speak wisely and act earnestly. Viscount Bryce had exactly for this reason stated:

"Democracy assumes not merely intelligence but an intelligence elevated by honour purified by sympathy and stimulated by a sense of duty to the community."

So far as the second part of his mission, viz. interpreting the viewpoint of the government to the people is concerned, it is indeed a most exacting role. The government have certain policies and programmes and the people have to be educated about them, in order to enlist their cooperation. This is an age of propaganda and the government have several public relations agencies to convince the people about the soundness of their policies. But how far officials whose contact with the public is not so intimate will be able to convince the public is indeed doubtful. If the best results are to be produced, leaders whose fingers are on the public pulse should actively participate in the task of educating the public. Legislators are admirably suited for this purpose because they command local influence and they have wide and intimate contacts with the leading personalities of the area. Their word is received with great respect by many if not all in the constituency.

But here arises one more question. Though there should be no objection for a legislator of the ruling party to defend the government before the public, it is rather embarrassing for the member of an opposition party to speak in public in favour of the Government. Any praise he may confer on the government may prove to be a nail in the coffin of his own political party. Supposing there is a legislative

whose party does not believe in prohibition, he cannot be expected to defend the pro-prohibition policy of the government. The very fact of his contesting on an opposition party's ticket is an obvious proof of his hostility to the policies and programmes of the government. Hence while all legislators can represent the view-point of the people before the government, those of the ruling party are in a better position to defend the policies of the government before the people. The legislators should also as far as possible avoid denunciation of their own party's policies in public, because they can do that in the meetings of their own parties.

The image of democracy as a form of government depends on the image of the legislature. The image of the legislature in its turn depends upon the image of the legislator. The legislator's performance depends upon the voter. The effectiveness or otherwise of a democratic set-up thus depends on the voter who in the ultimate analysis is the king-pin of the whole set-up. A wise and judicious electorate will have an earnest pains-taking and diligent legislator who proves to be a real intermediary between the people and the government, so that they both can combine to bring into existence a social order "Where tireless striving stretches its arms towards perfection" in the noble words of poet Rabindranath Tagore.

MAKING OF A NEW CONSTITUTION FOR TRINIDAD AND TOBAGO—A BRIEF STUDY

Trinidad and Tobago, formerly a British colonial possession, became an Independent State within the Commonwealth in 1962. With a population of a little over a million, Trinidad and Tobago is a multi-racial society, the main population divisions being: Negro 43.5 per cent; people of Indian descent 36.5 per cent; mixed 13 per cent; and others 7 per cent.¹

The present Constitution broadly provides for a parliamentary form of government patterned on the Westminster model, with a bicameral legislature consisting of a wholly nominated Senate and a House of Representatives elected on the basis of universal suffrage.

However, since the beginning of 1970 there have been developments signifying, as it were, a general disillusionment with conventional politics and posing a challenge to the very "survival of constitutional, parliamentary politics" in the country. There have been group tensions, a mutiny in the army, and frequent recourse to confrontations with, or defiance of, established authority necessitating declaration of a state emergency on two occasions—first in April 1970 and again in October 1971 which was ended in June 1972.² Many, it would appear, had begun to believe that the institutionalised channels of constitutional politics no longer responded unless there was some dramatic gesture of confrontation.³

Another indication of a growing disenchantment with the existing political process is provided by the perceptible decline in the number of people exercising their right to vote. Thus, in the elections to the House of Representatives, held in May 1971, only 32 per cent of the

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

1 *A Year Book of the Commonwealth* 1973, p. 384.

2 See: *Report of the Constitution Commission of Trinidad and Tobago*, January 1974 (Hereafter Cited as 'Report', paras 20, 44. and 45; and 'Thinking Things Through' issued by the Constitution Commission of Trinidad and Tobago, 1972, p. 107.

3 Report, para 20

electorate cast their votes. The two main opposition groups—the Democratic Labour Party (DLP) and the newly-formed Action Committee of Dedicated Citizens boycotted the elections. In the event, all the 36 seats in the House were won by the ruling Peoples National Movement (PNM). It may be mentioned that, as in many other multi-racial societies, in Trinidad and Tobago also the pattern of voting tends basically, though not invariably, to follow the racial, with those of African descent supporting the PNM and those of Indian descent supporting the DLP.⁴

The total absence of an opposition in the Legislature was viewed with concern and seemed to further erode whatever confidence the people still had in the existing political institutions and processes. It was in this setting that the Government and people of Trinidad and Tobago began to look for new constitutional alternatives to provide for an effective working democracy such as would meet the needs of the people and the requirements of a multi-racial society. In June 1971, the Governor-General announced the appointment of a Constitution Commission, headed by former Chief Justice, Sir Hugh Wooding, to consider the existing Constitution and provide a new Constitution, based upon its opinions and recommendations.

At the very start of its endeavours the Constitution Commission wisely decided to secure the maximum involvement of the people in devising new constitutional arrangements to replace the existing ones. In January 1972, the Commission brought out a booklet under the title "Thinking Things Through", setting out the terms of the present Constitution, indicating the challenges and the problems of change, and suggesting possible change with some of the arguments for and against each. The booklet was very widely distributed through local government offices, post offices, schools, etc. Other stages followed: public meetings to explain and inform; inviting written proposals from the public; private sessions with groups of individuals who had submitted proposals or memoranda; and finally a National Convention to which all persons who had sent in proposals as well as the general public were invited to debate the shape which the new Constitution should take. The National Convention, held between March 30 and May 9, 1973, had in all 22 sessions.⁵

The Constitution Commission submitted its Report to the Governor-General in January 1974 and recommended a new draft

⁴Ibid, para 38 and *Europa Year Book*, 1973, Vol. II, p. 1517.

⁵Report, paras 7 to 15.

Constitution differing substantially from the 1962 Constitution which was "in all its essentials a written version of the constitutional arrangements evolved in the United Kingdom over many centuries". The Government decided to elicit public opinion on the proposed Constitution. The last date for receiving memoranda from the public was May 15, 1974. The memoranda thus received would be examined and wherever necessary discussed in a conference with institutions and associations who have sent their opinions.

The Commission does not accept the often-expressed view that the present Constitution of Trinidad and Tobago is quite sound and that the fault lies in the country's failure to operate it properly. It observes:

"If we cannot operate it properly then for us it is not sound. We are of the view that the Westminster model in its purest form as set out in our present Constitution is not suitable to the Trinidad and Tobago society".⁶

The Westminster political system the Commission holds, has a propensity to become transformed into dictatorship when transplanted in societies without political cultures which support its operative conventions. In Britain, despite his immense powers the Prime Minister has always to be sensitive to the fact that there exists in the country a vigorous press, powerful interest groups and an alert public opinion. The same cannot be said about Trinidad and Tobago where democracy "is still a very tender plant needing a great deal of care and nurture". This being so, the Commission emphasizes the need to build effective checks and balances within the democratic process itself.⁷

The Commission also underlines the fact that Trinidad and Tobago is a multi-racial society with two major racial groupings. Stressing the need to develop a genuine national consciousness, it observes, "To achieve this, it is among other things imperative that each of the major ethnic groupings should feel confident that the Constitutional and electoral system has not been devised to ensure the political dominance of one group or the other".⁸

⁶Ibid, para 51.

⁷Ibid, paras 27-32 and 70.

⁸Ibid, paras 41 and 71.

For their tremendous contemporaneous interest to students of constitutional affairs in India and elsewhere, some of the salient features of the draft Constitution of Trinidad and Tobago, prepared by the Commission, have been outlined and briefly discussed in the paragraphs that follow.

Form of Government: Under the New Draft Constitution, recommended by the Commission, Trinidad and Tobago shall become a Republic with an elected President as Head of State and a Prime Minister as Head of Government. While all executive authority is vested in the President, "the general direction and control of the Government" have been entrusted to the Cabinet, headed by the Prime Minister, which shall be collectively responsible to Parliament.⁹

The President and the Cabinet: The President is to be elected by an electoral college composed of the National Assembly and the members of the City, Borough and Country Councils. This follows the Indian precedent, except that there being no States and State Legislatures in Trinidad and Tobago, local bodies have been given a say in the election of the Head of the State.¹⁰

The role of the President, as envisaged in the new Constitution, will not be purely ceremonial. While, in general, he has to "act in accordance with the advice of the Cabinet or a Minister" he can act independently in cases where by this Constitution or such other law he is required to act—

- (a) in his discretion;
- (b) after consultation with any person or authority other than the Cabinet; or
- (c) in accordance with the advice of any person or authority other than the Cabinet.¹¹

Thus, appointments to certain offices of a national character (e.g., The Chief Justice, the Chairman and members of the Service Commissions, the Attorney-General) are to be made by the President acting in his own discretion after consultation with the Prime Minis-

⁹*Ibid.*, para 57. See also *The Constitution of Trinidad and Tobago*, January 1974 (prepared by the Constitution Commission) Articles 97 and 100. hereafter cited as *Constitution (1974)*.

¹⁰ Report, para 149, and *Constitution (1974)* Article 46.

¹¹ *Constitution (1974)* Article 98.

ter, the Leader of the Opposition and such other persons and organisations as he thinks fit. In the case of the Auditor-General, the Elections Commissioner and the Ombudsman, the President after consultation with the Prime Minister, the Leader of the Opposition and others, nominates a candidate who would be appointed if approved by a three-fifth majority of all the members of the National Assembly.¹²

In keeping with the dignity of the office, as in India the procedure for the removal of the President has been so designed as to make it unlikely that it will be set in motion unless there is near certainty of the likelihood of its succeeding.¹³

Under the new Constitution, the Prime Minister is to be appointed by the President who has to choose for the purpose "the member of the Assembly who appears to him best able to command the support of the majority" in the House. The other Ministers are to be appointed by the President "acting in accordance with the advice of the Prime Minister". Besides making it clear that the Prime Minister as well as other Ministers can be chosen only from among the members of the National Assembly, the Constitution lays down that the holder of either office shall vacate it if "for any reason other than a dissolution of Parliament" he ceases to be a member of the Assembly.¹⁴

While in India and the older member-states of the Commonwealth, the Minister "hold office during the pleasure" of the Head of the State, and the actual exercise of the pleasure is largely left to be regulated by certain conventions, the new draft constitution of Trinidad and Tobago seeks to define the tenure of office of Ministers with precision. Thus so far as the Prime Minister is concerned, his appointment can be revoked by the President only in one eventuality, *viz.*, "If the National Assembly passes a resolution supported by a majority of the total membership of the Assembly declaring that it has no confidence in the Prime Minister and the Prime Minister does not resign within seven days of the passing of such resolution". In the case of other Ministers, the appointment can at any time be revoked by the President "acting in accordance with the advice of the Prime Minister."¹⁵

¹²Report, paras 160 and 161 and Constitution (1974), Articles 149 and 151.

¹³Report, para 163 and Constitution (1974), Articles 53 and 54.

¹⁴Constitution (1974) Articles 101 and 102.

¹⁵Constitution (1974) Article 102.

Parliament and Elections: The changes recommended by the Commission under the head "Parliament and Elections" are the most radical in terms of the existing Constitution. The aim of the Commission has been to make the Parliament more representative of the people and to create procedures which will cause it to be more responsive to the people through the Committees.¹⁶

As noted earlier, under the existing Constitution, the country has a bi-cameral Parliament. Having considered the *pros and cons* of retaining the Second Chamber, the Commission took the view that there were "no considerations of democratic principle, of convenience or of tradition to justify the existence of a Senate, nominated or elected". Accordingly, it has recommended the abolition of the Senate and proposed a uni-cameral Parliament consisting of the President and the National Assembly.¹⁷

The National Assembly will, to begin with, consist of 72 members, twice the present number. Half of these will be elected, as at present, under the first-past-the-post system to represent the 36 constituencies into which the country would be divided; the remaining half to be selected from lists put up by the political parties contesting the election in the proportion of the number of votes polled by each party in the constituencies.¹⁸

The Commission felt that the proposed election system, in which the principles of proportional representation and the first-past-the-post system were mixed, would meet the twin needs of representation and efficiency, and would reflect the political divisions more accurately than did the existing system which relied exclusively on the first-past-the-post method.¹⁹

The voting age and the qualifying age for membership of the National Assembly have been reduced to 18 years. Voting for the Assembly elections would be by secret ballot.²⁰ The new draft constitution also provides for a full-time Elections Commissioner who

¹⁶Report, para 281.

¹⁷Report, paras 194 and 195, and Constitution (1974), Article 57.

¹⁸Constitution (1974), Articles 57, 58, 83 and 93.

¹⁹Report, paras 206 and 207. The Report deals at some length with the *pros and cons* of the first-past-the-post system and the advantages of the mixed system proposed by the Commission. (see paras 196-216).

²⁰ Report, paras 232 and 233 and Constitution (1974), Article 61. 62 and 86.

would be responsible for the conduct of elections and the registration of voters. The constitutional provisions relating to the appointment and office of the Elections Commissioner reflect the Constitution Commission's concern to restore and strengthen "confidence in the integrity of Parliamentary elections". Thus, the candidate nominated for the post by the President, after consultation with the Prime Minister, the Leader of the Opposition and others, has to be approved by a three-fifths majority in the National Assembly before he is appointed. This parliamentary approval by a special majority is "designed to ensure some support by opposition elements" for the incumbent who could thus be expected to perform his vital functions impartially and give a fair deal to all parties and groups. The Elections Commissioner would hold office during good behaviour and could be removed by the President only after obtaining the advice of a Tribunal constituted for the purpose in accordance with the advice of the Judicial and Legal Service Commission—an independent statutory body headed by the Chief Justice. The "independence" of the Elections Commissioner is further stressed by a constitutional provision that in the exercise of his functions he "shall not be subject to the direction or control of any other person or authority".²¹

The National Assembly would be presided over by the Vice-President as Speaker. The Vice-President is to be elected in the same manner as the President, and the provisions in regard to his term of office and removal are also similar to those relating to the President. As Speaker, he has neither an original nor a casting vote. In the event of a tie in voting in the Assembly while the Speaker is presiding, the motion will be deemed to have been rejected.²²

The Deputy Speaker is to be elected by a simple majority from among members of the National Assembly, at the first session of each Parliament, and he will hold office for the life of that Parliament. While presiding he will have only a casting vote. There is no provision in the draft Constitution for the 'removal' of the Deputy Speaker by a vote of the Assembly, or otherwise. However, he

²¹*Report*, para 257 and *Constitution (1974)*, Articles 96, 133, 149 and 153.

²²*Constitution (1974)*, Articles 46, 47, 53, 58, 60 and 73.

shall vacate the office if, by reason of his incurring a 'disqualification', he is required by a Court to cease to perform his functions as a member of the Assembly.²³

There shall be a session of the National Assembly once at least every year, but the period intervening between two sessions shall not exceed ninety days. The normal term of the Assembly will be five years. However, the President may dissolve Parliament before the expiration of the full term (a) if the National Assembly by resolution so requests, or (b) if the office of the Prime Minister falls vacant and the President is unable within a reasonable time to find anyone to fill that office who can command majority support in the Assembly. On the other hand, when the country is at war, Parliament may extend its normal life upto one year at a time, the total extended period not to exceed five years.²⁴

Parliamentary Committees: The Commission has emphasized in its Report that a properly structured Committee system could go a long way towards improving the effectiveness and efficiency of Parliament. It has, accordingly, incorporated a comprehensive Committee system in the Constitution itself.²⁵ Eight Standing Committees are to be set up under the Constitution to deal with specific areas of policy and legislation, viz:—

- (a) Finance and Estimates;
- (b) General Public Accounts;
- (c) Public Accounts of Statutory Authorities and National Companies;
- (d) External and Caribbean Affairs;
- (e) Labour, Industry and Commerce;
- (f) Agriculture;
- (g) Constitutional and Legal Affairs; and
- (h) Education and Social Services.²⁶

A Standing Committee shall consist of not less than five members to be appointed by the Speaker after consultation with the leader of

²³*Ibid.*, Articles 60 and 73.

²⁴*Ibid.*, Articles 78 and 79.

²⁵*Report*, paras 261-265.

²⁶*Constitution* (1974), Article 77.

each of the political parties represented in the Assembly. The membership of each Committee shall, as far as possible, reflect the strength of the political parties in the Assembly. A member of a Standing Committee may be removed from office by the Speaker after consultation with the leader of the political party that nominated the member for election to the Assembly. Each Committee will elect its own Chairman, but the Chairman of the two Public Accounts Committees must be members of the Opposition. Ministers are barred from being members of the Standing Committees.²⁷

The functions of the Standing Committees shall be to consider and report on—

- (a) Bills introduced in the Assembly;
- (b) Policy questions of national interest;
- (c) Specific matters before the Assembly requiring detailed or expert enquiry;
- (d) Reports made to the Assembly by the Auditor-General Ombudsman and other such officers and authorities;
- (e) Nominations for appointment to certain offices where the appointee has to be approved by Parliament; and
- (f) Any other matter provided by Act of Parliament or by the rules of procedure.²⁸

All Bills have to be referred by the Speaker to the appropriate Committee immediately after introduction in the Assembly. However, in cases of urgency, this requirement may be dispensed with if the Assembly passes a resolution to that effect supported by two-thirds of its total membership. To ensure that Bills are not "killed" in the Committees, it is provided that a Standing Committee should submit its Report to the Speaker within thirty days or within such extended time as may be allowed by the Assembly. If the Report is not submitted within that time, the Assembly may proceed to debate the Bill without waiting for the Report.²⁹

The Standing Committees have been given powers of the High Court to summon any witnesses to give evidence and to produce documents. Unless the Assembly otherwise directs or the Committee for specific reasons decides otherwise, meetings of a Standing Committee shall be held in public.³⁰

²⁷*Ibid.*

²⁸*Ibid* and Report, paras 267, 272 and 274.

²⁹*Ibid.*

³⁰Constitution (1974), Articles 77.

Besides the eight Standing Committees, the National Assembly may set up any other committee it may wish.³¹

Leader of the Opposition: The new Constitution provides that there shall be an office of Leader of the Opposition and the holder of the office shall be appointed by the President. The President shall appoint as Leader of the Opposition the member of the National Assembly who in his judgment is able to command the support of the largest number of members of the Assembly in opposition to the Government and who is willing to be so appointed. The Constitution Commission felt that if the new electoral system, recommended by it, was fairly operated it was unlikely that a situation would arise where the Assembly would be made up entirely of members of the ruling party. Nevertheless, as a measure of safety, it has been expressly provided in the Constitution that a vacancy in the office of Leader of the Opposition would not result in Parliament being improperly constituted.³²

Parliamentary Integrity Commission: Emphasizing the need for integrity in public office the Commission observes:

“One of the root causes of the growing lack of faith in the conventional political process is the widespread belief that corruption is ripe among those who hold high political office. No proof has been forthcoming of any acts of corruption, but we agree that suspicions have been not unreasonably aroused. Such suspicions should as far as possible be removed if public service is to be preserved as an honourable career for talented citizens”.³³

The Commission found Jamaica's Parliament (Integrity of Members) Act 1973, very helpful in this regard, and has recommended certain constitutional provisions which, it hopes, should assist in promoting confidence in the integrity of public life in Trinidad and Tobago.³⁴ Briefly, the new Constitution provides for the setting up of a Parliamentary Integrity Commission, to which each member of the National Assembly will be required to submit a declaration of assets, liabilities and income of himself, his wife and minor children. The declaration should be made within three months of taking the

31Report, para 265.

32Constitution (1974), Article 106 and Report, para 291.

33Report, para 235.

34.Ibid., para 240.

oath of office as a member of the Assembly, at the end of each calendar year thereafter and not more than twelve months after ceasing to be a member of the Assembly.³⁵

The Parliamentary Integrity Commission shall consist of a chairman and three other members all appointed by the President after consultation with the Prime Minister, the Leader of the Opposition and such other persons as he may wish to consult. Members of the Commission should be persons of recognised ability and experience in law, finance or accountancy. The Commission would examine the declarations of assets made by the members of the Assembly, may ask a member to furnish such further information as it may require; and may also make independent enquiries.³⁶

A member of the Assembly who without reasonable cause fails to furnish a declaration, or to give information requested by the Commission, or to attend an enquiry before the Commission, or who knowingly makes a false statement in the declaration, or gives false information on an enquiry, shall be guilty of an offence, and in addition to any other punishment prescribed by Parliament shall be disqualified from membership of the Assembly for a period of ten years. Moreover, where the offence involves the non-disclosure of any property, such property would be liable to forfeiture; or, if the property is situated abroad, the member would be liable to pay a penalty equivalent to the value of the property.³⁷

Conceding that the provisions regarding declaration of assets might possibly "prevent honest men who jealously guard the privacy of their financial affairs from going into politics", the Constitution Commission observes, "Despite this possibility we are convinced that the overriding interest is the maintenance of complete frankness regarding the financial affairs of those who hold political office".³⁸

Party discipline and Party persecution: The Constitution Commission also considered whether a member of the National Assembly should retain his seat if he resigns or is expelled from the political party which sponsored his election to the Assembly. The Commission observed that in the context of modern politics, the pressures were all in the direction of conforming to party discipline

³⁵Constitution (1974), Articles 64 and 65.

³⁶*Ibid.*

³⁷*Ibid.*, Article 65.

³⁸Report, para 239.

which, while essential, can become so rigid as to have a completely deadening effect on the movement for change within a party. It, therefore, stressed that a compromise had to be found between the needs of party discipline and the dangers of party persecution.³⁹ With this end in view, the Commission recommended:

(i) A List or Constituency member who resigns from the party which sponsored his election should lose his seat immediately upon his resignation.⁴⁰

(ii) In cases in which a member may have a difference with his party which he may feel does not require his resignation, but the party wishes to expel him or force him to resign, the matter would be adjudged by the Court of Appeal in accordance with the criteria, laid down by rules, for determining whether a member was or was not supporting his political party in the Assembly. If the Court decided that a member was not supporting his party in the Assembly, he would vacate his seat immediately.⁴¹

(iii) A List member who loses his seat by resignation or expulsion shall be replaced by his party nominating another from its election list. Where a constituency member so loses his seat, a by-election to fill the seat shall be held within 90 days and the outgoing member shall be entitled to contest the by-election if he so, wishes.⁴²

Fundamental Rights and Freedoms: The Constitution Commission have noted in their Report that concern had been aroused in the country because of the passing of certain laws abridging rights which had previously been enjoyed. Problems had arisen because the rights and freedoms, set out briefly and in absolute terms in the existing Constitution, were, in actual practice, found to be subject to important limitations the extent of which was nowhere defined. This led some people to wonder whether there was any meaning to these rights and freedoms at all. The Commission felt that it would be better to define the rights and freedom not in absolute but in qualified terms so that everyone should know and understand that they were limited in scope. At the same time, the permitted qualifications should not extend beyond what was reasonably justified in a society having a proper respect for the rights and freedoms of the

³⁹Report, paras 241 and 242.

⁴⁰Ibid, para 244 and Constitution (1974), Article 63(2) (e) (i).

⁴⁰Report, para 245 and Constitution (1974) Article, 63(2)(e)(ii) and 90(1)(e).

⁴¹Report., para 247, and Constitution (1974), Article 61.

individual, or during a period of emergency beyond what is reasonably justified for dealing with the situation existing during that period. Accordingly, the Commission adopted in the draft of the New Constitution the pattern of the European Convention on Human Rights.⁴³

In the New Constitution each fundamental right is broadly defined and then are set out heads of exceptions under which laws can be passed which will not be deemed to be an abridgement of the substantive right.⁴⁴ To reduce the likelihood of the law-making power being abused to the detriment of the citizen's constitutionally guaranteed rights, two checks are provided, viz.⁴⁵

(i) that any law purporting to fit within any of the specified areas of limitation should be passed by the National Assembly by a three-fifths majority; and

(ii) that any such law should be valid only if its provisions cannot be shown not to be reasonably justifiable in a society which has a proper respect for the rights and freedoms of the individual.

The latter requirement will permit a review by the Courts even when the law has been able to clear the hurdle of the larger parliamentary majority.

Directive Principles of Government and Fundamental Duties of the People: The new Constitution also sets out certain social and economic "rights" (for example, provision of work, adequate standard of living, and social security to all citizens) as Directive Principles of Government. The Directive Principles are not substantive rights. Nevertheless, they are stated to embody a "solemn declaration" setting out the goals which the State would aim at achieving by its day-to-day efforts. Correlatively, the Constitution also lists the 'Fundamental Duties' of the citizen, such as, to obey and act in the spirit of the Constitution and the laws of the State; to protect the State and safeguard its wealth and resources, etc. Like the Directive Principles, the Fundamental Duties will also not be enforceable in any Court of law.⁴⁶

Ombudsman: The Commission has recommended the creation of the office of an Ombudsman who shall be an officer of Parliament

⁴³Report, Paras 74, 80 and 81.

⁴⁴See Constitution (1974), Articles, to 15 generally.

⁴⁵ Report, Para 85 and Constitution (1974), Articles 21, 22 and Articles 7(2), 8(3), 9(6) (a), 10(3), 11(2), 12(2), 13(3) (a) and 14(6).

⁴⁶Report, Paras 94-98, and Constitution (1974), Articles 27 to 29.

and be empowered to investigate complaints alleging unjust treatment resulting from administrative action taken by a Government department or local or other authority.⁴⁷ The draft Constitution, accordingly, provides for the creation of this office and sets out the method of appointment of the Ombudsman, the terms of his tenure, the general scope of his powers, etc.

The Ombudsman will be nominated for appointment by the President and appointed after approval by a three-fifths majority vote of all the members of the National Assembly. He would hold office for five years. However, provision has been made for his removal, the procedure being the same as in the case of the Elections Commissioner and Judges of the Supreme Court.⁴⁸

The Ombudsman's role would be purely investigatory. He may act either on a complaint alleging that the complainant has sustained an injustice as a result of a fault in administration; or on a request from a member of the National Assembly for investigating a matter allegedly involving such injustice; or on his own where facts come to his notice which merit an investigation. He has been vested with requisite powers to summon witnesses and call for documents, and also to enter and inspect the premises of any government department to carry out any investigation.⁴⁹

However, the Ombudsman shall not be empowered to summon a Minister to appear before him or to compel a Minister to answer any questions relating to a matter under investigation by the Ombudsman. Nor shall the Ombudsman inquire into or question the policy of a Minister in accordance with which a decision was made.⁵⁰ Subject to this, he may investigate any act of a government department or any decision or recommendation made, including any advice given or recommendation made to a Minister.⁵¹

The Ombudsman shall not investigate allegations of corruption. If during the course of an investigation he finds evidence of any corrupt act by any public officer or by any person in connection with

⁴⁷Report, para 362, and Constitution (1974), Article 125 (1).

⁴⁸Constitution (1974), Article 125.

⁴⁹Ibid., Articles 127 and 131.

⁵⁰Ibid., Articles 128 (1) and 132 (2).

⁵¹Ibid., Article 127(1).

the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.⁵¹

Upon the completion of an investigation, the Ombudsman shall inform the Department|Authority concerned of the results of the investigation and his recommendations in the matter. He may also specify the time within which the injustice should be remedied. The Ombudsman shall also intimate his findings to the person on whose complaint or request the investigation was undertaken.⁵²

The Ombudsman shall make annual reports on the performance of his functions to the National Assembly. He may also submit special reports to the Assembly in matters of sufficient public importance or in cases where sufficient action has not been taken to remedy an injustice within the time specified by him.⁵³

Comparison with Indian Constitution: The new draft Constitution opens up an entirely new vista for cross-country studies in comparative constitutional experiments. Incidentally, it may be of interest to note that the Constitution Commission of Trinidad and Tobago specifically visited India (among other countries) and spent some time here meeting and discussing with Ministers, senior Law Officers of Government and eminent Constitutional experts in the country, some of their problems and proposals and exchanging notes of constitutional experiences of the two societies. And, one is bound to be struck with some of the main provisions in the Constitution of India which would stand comparison with the proposed Constitution of Trinidad and Tobago. Some points of similarity and departure in the two Constitutions have already been touched upon. Other significant points of difference may be summed up thus:

- (i) Unlike in India which has two Houses of Parliament, the draft Constitution of Trinidad and Tobago seeks to dispense with the existing Upper House and envisages a unicameral Parliament.
- (ii) While in India, elections to the Lok Sabha are direct, the proposed Constitution for Trinidad and Tobago provides for a mixed system of representation, under which half

⁵¹*Ibid.*, Article 127(3).

⁵²*Ibid.*, Article 130(2) and (3).

⁵³*Ibid.*, Article 130(4) and (5).

the members of the National Assembly will be elected under the first-past-the post system and the remaining half chosen on the basis of the list system of proportional representation.

- (iii) The Draft Constitution of Trinidad and Tobago expressly provides that in making appointments to certain offices of a national character (such as, Chief Justice, Chairman and members of Service Commissions) the President shall act in his discretion after consulting not only the Prime Minister but also the Leader of the Opposition. The Constitution of India has no comparable provision explicitly authorising the President to act in his discretion either in the matter of making appointments or in any other matter.
- (iv) The meetings of the Parliamentary Committees provided under the new Constitution of Trinidad and Tobago, shall normally be held in public. The meetings of the Parliamentary Committees in India are not open to public.
- (v) Voting age in India is 21 years. In the new Constitution of Trinidad and Tobago, it has been reduced to 18 years.
- (vi) Under the proposed Constitution of Trinidad and Tobago the President shall dissolve Parliament on the advice of the Prime Minister only if this advice is supported by a resolution of Parliament to that effect. In India, no such resolution is necessary for the dissolution of the Lok Sabha.
- (vii) The draft Constitution of Trinidad and Tobago has also some other 'special features' of its own. Notable among these are the provisions relating to the (a) fundamental duties of people, (b) declaration of assets by Members of Parliament and (c) Ombudsman. The Constitution of India does not deal with these aspects at all.

Conclusion

The earlier notion which had led to the uncritical acceptance of the theory that constitutional arrangements which had worked well in the United Kingdom and the older Commonwealth countries were also good enough for any other society, has not found favour with the Constitution Commission of Trinidad and Tobago. The Commission has recommended quite a few significant departures from the familiar Westminster pattern. In fact, the draft Constitution incorporates many new provisions and special features which mark it out from the existing Commonwealth Constitutions, not only the older ones but also those adopted in recent years.

In fine, the new Constitution drafted by the Constitution Commission of Trinidad and Tobago represents a bold and imaginative experiment in constitution making. Under the provisions of the existing Constitution, the introduction of the new Constitution will need to be supported by a three-fourths majority in the House of Representatives and a two-thirds majority in the Senate,⁵⁵ which, incidentally is to be dispensed with under the proposed set-up. It would appear that before the final phase of enactment and adoption is taken up it would be necessary to work out a broad-based national consensus and commitment in favour of the main proposals for constitutional and electoral changes. The Constitution Commission has done well by seeking the maximum cooperation and involvement of the people and the various interests in its quest for suitable constitutional alternatives that would make for a vigorous working democracy, mutual trust and cooperation among the different communities, and the progress of the society as a whole. The final outcome of Trinidad and Tobago's current efforts to devise more satisfactory constitutional arrangements will be looked forward to with great interest and hope by all those in India, and elsewhere, who view this nascent democracy's admittedly complex socio-political problems with friendly understanding, sympathy and goodwill.

⁵⁵Report, para 430.

THE ELECTION LAW AND PRACTICE

Though the Constitution was intended to ensure democracy, it failed to take note of the natural disposition of the people after centuries of foreign rule, which has taken advantage of loopholes in the statutes of law and structures of life. It is, therefore, necessary to examine the qualities of voters, officials and candidates under the pressure of various factors, most important of which is Money. It is paradoxical that notwithstanding the power of money or perhaps because of it, the candidates are drawn from the middle and lower income groups, the rich, unlike in other democracies, being dismissed as stupid and selfish. These candidates have therefore to depend for money on their parties or other supporters, starting with a mortgage of their independence, and frequently, integrity. It is this aspect which has led to the demand for 'Partyless Democracy'. It also explains the choice of candidates on communal and circumstantial qualifications, without reference to capacity or character. The first question therefore is how to reduce the use of money power in elections. This really involves two questions—first, to reduce the sources of money, and second, to reduce their use.

By and large, the sources are of those in trade, industry and transport who wish to keep the favour of the ruling party and even of other parties who may be in Opposition. The payments are of two kinds; first, by way of general insurance and second for orders on specific claims or applications for new ventures. The best solution, the disengagement of the economic power of government, is not feasible now. The second course, that of independence of official authorities from political superiors has limited scope, which could be only slightly enlarged by appeals being allowed to judicial authorities. The third proposal, resignation of governments three months before the elections may not imply much change if President's rule substitutes Governor's, also party nominees to Ministers. They can substitute for Ministers. By and large, dona-

*Shri Lobo Prabhu, I.C.S. (Retd.) is a former Member of Parliament (Lok Sabha).

tions from those who want favours may not be substantially reduced because new ways will be found specially as the private sector is becoming increasingly dependent on government.

The solution therefore will be for limiting the use of money for which the present pressures and pattern must be studied. The first pressure is from the psychology of the voter which rests on his self esteem that once in five years the mighty bow to him, that how they approach him is more tangible than how they can ever advance his interests because it is not individuals but their parties in the country or even in the village which really matter. The candidate that has the money to flatter the voter, therefore, sets the pattern for his competitors. Generally this pattern, irrespective of the law, which most candidates break is (1) an organisation with one man for each polling station, of an average of 1,000 voters, or in a total of 500 men for an average of five lakh voters. Most workers except those who have expectations of employment or other favours now cost Rs. 100 for the month before the elections—a total of Rs. 50,000 for this item alone, to which may be added the cost of supervisors, about one for 25 polling stations, on higher emoluments. (2) The next highest expenditure is on transport for visit before the elections and for conveyance of voters on election day, which is frequently regarded as a right. Considering that each polling station is assumed to be within two miles for every voter, even the straight line distance between the stations will be 2,000 miles which the candidate or his headquarter assistants must traverse atleast once. The charges for taxies, cars and trucks on the election day are specially raised and may not be less than Rs. 3,000 for each of eight average Assembly constituencies in each Parliamentary constituency. In all, Rs. 30,000 would be the average expenditure. If the tea before they leave the village and the lunch before they start for it are added, which is the rule, another Rs. 5,000 cannot be avoided. (3) The next highest head of expenditure is on publicity, pamphlets, posters, processions, public meetings, flags and decoration, which could easily add to Rs. 15,000. (4) The issue of identity slips if not left to the polling station workers, which could be a risk, will, even at 2 paise for half-million slips, be Rs. 10,000. (5) Polling Station booths, which also repeat the issue of indentity slips on an average of Rs. 25 for 500 stations will add another Rs. 12,500. Both slips and polling booths identity the voter's party, the latter more than the former for which reason there are, on one hand, a form of coercion of weak voters and, on the other, a viola-

tion of the secrecy of the ballot. (6) One polling agent and two reliefs, even on a diet allowance of Rs. 10, will cost Rs. 5,000. (7) Lastly, there may be outright payments to those who command groups of voters, like heads of castes, churches, cliques, congregations, unions and other organisations for themselves or for distribution. This is done sometimes well in advance, to escape accounting in election expenditure. More often it is done on the last day before the election for votes which cannot be obtained in other ways. One estimate is that half the expenditure on the elections occurs on the last date and a good part to buy the workers of the Opposition candidates. Placing all this expenditure only at Rs. 25,000, the total for a Parliamentary election is on an average Rs. 1,35,000, just one lakh more than the statutory maximum of Rs. 35,000.

The second question is of the misuse of official authority and machinery. This begins with the appointment of one Election Commissioner instead of an Election Commission (article 324). After this, abuse of official machinery is possible in the preparation of electoral rolls, in which not only Congress but other parties have been accused of securing the exclusion of groups of voters regarded as hostile. The opportunity for this arises, first, in the preparation of the draft roll; second, on claims and objections on it; and third, on the final roll and the correction of entries in it. In most instances not till canvassing for votes begins, are the excluded aware of their position, if even then. On the other hand, the applications for new entries allowed till the last date of nominations can enable inclusion of fictitious persons, without opportunity for challenge as the printing takes a further ten days. At the elections, the presence of polling agents of different candidates limits the scope for official intervention on behalf of the ruling parties. All the same, there is a tendency to withdraw from, and to post to, sensitive areas, officers known for their independence, particularly police officers who can throw their weight suitably. Similarly, before the elections, officers can see that orders relating to donations to the ruling party are passed. Lastly, there is complaint that Ministers use official transport and sanction or lay foundation stones for projects, which can facilitate arrangements for their election tours to win votes.

The third question raised is of other forms of corrupt practices relating mostly to policies regarding classes, minorities (religious and linguistic) and, of promises to the people, which are not kept. The timing of elections, arising from the power of the Prime Minister and the Chief Ministers to ask for dissolution is an unfair, if

not a corrupt practice. In Assembly mid-term elections, this timing has been used to save the ouster of the ruling parties.

The fourth question, that of disparity of the total of votes for different parties and the number of seats secured by them is inherent in the multi-party system. Even in U.K., the Liberal Party was recently found to have seats far short of the total of votes secured by it. Proportional representation through the List System as in West Germany has been discussed as impracticable without considering the simple system of totalling the votes of each party in the State and declaring elected contenders from each party according to their proportion, either on a previously announced list or on lists prepared after the election of those securing the highest number of votes in each party.

Loopholes in the procedure for elections and election petitions require to be identified through a close study of the Representation of the People's Acts and the Statutory Rules of 1960 and 1961. Electoral rolls suffer insofar as many voters cannot be reached personally or through post but only through their house number. Rule 6 of the Registration of Electors' Rules, 1960 may be amplified to give also ward or street names. Rule 10(a) may be amplified to include supply of the relevant portion of the roll to the panchayats, school and post office in each polling station. Rule 15 also may be enlarged to include publicity of Forms 9, 10, 11 in the same places. Rule 17 should be deleted as rejection even on the form and manner of the claim should only be after notice to the applicant under Rule 19. Rule 21, which safeguards the constitutional right to vote should contain a penal provision against officials found to have shown lack of care and conscience in including all names. Rule 26 and Section 23 of the Representation of the People Act, 1950 may be amended to enable that the list of corrections is printed and made available atleast one month before the date of election. Rule 28 may be amended to issue identity cards in all constituencies with photograph of the voter only when he pays the cost thereof. It may be provided further that no other identity slips will be considered by the polling officials. Rule 31 for Teachers and Graduates constituencies should be clarified so that fresh applications for registration are to be made only by those not already on the roll.

Statutory Rules of 1961 (The Conduct of Elections Rules 1961) may be amended in respect of the following rules: Rules 39(2)(b) may be amplified so that the instrument supplied for marking the ballot paper will have a piercing pin in the middle of the stamping

sign. Rule 55 should be amplified to provide that ballots of each polling station are counted and tabulated separately to allow investigations of complaints that votes have been substituted. Rule 86 may further provide that election accounts will be subject to a running check by a certified auditor who will certify that they are inclusive of all expenditure incurred.

The Representation of the People Act of 1951 may be amended in respect of the following sections: Section 4 may provide that the candidate for election shall be a graduate unless he has already been elected to Parliament and any State legislature. Since there are two million graduates, representation will not suffer and will be the best possible. The same amendment may be made to section 5, in respect of Assembly seats. Section 11A may contain a disqualification for a period of five years for any voter who fails to cast his vote, without due reason, which he may give when the list of those disqualified is posted, following scrutiny of a copy of the electoral roll maintained specially for that purpose. This will obviate arrangements for luring the voters and is less penal than fines imposed in some democracies. Rule 15 may provide for simultaneous election to Parliament and Assemblies, as this will cut to half both government and private expenditure and will ensure the same reflection of the nation's mind at both levels. The Constitution will also require amendment to ensure that Assemblies are dissolved simultaneously with Parliament. Section 66 may be amended to provide that the Returning Officer will submit the results of the poll to the Chief Electoral Officer, who will total the votes received by recognised parties and independents to determine the seats in the State to which they are entitled. According to this title, candidates from each Party securing the highest votes unless the Party has submitted a "List" will be declared elected in their constituencies.

Election petitions are deliberately prolonged by the successful candidate, who sits in the legislature till the orders of the Court are against him. Even thereafter, he may obtain a stay from the Supreme Court. The provision for day to day sitting of the court is frustrated by objections of all kinds to the witnesses of the petitioner, the documentary evidence required by him and most by the delay in the appearance of the witnesses of the defendant. Section 86(7) may be strengthened by a proviso to the effect that orders will be passed on the expiry of the period of six months, on whatever evidence has been presented. This form of guillotine will

make the respondents anxious to complete the evidence of the petitioner in order to present their own. Section 116A for appeal to the Supreme Court may be eliminated as the delay involved makes the petition almost coterminous with the period for which the candidate has been elected and in any case is unnecessary as evidence is mostly factual on which no new points of law arise. Section 94 may be amended to allow the witness the right to refuse disclosure for whom he has voted. Like the absence of a statement of the accused, this default can have its own evidentiary implications. Section 97 may be omitted as recrimination can be presented against almost every candidate in respect of the supply of transport which is open. When this leaves the petitioner only the ouster of the successful candidate for the enormous cost of his petition, there will be few indeed ready to indulge only in revenge. The defendant may, however, be allowed the right to file his own petition against the respondent within a further fifteen days of the time allowed to file the petition. On the defendant being disqualified, the petitioner should be declared elected so that he is saved the further cost of another election. Section 99(ii) may be amended to include not only the nomination of persons found guilty of corrupt practices but also their prosecution. Section 100(2)(a) may be deleted since "consent of candidate" is impossible to prove and must be presumed when he has failed to prove reasonable precautions under section 100(2)(c).

The seven corrupt practices suffer from some individual and some common infirmities, which render them infructuous. One common infirmity is that the consent of the candidate or his election agent has to be proved, which is nearly impossible as neither will be so incautious. Besides, for the simple issue before the court, if the result of the election has been vitiated, it is of little consequence whether the candidate or his enthusiastic friends have been guilty of corrupt practices. The candidate, however, may be given the defence that he had taken adequate precautions and exercised due vigilance. The second and more serious infirmity is that no penalty is provided except for provision of transport and promotion of communal differences. The disqualification of the successful candidate after protracted election petitions neither prevents nor punishes those who have been guilty of corrupt practices which are offences by themselves and which frustrate elections and the democracy arising therefrom. A provision, therefore, should be made that complaints in regard to a corrupt practice may be made by any candidate or voter to the First Magistrate with jurisdiction. There

need be no apprehension of false and frivolous complaints as provision already exists against them. Specific infirmities to be noted are: Section 123(A) may include donations as bribery; explanation to Section 123 may limit "expenses incurred *bona fide*" to Rs. 1,000 for staff in each Assembly constituency to prevent bribes being conveyed to influential persons in the name of payments for services. If the elections are simultaneous, the provision for staff will be Rs. 2,000 for two combining candidates, which should be sufficient for an average of 75,000 voters. Section 123(7) should comprehend all government employees, including those in nationalised institutions in which there are large collections of susceptible voters. Section 126 should be amplified to include election booths, which are outside the means of many candidates and unnecessarily identify the voters. Section 129(2) should also comprehend all government servants and should include a provision against passing of orders or otherwise inducing any person to give donations for elections.

An amendment of the Constitution will be necessary for two other changes vital for the realisation of democracy. The first is amendment of articles 74 and 163 to provide for the election of the Council of Ministers by the legislatures themselves, like other committees of the legislature. This will ensure not only that all parties are included in the government but also the best members by judgment of all parties. This partyless Government has made the Swiss Government the best in the world, least susceptible to instability, corruption and inefficiency. Consequential to this amendment, articles 75(1) and 164(1) will require to be deleted. The second amendment necessary is simultaneous elections to reduce the astronomical expenditures of separate elections. It will be enough to add another proviso to article 172 that every legislative assembly will stand dissolved on the dissolution of Parliament.

The changes proposed do not touch the structure of the rights of the people or of the purposes of the Constitution. Without them, the Rule of Money will continue to substitute for the Rule of the People:

THE PRESIDENTIAL ELECTION, 1974

The term of office of Shri V. V. Giri as President of India was due to expire on August 23, 1974. As required by article 62(1) of the Constitution of India "an election to fill a vacancy caused by the expiration of the term of office of President" has to be completed before the expiration of the term. Section 4(3) of the Presidential and Vice-Presidential Elections Act, 1952 provides that in the case of an election to fill such a vacancy, a notification appointing the last date for nominations, the date for scrutiny of nominations, the last date for the withdrawal of candidature and date of poll, if any, has to be issued by the Election Commission on or as soon as conveniently may be after the sixtieth day before the expiration of the term of office of the outgoing President and the dates have to be so appointed that the election will be completed at such time as will enable the President thereby elected to enter upon his office on the day following the expiration of the term of office of the outgoing President. In view of these provisions, the Election Commission issued a notification on July 16, 1974, fixing the programme of election to this high office as follows:—

(i) Last date for filling nominations	30-7-1974.
(ii) Date for scrutiny of nominations	31-7-1974.
(iii) Last date for withdrawal of candidature	2-8-1974.
(iv) Date of poll, if necessary	17-8-1974.

The Election Commission, in consultation with the Central Government appointed on June 25, 1974, Shri B. N. Banerjee, Secretary-General, Rajya Sabha as the Returning Officer and Shri S. S. Bhalerao, Joint Secretary, Rajya Sabha as the Assistant Returning Officer for the Presidential Election. Secretaries of all State Legislative Assemblies were appointed as Assistant Returning Officers by the Election Commission through a notification issued on June 28, 1974. The Returning Officer issued in compliance with section 5 of the Presidential and Vice-Presidential Elections Act, 1952, a public notice on

*Shri Bhalerao is Joint Secretary, Rajya Sabha Secretariat and was Assistant Returning Officer for the Presidential Election held in August, 1974.

July 16, 1974 of the proposed election inviting nominations of candidates and specifying his office in the Parliament House as the place where nomination papers could be delivered.

Under article 54 of the Constitution, the President of India is elected by the members of an electoral college consisting of all the elected members of Parliament and all the elected members of the State Legislative Assemblies. Thus nominated members of either House of Parliament as well as members of the Legislature of a Union Territory are not entitled to vote at the election. Article 55(3) provides that the election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot. Article 55(2) makes detailed provisions for securing uniformity in the scale of representation of the different States at this election. In view of the fact that under article 324(1) the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of election to, the office of the President is vested in the Election Commission, the number of votes which each M.L.A. and each M.P. is entitled to cast at the election was ascertained by the Election Commission, and it was done by the Commission in the following manner.

First, the population of each State as ascertained at the last census (of which the relevant figures have been published) was divided by the total number of elected members in the Legislative Assembly of that State and the quotient was expressed at the nearest thousand. The figure so obtained was the value of the vote given by any M.L.A. of that State. For example, the population of U.P. at the last census (1971) was 8,83,41,144 and its Legislative Assembly has a total of 425 elected members. Accordingly, the value of the vote given by each M.L.A. of this State was fixed at 208.

The next step was to ascertain the total value of all the votes thus assigned to the M.L.As of all the 21 States in the country. This figure came to 5,43,290. In order to secure parity between the States as a whole and the Union of India, this figure (5,43,290) was divided equally among the 751 elected M.Ps. (521 in the Lok Sabha and 230 in the Rajya Sabha) which works out to 723. This was therefore the value of every M.P.'s vote in the election. The result of these two steps makes the President a representative of the States and the Union equally.

The value of M.L.A's vote so worked out which obviously varies from State to State, depending as it does on the population and number of M.L.As of that State, is given in Table 1.

TABLE 1

Serial No.	Name of State	Value
1.	Andhra Pradesh	152
2.	Assam	126
3.	Bihar	177
4.	Gujarat	147
5.	Haryana	124
6.	Himachal Pradesh	51
7.	Jammu & Kashmir	84
8.	Karnataka	136
9.	Kerala	161
10.	Madhya Pradesh	141
11.	Maharashtra	187
12.	Manipur	18
13.	Meghalaya	17
14.	Nagaland	9
15.	Orissa	149
16.	Punjab	130
17.	Rajasthan	140
18.	Tamil Nadu	176
19.	Tripura	26
20.	Uttar Pradesh	208
21.	West Bengal	158

Needless to say, however, that each member of the electoral college is supplied with one ballot paper but this ballot paper is deemed to represent as many votes as that elector is shown as having in the Table. From this Table, it would be observed that the number of electorate this time was larger than that in the Presidential Election

in 1969. There was an increase of 268 in the electoral college which was due to the creation of new States and increase in the number of M.Ps. and M.L.As. in individual State Assemblies as follows:

1. Himachal Pradesh	68
2. Meghalaya	60
3. Manipur	60
4. Tripura	60
5. Nagaland	8
6. Gujarat	14
7. Orissa	7
8. Parliament	8
<hr/>	
Total	280 less 12 on account of decrease in the number of M.L.A. from Assam Legislative Assembly from 126 to 114.

Another special feature of this election was that the elected members of the Assemblies of the newly created States of Himachal Pradesh, Meghalaya, Manipur and Tripura voted for the first time in the election and while in 1969, the value of a vote of an M.P. was 576, in 1974 it was 723 and the total value of the M.L.A.'s votes in 1969 was 4,30,847, in 1974 it was 5,43,290.

In all, 13 candidates had filed their nomination papers at the end of the last day fixed for filing of nominations. But on scrutiny, the nomination papers of all except two were rejected by the Returning Officer. The reduction in the number of nominations filed and the rejection of nomination papers of eleven candidates by the Returning Officer was the direct result of the two important changes made in the law relating to Presidential elections. By inserting a new section, namely, section 5B, in the Presidential and Vice-Presidential Elections Act, 1952 by the amending Act of 1974, it was made incumbent upon an intending candidate to get his nomination paper subscribed

by at least ten electors as proposers and at least ten electors as seconders. So also new section 5C of the said Act required that the candidate should deposit or cause to be deposited a sum of Rs. 2,500 at the time of presentation of nomination paper. These new provisions were made to provide "an effective curb against frivolous nominations in the case of Presidential election". These provisions had a salutary effect and the nomination papers of eleven candidates were rejected mainly on the ground that they failed to get the requisite number of proposers and seconders to subscribe to their nomination papers. This left two contending candidates, namely, Shri Fakhruddin Ali Ahmed and Shri Tridib Choudhary in the field.

Shri Fakhruddin Ali Ahmed was set up and supported by the Congress Party. Shri Tridib Choudhary's nomination was backed by some opposition parties, namely, Jan Sangh, Swatantra, Congress(O), S.P., Anna D.M.K., C.P.(M), B.K.D. etc.

The poll took place as scheduled in the Parliament House and the Legislature Buildings in the capitals of the States, between the hours of 10.00 a.m. to 5.00 p.m. After the poll, all the ballot boxes from the State capitals were brought to Delhi. The counting of votes then took place in Parliament House, New Delhi on August 20, 1974. On completion of counting it was found that Shri Fakhruddin Ali Ahmed had secured 3,089 first preference votes (value 7,65,587) as against 708 (value 1,89,196) secured by Shri Tridib Choudhary. On the basis of the 3,797 valid votes polled (value 9,54,783) at the election, the quota worked out to 4,77,392. As Shri Fakhruddin Ali Ahmed secured first preference votes more than the quota so fixed, he was declared elected to the office of the President of India by the Returning Officer, Shri B. N. Banerjee at 5.00 p.m. the same day.

Table 2 gives the Parliament and State-wise votes polled by Shri Fakhruddin Ali Ahmed and Shri Tridib Choudhary.

TABLE 2

Legislature	Value	Votes polled by	
		Shri Fakhruddin Ali Ahmed	Shri Tridib Choudhary
1	2	3	4
Parliament	723	551	132
<i>States</i>			
Andhra Pradesh	152	253	14
Assam	128	94	11

1	2	3	4
Bihar . . .	177	203	38
Gujarat . .	147	Nil	Nil
Haryana . . .	124	66	9
Himachal Pradesh	51	60	7
Jammu & Kashmir . . .	84	64	4
Karnataka	136	169	35
Kerala . . .	161	37	61
Madhya Pradesh . . .	141	225	49
Maharashtra	187	236	23
Manipur	18	54	Nil
Meghalaya . . .	17	54	Nil
Nagaland	9	59	Nil
Orissa	149	72	64
Punjab	130	65	26
Rajasthan	140	149	23
Tamil Nadu	176	192	19
Tripura . . .	26	41	18
Uttar Pradesh . . .	208	235	166
West Bengal	158	210	9
Total		3089 (7,65,587)	708 (1,89,196)

NOTE:—Invalid votes were 50 (value 9851) of which 4 (value 2892) were votes of M.Ps, and 46 (value 6959) were votes of M.L.As.

Shri Fakhruddin Ali Ahmed, the Fifth President of the Republic of India, was sworn in at a ceremony held on August 24, 1974, in the Darbar Hall of the Rashtrapati Bhavan, New Delhi.

One feature connected with the 1974 election to the office of President of India is worth noting. The State of Gujarat came under President's Rule by a Proclamation dated February 9, 1974. The Legislative Assembly of that State was dissolved. Members of that Assembly therefore could not participate in the Presidential election. Before the notification of Presidential election was issued the constitutionality or otherwise of excluding a State from participating in Presidential election came up before the Supreme Court on a Reference made to it by the President under article 143 of the Constitution. The questions referred to, and the opinion given by, the Supreme Court in June 1974, are given below:

Questions referred to:

1. Whether on a true and correct interpretation of articles 54, 55, 56, 62 and 71 of the Constitution of India, the electoral college mentioned in article 54 is to consist only of the elected members of such of the Legislative Assemblies of the States as are in existence at, or before, the expiration of the term of office of President under article 56(1) of the Constitution of India.

2. Whether on a true and correct interpretation of article 71(4) of the Constitution of India, when the Legislative Assembly or Assemblies of any State or States is, or are, dissolved, it will amount to a vacancy or vacancies having occurred in the electoral college within the meaning of the said article.

3. Whether in view of the provisions contained, *inter alia*, in articles 54, 62(1) and 71(4) of the Constitution of India, the election to the office of President of India must be held before the expiration of the term of the outgoing President notwithstanding the fact that at the time of such election the Legislative Assembly or Assemblies of any State or States is or are dissolved.

4. Whether the dissolution of the Legislative Assembly or Assemblies of any State or States precludes the holding of election to the office of President.

5. Whether the Legislative Assembly or Assemblies of any State or States is or are dissolved before the expiration of the term of office of the outgoing President under article 56(1) of the Constitution of India, how and when is the election to fill

the vacancy in the office of the President to be held and completed, on a correct interpretation of the relevant provisions of the Constitution of India to make the Constitution of India workable regarding the office of President.

6. Whether in the event of the election to the office of President not being completed before the expiration of the term of office of President under article 62(1) of the Constitution, the President can, notwithstanding the expiration of the term, continue to hold office under clause (c) of the proviso to article 56(1) of the Constitution of India.

Opinion of the Supreme Court:

1. Only such persons who are elected members of both Houses of Parliament and the Legislative Assemblies of the States on the date of the election to fill the vacancy caused by the expiration of the term of office of the President will be entitled to cast their votes at the election.

2. Subject to the aforesaid observation as to the effect of the dissolution of a substantial number of the Legislative Assemblies the vacancies caused by the dissolution of an Assembly or Assemblies will be covered by article 71(4).

3, 4, and 5. The election to the office of the President must be held before the expiration of the term of the President notwithstanding the fact that at the time of such election the Legislative Assembly of a State is dissolved. The election to fill the vacancy in the office of the President is to be held and completed having regard to articles 62(1), 54, 55 and the Presidential and Vice-Presidential Elections Act, 1952.

6. Article 56(1) (c) applies to a case where a successor as explained in the foregoing reasons has not entered on his office and only in such circumstances can a President whose term has expired continue.

THE ELECTION OF THE VICE-PRESIDENT*

Article 68(1) of the Constitution provides that election to fill a vacancy caused by the expiration of the term of office of the Vice-President shall be completed before the expiration of the term.

The term of office of Shri G. S. Pathak, Vice-President of India was due to expire on August 30, 1974. The Election Commission of India issued a notification¹ on July 26, 1974 fixing the following dates for the various stages of the Vice-Presidential election:—

- (a) 9th August, 1974 (Friday) as the last date for receiving nominations;
- (b) 10th August, 1974 (Saturday) as the last date for the scrutiny of nominations;
- (c) 12th August, 1974 (Monday) as the last date for the withdrawals of candidates;
- (d) 27th August, 1974 (Tuesday) as the last date on which poll shall, if necessary, be taken.

Before that, on June 29, 1974, Election Commission issued a notification² appointing Shri S. L. Shakhder, Secretary-General, Lok Sabha as the Returning Officer for the Vice-Presidential election and Shri P. K. Patnaik, Joint Secretary, Lok Sabha Secretariat as the Assistant Returning Officer.

The Presidential and Vice-Presidential Elections Act, 1952 and the rules framed thereunder regulate all matters relating to or connected with the election of President or Vice-President. The Act was amended in 1974 to make certain changes in the matters of election in the light of the experience gained during the five elections held to these offices in 1952, 1957, 1962, 1967 and 1969. The main changes made in the Act related to deposit of Rs. 2,500 by a candidate at the time of filing his nomination paper. The number

*Contributed by the Table Office, Lok Sabha Secretariat.

¹Notification No. S.O. 453(E) dated July 26, 1974. Gazette of India Extraordinary Part II, Sec. 3(ii), dt. 27.7.74.

²Notification No. 403(E) dt. 29.6.74. Gazette of India Extraordinary Part II, Sec. 3(ii) dt. June 29, 1974.

of proposers and seconders required to nominate a candidate was also increased. In the case of Vice-Presidential election it has been provided that there should be at least 5 electors as proposers and at least 5 electors as seconders. It has also been provided that no elector shall subscribe whether as proposer or seconder more than one nomination paper at the same election, and if he does, his signatures shall be inoperative on any paper other than the one first delivered. The new Presidential and Vice-Presidential Elections Rules, 1974, were published in the Gazette dated the 21st May, 1974.

On issue of the notification by the Election Commission fixing various dates in connection with the Vice-Presidential election, the Returning Officer issued³ a public notice on the same day, i.e. July 26, 1974 regarding the procedure and dates for filing nominations and the place where nomination papers could be delivered.

The Congress Party nominated Shri Basappa Danappa Jatti, Governor of Orissa as its candidate for the Vice-Presidential Election. Shri Niral Enom Horo, Member of Lok Sabha from Bihar was nominated as the Opposition candidate to contest against Shri Jatti.

By 3 P.M. on August 9, 1974, which was the last day for making nominations, 12 nomination papers had been filed in respect of 7 candidates. 4 nomination papers had been filed proposing the name of Shri Jatti and 2 nomination papers proposing the name of Shri Horo. Scrutiny of nominations was held at 11 A.M. on August 10, 1974 in the room of the Returning Officer. All nomination papers of Shri Jatti and Shri Horo, were accepted. The remaining 6 nomination papers filed by 5 other candidates were rejected. None of these nomination papers had been subscribed by any proposer or seconder at all. Only one of these five candidates had made a security deposit of Rs. 2,500. At the expiry of the time fixed for the withdrawal (i.e. 3 P.M. on 12.8.74), the Returning Officer published⁴ the list of contesting candidates containing the names of Shri Niral Enom Horo and Shri Basappa Danappa Jatti.

Under article 66(1) of the Constitution, the Vice-President is elected by the members of an electoral college consisting of the members of both the Houses of Parliament in accordance with the

³Notification No. S. O. 455(E) dated 26-7-74 Gazette of India Extraordinary Part II Extraordinary Part II, Sec 3(ii) dt 26.7.74.

⁴Notification No. S. O. 467 (E) dated 12-8-74. Gazette of India Extraordinary Part-II, section 3(ii) dated 26-7-74.

system of proportional representation by means of single transferable vote. Whereas in the case of Presidential Election nominated Members of Parliament are not entitled to vote, in the case of Vice-Presidential election they are entitled to vote. At the time of the election total membership of both the Houses of Parliament was 767 (524 of Lok Sabha and 243 of Rajya Sabha) of which 15 were nominated Members—12 in Rajya Sabha and 3 in Lok Sabha. However, 8 seats being vacant—3 in Rajya Sabha (from the State of Gujarat, Madhya Pradesh and Punjab), for the purposes of this election there were only 759 electors from both Houses of Parliament. According to the schedule to the Presidential and Vice-Presidential Elections Rules, 1974, every ballot paper in the Vice-Presidential election represents one vote. Since, there were only 2 contesting candidates, the question of transfer of votes did not arise.

The poll for election was held on August 27, 1974 from 10 A. M. to 5 P. M.⁵ The venue of polling was Room No. 62, Parliament House, New Delhi. The counting of votes took place at 6 P. M. on the same day in Room No. 62, Parliament House. Within half-an-hour the counting was over. Of the 759 electors, only 672 cast their votes. 10 ballot papers were declared invalid and rejected. The number of votes secured by each of the 2 candidates, was as follows:

Shri Niral Enem Horo	141
Shri Basappa Danappa Jatti	521

The Returning Officer, Shri S. L. Shakhder declared⁶ Shri Basappa Danappa Jatti as duly elected to the office of the Vice-President of India. Shri Jatti entered⁷ upon the said office on August 31, 1974.

⁵Notification No. S.O. 454(G) dated 26.7.74 Gazette of India Extraordinary, Part-II, section 3(ii) dated 26-7-74.

⁶Notification No. S.O. 509(E) dated 22.8.74 Gazette of India Extraordinary, Part-II, section 3(ii) dated 27-8-74.

⁷ Ministry of Home Affairs Notification No. S.O. 516(E) dated 31-8-74 published in Gazette of India Extraordinary Part II, section 3(ii) dated 31-8-74

PARLIAMENTARY EVENTS AND ACTIVITIES*

A. SYMPOSIA AND CONFERENCES

Meetings of the Executive Committee of Commonwealth Parliamentary Association: Meetings of the Executive Committee of the Commonwealth Parliamentary Association were held in Western Samoa in May, 1974. Dr. G. S. Dhillon, Speaker, Lok Sabha and Vice-President of the Commonwealth Parliamentary Association and Shri S. L. Shakdher, Secretary-General of Lok Sabha attended the meetings. They also visited Fiji, New Zealand, and Indonesia.

Meeting of the Working Group of the IPU for Revision of the Statutes of the Inter-Parliamentary Union: A meeting of the Working Group of the IPU for revision of the Statutes of the Inter-Parliamentary Union was held in Geneva on the 20th and 21st June, 1974 under the Chairmanship of Dr. G. S. Dhillon, Speaker, Lok Sabha and President of the Inter-Parliamentary Council. Shri S. L. Shakdher, Secretary-General, Lok Sabha also attended the meeting.

B. FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

Visit of Mr. Ratu Josaia Tavaqia, the Tui Vuda and Member of the Senate of Fiji: Mr. Ratu Josaia Tavaqia, the Tui Vuda and Member of the Senate of Fiji visited India in July-August, 1974. He called on the Speaker, Lok Sabha and watched the proceedings of Lok Sabha on July 26 and 29, 1974 and of Rajya Sabha on July 29, 1974. The Speaker, Lok Sabha hosted a luncheon party in his honour on July 29. Besides Delhi, he was taken to Agra, Chandigarh, Bhakra Nangal and Bombay.

Transit Halt of Egyptian Parliamentary Delegation: An eight-member Egyptian Parliamentary Delegation to Japan led by H. E. Mr. Hafez Badawi, Speaker of the National Assembly of Egypt made a transit halt at Delhi Airport on July 29, 1974. The delegation was received and seen off by the Speaker of Lok Sabha.

C. INDIAN PARLIAMENTARY DELEGATIONS ABROAD

Visit of Indian Parliamentary Delegation to Australia and Singapore: In pursuance of an invitation received from the Australian

*Contributed by the Conference Branch, Lok Sabha Secretariat.

Parliament, an Indian Parliamentary Delegation led by Shri K. Raghu Ramaiah, Minister of Parliamentary Affairs visited Australia in June, 1974. Besides the leader, the delegation consisted of Shri L. K. Advani, M.P.; Smt. Lakshmi Kumari Chundawat, M.P.; Shri Bibhuti Mishra, M.P.; Shri Saroj Mukherjee, M.P.; Shri Paokai Haokip, M.P.; Shri M. Satyanarayan Rao, M.P.; Shri Sawai Singh Sisodia, M.P. and Shri Hari Singh, M.P. Shri P. K. Patnaik, Joint Secretary, Lok Sabha was Secretary to the Delegation. On their way back, the delegation visited Singapore also.

Visit of an Indian Parliamentary Delegation to Kuwait, Syria and Yugoslavia: In pursuance of invitations received from Kuwait, Syria and Yugoslavia, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, Speaker, Lok Sabha visited Kuwait, Syria and Yugoslavia in June, 1974. The other members of the Delegation were: Shri Nripati Ranjan Choudhury, M.P., Shri A. K. M. Ishaque, M.P., Shrimati V. Jeyalakshmi, M.P., Shri Lakshmana Mahapatro, M.P. Shri Atal Bihari Vajpayee, M.P., Shri Virbhadra Singh, M.P. and Shri S. L. Shakdher, Secretary-General, Lok Sabha.

Visit of Speaker and Secretary-General of Lok Sabha to GDR, USSR and Mongolia: In pursuance of invitations received from GDR, USSR and Mongolia, Dr. G. S. Dhillon, Speaker, Lok Sabha and President of the Inter-Parliamentary Council and Shri S. L. Shakdher, Secretary-General, Lok Sabha and President of the Association of Secretaries-General of Parliaments visited GDR, USSR and Mongolia in June-July, 1974. In Mongolia, they represented the Government of India at the Mongolian National Day on the 11th July, 1974.

D. PARLIAMENTARY COMMITTEES*

Increase in the Membership of the Committee on Public Undertakings: The Committee on Public Undertakings was first set up in May, 1964 in accordance with rules 312A and 312B of the Rules of Procedure and Conduct of Business in Lok Sabha, for examination of the working of the public undertakings established under the Central Acts or otherwise by the Central Government. There were about 60 undertakings at that time and the Committee then consisted of 15 members—10 from Lok Sabha and 5 from Rajya Sabha.

*Contributed by the Public Undertakings Branch of the Lok Sabha Secretariat.

The number of public undertakings has been increasing gradually since then. When in 1973 the number of public undertakings crossed 100, a suggestion was made by a member of the Committee that the strength of the Committee should be increased so that Sub-Committees could be formed to undertake examination of more undertakings simultaneously as well to watch the implementation of the Committee's recommendations. The suggestion was considered by the Committee at its sitting held on April 3, 1973, when it decided that, in view of the increase in the number of undertakings, the size of the Committee should be raised from 15 to 30 so as to be at par with the strength of the Estimates Committee. The Committee observed that the working of the Committee on Public Undertakings combined the functions of both the Estimates Committee as well as the Public Accounts Committee. The Committee authorised the Chairman to take up this matter with the Speaker and the Minister of Parliamentary Affairs.

The matter came up before the Rules Committee of Lok Sabha at its sitting held on August 8, 1973. After considering the suggestion made by the Committee on Public Undertakings, the Rules Committee expressed the opinion that the strength of the Committee on Public Undertakings be brought on par with that of the Committee on Public Accounts, namely, that 15 members be elected from Lok Sabha and 7 members from Rajya Sabha be associated with it. The Rules Committee also recommended that the proposed increase in the membership of the Committee on Public Undertakings should be given effect to from the next term of that Committee. The recommendations made by the Rules Committee were approved by Lok Sabha and the strength of the Committee on Public Undertakings constituted for the year 1974-75 with effect from May 1, 1974, was raised from 15 to 22 members, of which 15 members were from Lok Sabha and 7 from Rajya Sabha.

PRIVILEGE ISSUES*

LOK SABHA

Failure to lay the Reports of the Tariff Commission on the Table of the House: On July 23, 1973, Shri Madhu Limaye, sought to raise¹ a question of privilege against the Minister of Industrial Development and Science and Technology and the Minister of Petroleum and Chemicals for not having laid on the Table of the House certain Reports of the Tariff Commission as required under Section 16 (2) of the Tariff Commission Act, 1951. The Speaker, Dr. G. S. Dhillon, observed² that he would ask the Minister to explain it either today or whenever he is in a position to give some information about it."

On July 27, 1973, Shri Limaye again raised³ the issue under Rule 377. While raising the matter Shri Limaye stated that it was a clear breach of privilege and a contempt of the House and urged that the concerned Ministers should not only tender apologies to the House but should also hold enquiries against those who were responsible for it. Thereupon, the Minister of Industrial Development and Science and Technology, Shri C. Subramaniam, made the following statement:—

"I wish to submit to the House that there has been a failure on our part to place a copy of the report of Tariff Commission on Fair prices of Jute-based and Felt-based Linoleum, within the period stipulated in Sub-section (2) of Section 16 of the Tariff Commission Act, 1951. The report was received by the Government in June, 1971. It had suggested a set of fair selling prices for various types of linoleum products. Two questions had to be examined in my Ministry. One was the legal question of the feasibility of issuing a normal price control order, either under the Industries Development Regulation Act or under the Essential Commodities Act. The second question was whether in the event of a formal price control not being possible, purchases by Government could be brought within a price control arrangement on a voluntary basis. The matter was being examined in con-

*Contributed by Committee Branch I, Lok Sabha Secretariat

1L.S. Deb., July 23, 1973, cc. 258-59.

2Ibid., c. 259.

3Ibid., July 27, 1973, cc. 261-64.

4Ibid., cc. 264-66.

sultation with various Ministries and came to my personal notice only when I called for the papers on receipt of the notice from the Hon'ble Member Shri Madhu Limaye.

I would like to submit without any qualification that there has been a lapse on our part in not taking the decisions on the recommendation of the report quickly and placing the Tariff Commission's report along with Government's decision within a reasonable period on the Table of the House. I would like to express my deepest regret to you, Sir, and to the House for this delay. I have already issued instructions for completing the further processing of the case with the topmost priority. I would also like to assure the House that the report with the Government's decision thereon will be placed before Parliament during the current session.

I have already asked for the explanation of the officers concerned for the inordinate delay in processing this case. I may be permitted to submit that no disrespect to the House or infringement of the rights of the Hon'ble Members was in the least intended. I would request that on the basis of the explanation and the assurance given by me the matter may kindly be not pursued at this stage."

The Speaker then observed as follows:—

"I very much appreciate that you have owned it and accepted it. I greatly appreciate the spirit with which you have given the reply."

The Minister of Petroleum and Chemicals, Shri D. K. Boroosh, thereafter stated⁵ *inter alia* as follows:—

"I am grateful to Mr. Madhu Limaye, for bringing it to the notice of the House. In fact, it came to my notice somewhat earlier and I immediately took action in the sense that I got it examined, and I placed it before the Cabinet Committee and the Cabinet Committee has come to certain decision, on the basis of which orders are being issued.

I quite see that there has been a very grave lapse on our part, and I sincerely apologise to this House for this.

I am today placing on the Table the report of the Tariff Commission on the fair selling prices of synthetic rubber, along with a note which I have prepared on this giving the details of the delay, the reasons why there has been delay and so on. But I can say that it will be sorted out certainly in this Session.

⁵*ibid.*, cc. 266-67.

In the meanwhile, I have asked the Ministry to find out the person or persons who were responsible for this delay, and I think that we shall be able to take some measures in this behalf."

The matter was, thereafter, closed.

Attribution of motives to a Parliamentary Committee: On December 13, 1972, Shri Indrajit Gupta, raising¹ a question of privilege regarding an affidavit filed by Shri S. S. Khera, I.C.S. (Retired) before the Pipelines Inquiry Commission (Takru Commission) stated that it contained the following objectionable extract from a letter received by Shri Khera from Shri P. R. Nayak, I.C.S. (Retired), in respect of the Sixty-sixth Report of the Committee on Public Undertakings:

"I am grateful to you for your ready response to my request today. Certain persons had joined together to induce the parliamentary Committee on Public Undertakings to write a report in April, 1970 questioning the decisions and bonafides of Government, the Indian Refineries Ltd., and, in the main, of myself as Managing Director|Chairman of the Indian Refineries Ltd., from December, 1960 to August, 1964. Following this report, Government appointed a Commission of Enquiry in August, 1970."

Shri Indrajit Gupta also stated that:—

"You (Speaker) were at that time the Chairman of this Committee and this accusation is made that you and the Committee were induced by certain persons to write that famous 66th report. Mr. P. R. Nayak is the main person against whom charges are pending before the enquiry. I only request you to see that this matter is referred to the Privileges Committee, who are already seized of the matter. Let them go into this also. This also constitutes a breach of privilege."

The Speaker referred² the matter to the Committee of Privileges, observing, *inter alia* that "the Committee is already seized of this matter. This new information also will go to them."

The Committee of Privileges, after calling for the written explanations of Sarvashri P. R. Nayak and S. S. Khera and after examin-

¹L.S. Deb. December 13, 1972, cc. 210—212.

²*Ibid.*, c 212.

ing them in person also, in their Fifth Report presented to the House on September 4, 1973, reported, *inter alia*, as follows:—

“(1) Shri P. R. Nayak, who was asked by the Committee to state what he had to say in the matter of the complaint against him, in his written reply dated the 9th February, 1973, stated *inter alia* as follows:—

“The communication addressed by me to Shri Khera was a strictly private and confidential communication not meant for publication and the purpose of the communication, as will be evident from the perusal of the whole letter, was solely to prepare my defence before the Takru Commission.....

The Parliamentary Committee (on Public Undertakings) before making the Report had not given me any opportunity to make my submissions and I sincerely believed that the Committee were persuaded by certain persons to come to some conclusions which I honestly considered to be based on incomplete evidence and appreciation and in respect of which conclusions the Government of India itself found it necessary to appoint a Commission of Inquiry for tendering further advice to the Government.

The word ‘induced’ was not used by me except to mean ‘persuaded’...

...it is in the context of preparing my defence that the letter was written to Shri Khera. It was never in my mind that the letter should be published. I had not authorised its publication and I respectfully submit that for this reason I should be absolved of any blame for the publication and the resulting consequences, if any.

I meant no reflection whatsoever on the Members of Parliament who constitute the Committee on Public Undertakings or on the Committee as a whole and my sole purpose in writing the letter to Shri Khera was to ensure my own proper defence before the Commission of Inquiry.

...I would like to repeat that I had never meant any reflection on the Committee on Public Undertakings and had never intended that my letter to Shri Khera should be publicised. Nevertheless, in the circumstances that have arisen, if I am in any way considered to be blameworthy, I would respectfully request the Committee of Privileges to accept this my unconditional apology and agree not to pursue the matter in so far as I am concerned.”

(ii) In his oral evidence before the Committee, on the 9th May, 1973, Shri P. R. Nayak, stated, *inter alia* as follows:—

“...the word ‘induced’ was not used by me in any improper sense. It is inconceivable and entirely impossible that a Committee of the Parliament could be induced in any improper sense of that term, to do a certain thing. If at all the use of the word ‘induced’ gives rise to any misapprehensions, misgivings or misunderstanding, I have said that I am prepared to apologise to the Committee and I do reiterate my desire to offer that unconditional apology. I did not intend to suggest anything improper or unpleasant when I used this word...all I had in mind was that the Committee probably was persuaded to take certain views as a result of certain material supplied to it by certain persons. I did not suggest that the Committee came to improper conclusions though I have said that I sincerely believe that these conclusions were based on incomplete evidence and that, if I had had an opportunity of furnishing my evidence, the Committee might have come to some other conclusions... Talking of the Committee as a whole the statement that I have made was not correct. I might have felt that at that time. Today talking of the Committee, I am prepared to say that the Committee was not persuaded or induced or influenced by any extraneous persons...Now, I am prepared to concede that...the Committee came to this conclusion objectively...I withdraw the words ‘certain persons had joined together to induce the Parliamentary Committee on Public Undertakings’. In the circumstances that have arisen, I would request the Committee to accept my apology unconditionally.”

(iii) Shri S. S. Khera in his oral evidence before the Committee on the 4th July, 1973, stated *inter alia* as follows:—

“I have the deepest regard for Parliamentary Committees...May I take the opportunity of stating forthwith that nothing could be further from my intentions or my thought than being a party to committing any of breach of parliamentary privileges?...On reflection, I am quite sure that I should have thought of it (that the impugned affidavit would be circulated by the Takru Commission to various parties in India and abroad and that giving publicity to it was not correct)...I would not only wish to apologise and throw myself on the mercy of this Committee but I would request that I may be purged of any contempt that I may have committed. I think I should like to pay the price if I have committed, even unwittingly, a breach of privilege and I would be happy to be purged of it...What I shall proceed to do is subject to hon. Privileges Committee seeing nothing wrong in it, that I shall prepare a new Affidavit leaving this (impugned) portion in question. I shall send

a covering letter and request the Commission to substitute my new Affidavit for the previous one... If unwittingly, I had been a party to any breach of privilege I would like here and now to submit an apology, and make such amends as the hon. Committee may direct and I shall carry out the instructions."

(iv) Subsequently, in response to the direction of the Committee, Shri S. S. Khera submitted the following documents for their consideration:—

(a) A copy of the affidavit dated the 1st July, 1972, filed by Shri S. S. Khera before the Takru Commission;

(b) The letter (in original) dated the 27th February, 1971, received by Shri S. S. Khera, from Shri P. R. Nayak; and

(c) A copy of the letter written by Shri S. S. Khera in reply to Shri P. R. Nayak's letter, dated the 27th February, 1971.

Shri Khera also furnished to the Committee a copy of the revised affidavit submitted by him to the Takru Commission with the request to that Commission that the revised affidavit might be substituted for his original affidavit before the Commission.

(v) The Committee observe that Shri Khera has omitted from his revised affidavit the... objectionable passage from Shri P. R. Nayak's letter to him, which he had quoted in his original affidavit.

(vi) In view of the unconditional apology tendered by Shri P. R. Nayak, the Committee are of the view that no further action need be taken in the matter of complaint against him.

(vii) Shri S. S. Khera has not only tendered an unconditional apology to the Committee during his oral evidence before them on the 4th July, 1973, for including the objectionable extract from Shri P. R. Nayak's letter in his affidavit filed before the Takru Commission but has also made an application before the Takru Commission withdrawing his earlier affidavit and filing a new affidavit deleting the said objectionable extract. The Committee are, therefore, of the view that no further action need be taken in the matter of complaint against Shri S. S. Khera.

(viii) The Committee recommend that no further action be taken by the House in the matter and it may be dropped."

No further action was thereupon taken by the House in the matter.

HIMACHAL PRADESH VIDHAN SABHA

Gheraoing and threatening of a member by certain persons for his speech in the House: *Vir Pratap*, Jullundur, a Hindi daily, published a news item in its issue dated the 31st July, 1972, reporting that Shri Ram Singh, a member, was gheraoed and threatened at Jogindernagar by Shri Inder Singh, General Secretary, Patwaries Union, Jogindernagar and 50 other Patwaries for certain remarks made by him in the House regarding the Patwaries of the Revenue Department. The Secretary, Himachal Pradesh Vidhan Sabha, thereupon addressed a letter to Shri Ram Singh, member, drawing his attention to the said news report and seeking his confirmation of the same. Shri Ram Singh, in his reply, furnished the full facts of the case to the Speaker and requested him to refer the matter to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges, after taking evidence of Shri Inder Singh, in their First Report presented to the House on March 26, 1974, reported, *inter alia*, as follows:—

- (i) "The Committee found a *prima facie* case of breach of privilege against Shri Inder Singh, General Secretary of the Patwaries Union and a notice was issued to him. Shri Inder Singh, General Secretary, appeared before the Committee on 12.1.1973. Shri Inder Singh made his statement and he was given a chance to produce the evidence. He produced a copy of the letter dated 27.7.1972 addressed to the Editor of *Vir Pratap*. Shri Inder Singh was also given an opportunity to lead evidence but he has not led any evidence in his defence. In its meeting held on 3.11.1973, Shri Inder Singh appeared and submitted an application wherein he had tendered unconditional, unqualified and sincere apology and had prayed for pardon. His statement was recorded in which he again prayed for pardon after expressing unqualified, unconditional and sincere apology.
- (ii) From the statement of Shri Inder Singh made by him before the Committee and from the relevant record and the evidence, the Committee are of the view that Shri Inder Singh has committed a breach of privilege by threatening and *gheraoing* Shri Ram Singh, Hon'ble Member and telling him not to make statements in the House against the Patwaries. The Committee also are of the view that he has committed this breach of privilege deliberately and

intentionally to malign the Hon'ble Member and thus stopping him from discharging his function independently, fearlessly and boldly. Freedom of speech is a right constituting one of the most precious acquisitions of the House of Commons and also of our Central and State Legislatures. This right of 'freedom of speech' has been guaranteed under articles 105 and 194 of the Constitution. It is essential that this privilege be available to every Legislature so that the Hon'ble Member might not be afraid to speak out their mind and to express their views freely and fearlessly even though the words they utter may be malicious and false to their knowledge. This 'freedom of speech' is absolute both in its form and content and should be protected. The Committee are aware of the fact that in these days, publicmen are sitting in a glass bowl and their voters and supporters have got the right to gaze at them and criticise them if and when the occasion so demands and constructive criticism is always welcome in the proper functioning of the democracy. But the Hon'ble Members of the Legislative Assembly who have got the duty and right to speak their mind in the Assembly fearlessly must be protected from onslaught of the persons like Shri Inder Singh who is holding a responsible position of being the General Secretary of the Patwaries Union. Instead of leading the other Patwaries to *gherao* the Hon'ble Member and to threaten him not to make the speeches against them in the House he should have stopped them from doing so. The Committee are of the clear view that Shri Inder Singh, General Secretary of the Patwaries Union, has committed a breach of privilege and deserves no sympathy.

- (iii) The Committee have noted that Shri Inder Singh, General Secretary Patwaries Union, has tendered unconditional, unqualified and sincere apology for whatever he has said or done and he has prayed for pardon. He also submits that he had no intention to cause any annoyance or disrespect to the Hon'ble Member. In these circumstances, the Committee recommend that the House may accept the apology and that no further action be taken against Shri Inder Singh."

On April 4, 1974 the House adopted a motion moved by the Deputy Speaker and Chairman of the Committee of Privileges, Shri Lekh Ram, agreeing with the recommendations of the Committee of Privileges.

Shouting of slogans from Visitors' Gallery: On March 25, 1974, at 2.44 P.M., some persons shouted slogans from the Visitors' Gallery. They were immediately taken into custody by the Watch and Ward Officer.

Later in the day, the Chief Parliamentary Secretary, Shri Babu-ram Mandial moved the following motion:—

“That this House resolves that the persons calling themselves
(1) Krishan Kumar Kaushal s/o Shri Amar Nath Kaushal,
(2) Dharam Chand s/o Shri Bhup Singh and (3) Sesh Ran
Deepak s/o Shri Puran Chand, who shouted slogans from
the Visitors' Gallery at 2.44 P.M. today, the 25th March,
1974, 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 3.30 P.M. on Thursday, the 28th March,
1974 (and sent to Sub-Jail, Simla.)”

Some members suggested that as it was the first case of its kind in
Himachal Pradesh Vidhan Sabha, the House might show leniency in
the matter. Thereupon, the Speaker informed the House that he
had called the offenders to his Chamber but they had refused to apo-
logise and that, therefore, appropriate action might be taken by the
House in the matter.

After a brief discussion, the House adopted¹ the motion moved by
the Chief Parliamentary Secretary. In pursuance of the decision of
the House, the Speaker issued a warrant of commitment in respect
of each of the offenders separately, committing them to prison.

¹Himachal Pradesh Vidhan Sabha Debates, March 25, 1974 (Original in Hindi).

PROCEDURAL MATTERS

LOK SABHA

Removal and taking into custody of strangers: On July 26, 1974, at 11.05 hrs., a visitor Shri Bipalab Basu tried to enter the Visitors' Gallery with a spring dagger tied on his right leg under his trousers. He was immediately taken into custody by Watch and Ward Staff. At 17.29 hrs. the Speaker informed the House of the facts of the matter and thereafter, the Minister of Parliamentary Affairs moved the following motion:

"This House resolves that the person calling himself Bipalab Basu who at 11.05 hours today attempted to enter the Visitors' Gallery of Lok Sabha with a dagger hidden on his person and who assaulted a Senior Watch and Ward Assistant of Lok Sabha Secretariat, who was on duty near the Visitors' Gallery gate by giving him a severe kick and whom the Watch and Ward Officer took into custody immediately, has committed a grave offence and is guilty of the contempt of this House.

This House further resolves that without prejudice to any other action to which he may be liable under the law, Bipalab Basu be sentenced to rigorous imprisonment till 6 P.M. on Monday, the 26th August, 1974 for the aforesaid contempt of the House and sent to Central Jail, Tihar, New Delhi."

The motion was adopted. Thereafter, the visitor was sent to Tihar Jail, New Delhi by Watch and Ward Officer under warrant signed by the Speaker.

No Compulsion on Members to reveal source of information: On July 24, 1974, while intervening in the debate on the Motion of No-Confidence in the Council of Ministers, Shri L. N. Mishra, Minister of Railways quoted certain statement made by Shri George Fernandes in regard to the Railwaymen's strike. Several members demanded that the Minister should reveal the source of his information, whether he was quoting from State Paper or from the intelligence report of the Government and that he should lay on the Table of the House the reports *in extenso*. Shri Mishra denied having quoted from any intelligence report and said that it was difficult for him to

say as to what a State Paper was. The Deputy Speaker thereupon observed as follows:—

“If it is not a State Paper, the question of laying it on the Table does not arise. If members referred to certain things that have come to their knowledge, those things are before the House and other members can repudiate it. Members cannot be compelled and are not bound to reveal the sources of their information. If they make a statement with all responsibility, they are responsible for it and other members can repudiate it and it is for the House to come to a decision. But Mr. Mishra has raised rather a fine point. What is the State Paper, I do not think we can define it here in a huff. The Minister has said it is not a State Paper.”

Minister's right to make statement: On July 23, 1974 when the Minister of External Affairs, Sardar Swaran Singh, was called by the Speaker to make a statement regarding an agreement between India and Sri Lanka on boundary in historic waters and related matters, several members objected to his making the statement alleging that the agreement was anti-national, undemocratic and violation of certain provisions of the Constitution. The Speaker observed that the Minister had a right to make a statement to inform the House of the agreement entered into by the Government with another Government. Some members of the Opposition walked out in protest. The Minister, thereafter, made the statement.

ORISSA LEGISLATIVE ASSEMBLY

Participation in Debates by Deputy Speaker: In the List of Business for June 10, 1974 a Calling Attention Notice appeared in the name of the Deputy Speaker of the Assembly. A member raising a point of order questioned the propriety of the Deputy Speaker taking part in the deliberations of the House in so far as tabling questions and calling attention of Minister were concerned. The Speaker afforded an opportunity to members to express their views on this question and in his ruling on July 2, 1974 he discussed at length the position of Speaker and Deputy Speaker in the democratic set up of the country and the conventions which had grown around the two offices. He concluded that the question of propriety of the Deputy Speaker's participation should be left to the discretion of the Deputy Speaker himself and if he considered that an issue was of controversial nature he should refrain from participating in it. Otherwise his participation could not be debarred.

Motion for Censure of Minister: Notice of a motion under rule 113-B of the Rules of Procedure of the Assembly (which relates to Non-Day-Yet-Named Motions) was tabled on July 4, 1974 by some members who named it as a "motion of censure" against the Chief Minister. The motion in substance related to certain inaccuracy in the statement of the Chief Minister made in the House. In such cases it was a settled procedure that if a member felt that there was inaccuracy in any statement made in the House, any member might bring it to the notice of the Speaker who in turn would draw the attention of the concerned Minister or the member to the allegation of inaccuracy. If the Minister or member did not rectify the inaccuracy, the member bringing the allegation and the Minister or member whose statement had been questioned were given opportunities of making statements in the House after which the matter was treated as closed. In view of the said procedure the motion of censure brought against the Chief Minister was disallowed by the Speaker in his chamber and the members who gave the notice were informed of the orders of the Speaker.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS IN THE STATES*

(May 1, 1974 to July 31, 1974)

GENERAL

Constitution (Thirty-second Amendment) Bill, 1973: The under-mentioned State Legislatures adopted on the dates noted against each, resolutions seeking to ratify the Constitution (Thirty-second Amendment) Bill, 1973 as passed by both Houses of Parliament:

- (i) Madhya Pradesh Vidhan Sabha—April 22, 1974.
- (ii) Uttar Pradesh Vidhan Sabha—March 29, 1974.
- (iii) West Bengal Legislative Assembly—March 4, 1974.

ANDHRA PRADESH

Biennial elections to Council: All eight Congress candidates, a Congress-supported Independent and a Communist candidate also backed by the Congress were elected to the Andhra Pradesh Legislative Council in the biennial elections from the Assembly constituency.

Election of Deputy Chairman: On July 4, 1974, Shri Syed Mukasir Shah was unanimously elected as Deputy Chairman of the Legislative Council.

BIHAR

Resignation by Members: Some of the members of the Opposition lent support to the students' agitation for dissolution of the Legislative Assembly by taking a decision to resign their membership of the Assembly. As a result thereof 19 Jan Sangh members submitted their resignation. The Speaker, however, required their presence to make sure that the resignations were voluntary and were not under

*This feature prepared by the Research and Information Service of the Lok Sabha Secretariat is based primarily on newspaper reports and no responsibility is accepted for the accuracy or veracity of information or views covered.

any coercion. He also wanted to be satisfied that the resignations were under their own pen. To this only 12 responded, and their resignations were accepted. Six members of the S.S.P. also submitted their resignations which were accepted. One Shri Mahamaya Prasad Singh, former Chief Minister of the State and a member of the Congress ruling party also submitted his resignation which was duly accepted. Thus 19 members had already resigned and resignation letters of 7 Jan Sangh members were pending for verification.

The Budget session began on June 5, 1974. One Jan Sangh member, Professor Anirudh Jha resigned from the party and came to attend as an independent member. Out of those members of the S.S.P. who had not resigned, only a few came to attend. Similar was the case with the Socialist party and the Congress (O).

As soon as the House started its business and the Speaker began his welcome address, one member of the Socialist Party, namely, Shri Babulal Shastri stood up and started speaking at the top of his voice in spite of protests from other members of the House and the direction from the Speaker. Very soon he read out his resignation letter and after submitting the same, he left the House. The resignation was later accepted by the Speaker.

On June 6, 1974, those members of Jan Sangh who had not resigned severed their connection from the party itself and requested the Speaker for separate seats as independent members in the House. One of them Shri Kameshwar Paswan later submitted his resignation also which was accepted by the Speaker. On the same day, the Jan Sangh Working Committee expelled eleven legislators including the whip of the Legislature Party from the party for six years "because of their reluctance to resign even now". With these expulsions and the resignation of 13 of the 24 members of the Legislature Party, the Jan Sangh was no more represented in the House. So far as the Congress(O) was concerned hardly 2 or 3 members as against 23 were present in the House. The entire Socialist Party and those of the Sanyukt Socialist Party who had not resigned also abstained from the day's sitting. Thus amongst the opposition, only C.P.I. was present in the House with a few exceptions of Congress(O).

On June 12, Socialist members tendered their resignations before the Speaker, which were accepted. One of them also placed before the Speaker, the resignation sent from Jail by Shri Yuvraj, another member of the Socialist Party. The Speaker asked for writing to the Jail authorities for producing Shri Yuvraj before his so

that necessary enquiry might be made before accepting it. Shri Yuvraj had gone on hunger strike in the Jail and he could not be produced before July 8, when his resignation was accepted after necessary verification by the Speaker.

On June 24, 1974 Shri Thakur Ramapati Singh of the S.S.P. tendered his resignation which was accepted by the Speaker.

Change of Party Affiliation: On June 19, 1974, Dr. Azam, the Socialist Party MLA resigned from his party against the move for the dissolution of the State Assembly.

Manhandling of Members: On June 13, as soon as the House assembled, some of the members started complaining that they had been ill-treated and belaboured by picketing students at the different gates of Vidhan Sabha in the presence of Magistrates and the Police force. One of them, Shri Taj Narain Jha (C.P.I.) appeared with torn kurta and started narrating his own tale. After the Question Hour, some more members narrated thier own stroyes. The Cheif Minister pacified them with assurances of protection.

On June 14, 1974, at the end of Question Hour, the Speaker read out to the House a letter sent by Shri Jayaprakash Narayan expressing his regret and offering apology to the House for the incidents which had taken place on the previous day, with the members while they were going to attend the session.

On June 17, 1974, a member drew the attention of the House to the incident that had taken place at Ranchi in which a member, Shri Ram Tahal Choudhary was badly belaboured by the students and paraded round the city with chain round his waist, and asked the Government about the measures taken for the safety of the legislators. The Finance Minister on June 18, informed the House that the Government had decided to give one security guard to each M.L.A. on demand. Shri Ram Tahal Choudhary, M.L.A. also turned up on June 20, to narrate his own story of harrasment and coercion as he was not willing to resign. The House calmed down only when the Chief Minister promised immediate enquiry into the matter. The Speaker also advised the Chief Minister to consult the Opposition leaders and important members for finding out the solution for checking such incidents. The Chief Minister promised to do so.

Biennial elections to Council: Shri Tapeswar Singh (Cong.) was re-elected to the State Legislative Council in the biennial election

from the Shababad local bodies constituency on May 28. The Congress candidate, Shri Kashinath Gupta was re-elected to the Council from the Saran local bodies constituency. The Congress won one of the three seats from the Patna-cum-Gaya local authorities constituency when Shri Kumar Jha was declared elected in the first preference counting. Shri Raj Kumar Mahaseth (Congress) was re-elected from the Darbhanga local bodies constituency. He defeated his nearest rival, Shri Mushiai Nayak (Independent) by three first preference votes in a multi-cornered contest.

The Congress suffered its first defeat in the biennial election from the Santhal Parganas local bodies constituency when the sitting member, Shri Tarachand Daruk lost to Shri Sanat Raut (Independent).

The Communist nominee Wali Ahmed was declared elected unopposed to the Bihar Legislative Council in the by-election from the Patna Assembly constituency.

HARYANA

Dismissal of Minister and Reallocation of Portfolios: On June 14, 1974, the Governor dismissed Shrimati Chandravati, Minister of State for Revenue, on the advice of the Chief Minister, Shri Bansi Lal for what the latter described as "anti-party and anti-Government activities". The departments held by her were entrusted to two Ministers of State—Public Works, Dairy Development and Animal Husbandry to Shrimati Sharda Rani, and Revenue to Shri Govardhan Das. Again, on June 18, 1974 the portfolios were reallocated among Ministers of State.

Change of Party Affiliations: On July 8, 1974, two members of Congress(O), one of the Progressive Independent Party and one Independent member changed their party affiliations and formed a new Group, viz., Bhartiya Kranti Dal.

HIMACHAL PRADESH

By-elections to Assembly: The Congress retrained its Theog Assembly seat in Himachal Pradesh on May 28, defeating the Jan Sangh candidate by a margin of 1,711 votes.

JAMMU AND KASHMIR

Extension of Constitutional privileges: On May 14, 1974 the President issued with the concurrence of the State Government, an order

extending by another five years certain constitutional privileges enjoyed by the State. The order will be in force upto May 14, 1979.

The amendments related to articles 19 and 35 of the Constitution. The relevant provisions were first inserted by means of the Constitution (Application to Jammu and Kashmir) Order issued by the President in 1954 in exercise of the powers conferred on him by article 370 of the Constitution, with the concurrence of the State Government. The Order was subsequently amended thrice at five-yearly intervals to provide for the extension of the special provisions from five to a total of 20 years.

Article 19 confers on all citizens the right to freedom of speech and expression to assemble peacefully and without arms and to form associations or unions, among other things. But the Presidential Order permits the State to make laws imposing reasonable restrictions on the exercise of the fundamental rights "in the interest of the security of the State."

Another provision in the Order states that no law with respect to preventive detention made by the State Legislature shall be void on the ground that it is inconsistent with the fundamental rights. But any such law to the extent of such inconsistency would have ceased to have effect on the expiry of 20 years on the commencement of the Order.

By-elections to Assembly: On May 31, Shri Mubarak Shah, Health Minister, was elected to the Assembly from the Tangmarg constituency, defeating his only rival, Shri Husamuddin (Jamati-Islam), by an overwhelming majority. The latter forfeited his security deposit. Shri Mubarak Shah, a nominee of Sheikh Abdullah, had contested as an Independent. He was, however, supported by the Congress.

Change of Party affiliation: An Independent member of the Legislative Council, Shri G. A. Beg joined the Congress Party.

KARNATAKA

Biennial elections to the Council: On June 25, 1974, when results for both teachers and graduates constituencies were announced, the Congress candidates lost all the four seats to Sarvashri I. S. Shetty and B. K. Gudadinni, (Congress-O) A. K. Subbaiah (Jana Sangh) and G. K. Kulkarni (Independent supported by Jan Sangh). The latter two retained their seats. Earlier in the elections held on

May 8, one Congress (O) and six Congress candidates were elected to the Council from the Assembly constituency.

KERALA

By-election to Assembly: In a by-election to the State Legislative Assembly, Shri E. K. Nayanar (CPM) retained the Irikkur seat in a triangular contest defeating his main rival, RSP's Shri K. Abdul Khader, by a margin of 1,822 votes, Shri Khader had the support of the ruling alliance.

Ministry reduced to minority: The 43-month old coalition Ministry of Shri C. Achutha Menon was reduced to a minority when on May 9, the Muslim League dissidents adopted a resolution to withdraw their support and sit as a separate bloc in the Assembly.

MADHYA PRADESH

Dropping and Appointment of Ministers: On July 8, 1974 the Chief Minister, Shri P. C. Sethi, secured the resignation of all his 25 Cabinet colleagues. On July 13, 1974, Shri Sethi dropped five Ministers—two of cabinet rank, Shri Tuman Lal and Shri Rajaram Singh and three Ministers of State viz., Shri Parmanand Bhai Patel, Shri Chandra Pratap Tiwari and Shri Babu Ram Chaturvedi. On the same day, the Governor appointed four new Ministers—Shri G. C. Tamot, Shri Ganesh Ram Anant (Cabinet rank) Shri-mati Devendra Kumari Singh and Shri Suratī Kistaiya (Ministers of State). A major reshuffle of portfolios was effected by Shri Sethi on the next day, July 14, 1974.

MANIPUR

Election to Rajya Sabha: On June 10, 1974 Shri Irembam Tompok Singh, the opposition Progressive Democratic Front candidate was elected to the Rajya Sabha from the Manipur assembly constituency defeating the ruling United Legislature Party candidate, Shri Himaminilamani Singh by three votes.

Alimuddin Government Defeated: Shri Alimuddin resigned from the Chief Ministership on July 8, 1974 following defeat of his Government by 31 to one, in the Assembly over the Manipur Appropriation Bill, 1974. All legislators belonging to the coalition except Finance Minister Salam Tombi Singh had left the House before the Bill was put to vote.

Resignation of MLA from Party: On July 14, 1974, sixteen of the 22 MLAs of the Manipur Peoples Party resigned and applied for the membership of the Manipur Congress Legislature Party.

New Ministry Sworn in: An eight-member Progressive Democratic Front Ministry, led by Shri Yangmaso Shaiza was sworn in on July 10, 1974. The Front is a coalition of the Congress, the CPI, Manipur Hills Union (Shaiza faction) and the newly formed Manipur Democratic Party. Besides Shri Shaiza, two Cabinet Ministers Shri T. P. Kuelengpas and Shri Salam Tombi Singh, four Ministers of State, Shri Ngulkhohao, Shri Thungam, Shri S. Birmani Singh and Shri Borothakur Sharma and a Deputy Minister, Shri Jangamiung, were sworn in.

MIZORAM

Appointment of new Governor: Shri S. K. Chibber, former advisor to the Governor of Manipur, was appointed Lt. Governor of the Union Territory of Mizoram in place of Shri S. P. Mukherjee who had sustained bullet injuries in an ambush on the Aijal-Kolosib road in March.

ORISSA

By-election to Assembly: In the result declared on July 9, 1974 the Congress Party won the first by-election after the mid-term poll in the Chilka constituency by defeating its nearest rival Swatantra (Pragati Party) by 2,800 votes. With this victory, the Congress Party's strength in the Orissa Assembly rose to 70 in a House of 147.

Minister stripped of Portfolios: Shri Jagannath Patnaik, a Deputy Minister to the Chief Minister, Shrimati Nandini Satpathy for the Departments of Home (Jails) and Planning and Coordination was on June 28, stripped of his portfolios. Shri Patnaik "will now assist" only the Education Minister, Shri Jadunath Das Mahapatra.

RAJASTHAN

By-election to Assembly: The Congress lost two of the three Assembly seats for which by-elections were held on May 26. In Salumber, Shri Kishori Lal (Congress) defeated his nearest rival, Shri Jodh Singh (JS), by over 18,000 votes. In Tijara, represented formerly by the late Shri Barkatullah Khan, the CPI candidate, Shri Rati Ram, polled 21,042 votes as against 18,590 secured by his

nearest rival, Shri Rahmat Khan (Congress). In Sadulpur, represented previously by the late Shri Ram Singh (Congress), Shri Mohar Singh CPI(M) defeated the former MLA's widow, Shrimati Devar Kumari (Congress) by 30,752 to 25,174 votes.

TAMIL NADU

Minister dropped from Cabinet: Shrimati Sathyavani Muthu, Tamil Nadu Harijan Welfare Minister, was dropped from the State Cabinet on the advice of the Chief Minister, Shri M. Karunanidhi on May 4. She had been a Minister since 1967 when the Dravida Munnetra Kazhagam (DMK) was swept into power and had also occupied a high position in the party hierarchy.

Expansion of Cabinet: On May 5, Shri C. V. M. Annamalai and Shri N. Rajangam were sworn-in as Ministers in the Tamil Nadu Cabinet, the former in charge of Social Welfare and the latter of Harijan Welfare. With this change, the strength of the Ministry rose to 16.

UTTAR PRADESH

Speaker's pension: On June 12, 1974 the Vidhan Parishad passed a Bill as passed by Vidhan Sabha, providing for a monthly pension of Rs. 400, besides free medical facilities, to Speakers of Vidhan Sabha who retired from political life after holding the office for at least 10 years.

Biennial elections to Councils The Congress and the CPI which had entered into a poll pact, bagged together eight of the 13 vacant seats of the U.P. Legislative Council in the biennial elections from the Assembly constituency. Of the remaining 5 seats, three were won by the BKD and 2 by Jan Sangh.

By-election to Lok Sabha: The Congress lost the Allahabad Lok Sabha seat when Bhartiya Kranti Dal nominee Shri Janeshwar Mishra defeated his nearest Congress rival Satish Chandra Khare by a margin of over 17,500 votes.

By-election to Assembly: The Congress candidate Shri Jagdish Mishra was declared elected to the Legislative Assembly from Nathurpur constituency in Azamgarh district.

WEST BENGAL

Appointment of Commission of Inquiry: In a Gazette Notification issued in Calcutta on July 10, the West Bengal Government announced the appointment of a commission of inquiry headed by the retired Chief Justice of the Supreme Court, Shri Justice K. N. Wanchoo, under the Commission of Inquiry Act. The Commission, according to the Gazette, would inquire into some definite matters of public importance, namely, allegations of corruption or nepotism against five Ministers of the West Bengal Government.

By-election to Assembly: The CPI retained the Entally Assembly seat in West Bengal on June 4, when its nominee, Shri Sachindra Kumar Dhar, was declared elected defeating his nearest Independent rival, Shri Shamsul Huda, by a margin of 4,017 votes in a four-cornered contest. The Congress had not set up any candidate for this seat which had fallen vacant following the death of a CPI MLA, Dr. A. M. O. Gani.

UNION TERRITORIES

GOA, DAMAN AND DIU

By-election to Assembly: On June 11, 1974, Shri Luta Ferrao, a Maharashtrawadi Gomantak Party candidate won the Benaulim Assembly seat defeating the United Goans Party candidate Shri Wilfred D'Souza in a straight contest. With this the strength of the MGP in the 30 member House rose to 19. The by-election was caused by the death of the UGP leader Shri V. N. Savmalkar.

SESSIONAL REVIEW

FIFTH LOK SABHA-ELEVENTH SESSION*

The Eleventh Session of Lok Sabha, which commenced on July 22, continued till September 9, 1974. Besides passing the Supplementary Budget of the Central Government and the Budgets relating to Gujarat and Pondicherry which continued to be under President's rule, Lok Sabha held discussions on several important matters and passed 26 Government Bills.¹ A resume of some of the discussions and legislative business transacted by the House during the session is given below.

A. DISCUSSIONS

No-Confidence Motion in the Council of Ministers: On July 23, 1974, Shri Jyotirmoy Bosu moving a motion of No-confidence in the Council of Ministers said that the Ordinances recently promulgated by the Government² were wholly unjustified. The price rise had been caused by artificially contrived scarcity. There was widespread corruption in the country.

Intervening in the discussion, the Minister of Finance, Shri Y. B. Chavan said that the present inflationary situation could be attributed to the imbalance between the aggregate demand and the availability of essential goods and services besides deficit financing by Government. The steps so far taken by the Government were in the nature of preventive action. The Ordinances recently issued by the Government were aimed at reducing the money supply and the inflationary pressure on demand.

The Prime Minister, Shrimati Indira Gandhi conceding that the inflation was the worst enemy of social justice, said that despite the hardships, the nation was far stronger today than ever before. An inflationary psychology that had been building up for the last few months had been effectively countered. Discipline had to be enforced not merely in the use of financial resources, but also in

*Contributed by the Research and Information Service, Lok Sabha Secretariat for detailed statistical data regarding the work transacted by Lok Sabha during the Session see Appendix—I.

1 See Annexure, post p. 835.

2. See the Ordinances at Sl. Nos. 8 to 9 under Central in Appendix VI

the use of other scarce materials such as steel and cement. Soliciting the cooperation of all sections of the society in the implementation of anti-inflationary programmes, she said that the menace of inflation would have to be fought with united will and determination and urged social boycott of smugglers, tax evaders and hoarders.

After Shri Jyotirmoy Bosu replied to the debate, the motion was put to vote and negatived.

✓ *Underground nuclear explosion:* On July 22, 1974, the Prime Minister Shrimati Indira Gandhi informing the House about the successful underground nuclear explosion carried out on May 18, 1974, said that it was part of research and development work and the experiment had not resulted in radioactive contamination of the atmosphere in any way.³ There had been no violation of any international law or obligation or any commitment on the part of India. It had been repeatedly reaffirmed that the policy of India was to use nuclear energy for peaceful purposes and this country had no intention of developing nuclear weapons. No technology was evil in itself; it was the use that the nations made of technology which determined its character.

Replying to the discussion on the subject raised under Rule 193 on August 8, 1974, the Minister of Irrigation and Power, Shri K. C. Pant observed that behind this achievement lay many years of dedicated effort. The explosion signified an important technological break-through and would undoubtedly serve as an important stimulus to rapid technological progress in various related fields in the country.

Agreement on boundary demarcation between India and Bangladesh: Making a statement on July 22, 1974, the Minister of External Affairs recalled that certain portions of the border with Bangladesh had remained undemarcated on account of differences with the Government of Pakistan on interpretation of the Radcliffe and other Awards and on individual issues connected with demarcation. With the emergence of the sovereign Government of Bangladesh, it had been possible to resolve all the issues that had previously prevented demarcation and an agreement with Bangladesh relating to the demarcation of Indo-Bangladesh land boundary had been signed on May 16, 1974 envisaging the use of the waters of Muhuri and Feni rivers by both the countries. The whole of Berubari would

³A similar statement was made by her in the Rajya Sabha also on the same day.

remain with India, while the Bangladesh enclaves of Dahagram and Angarpota would remain with that country. When the demarcation was effected, the territories in the "adverse possession" of one or the other country would come to light. Those would then be exchanged.

India-Sri Lanka Agreement on Maritime Boundary: On July 23, 1974, the Minister of External Affairs, Shri Swaran Singh informed the House that an agreement had been signed between the Prime Ministers of India and Sri Lanka on June 28, 1974 regarding the Island of Kachchativu. On the basis of a dispassionate examination of the historical records and other evidence, and keeping in mind the legal principles and our policy of peaceful settlement of disputes, it was felt that the Agreement demarcating the maritime boundary in the Palk Bay would be considered as fair, just and equitable to both countries. In concluding the agreement, the rights of fishing, pilgrimage and navigation which both sides had enjoyed in the past had been fully safeguarded for the future. The agreement marked an important step in further strengthening the close ties that bound India and Sri Lanka.

✓ *Indian Ocean as a Free Zone:* Replying to an Half-an-Hour discussion raised by Shri Vishwanath Prasad on August 16, 1974, the Minister of State in the Ministry of External Affairs said that it was not a matter of concern to India alone, but also to a large number of other countries. Therefore, whatever action India had to take in the matter should be in coordination with like-minded countries. Britain had given an assurance that it would not be in a hurry to take a decision in regard to the question of Diego Garcia. There were no USSR bases in the Indian Ocean, he said.

Famine Conditions in Bihar: Replying to the discussion lasting for more than 4 hours on an adjournment motion moved by Shri Atal Bihari Vajpayee on September 3, 1974, the Minister of Industrial Development and Science and Technology and Agriculture, Shri C. Subramaniam conceded that the people of North Bihar were facing a very critical situation caused by the serious floods which had not yet abated. Floods were an annual occurrence in many parts of the country and preventive measures would be considered at the expert level. Meanwhile, the Government had been trying to mobilise all possible resources for rushing help to the affected people in Bihar, where it was not merely the question of allotment of foodgrains; much more important was the functioning of administration there. A situation had been created there in which the Ministers were not able to come out of their houses. Unless the administration functioned effectively, any quantity of food sent to Bihar would not reach the affected people.

After Shri Atal Bihari Vajpayee replied to the discussion, the adjournment motion was put to vote and negatived.

31 Demand for Parliamentary Committee to probe into signatures of M.Ps⁴: Moving a motion on the subject on September 9, 1974, Shri Atal Bihari Vajpayee said that he had no faith in the C.B.I. enquiry because C.B.I. would not be able to probe into a case in which Ministers and MPs were involved. Further, full facts of the case would not come to light unless it was referred to a Parliamentary Committee.

The Minister of Commerce, Professor D. P. Chattopadhyaya intervening in the debate stated that some of the importers of Yenam and Mahe had been representing to the Government from time to time for securing additional special licences for the period 1955 to 1959. Besides, on November 23, 1972, a memorandum signed by 21 members of Lok Sabha was received by the Minister of Foreign Trade. Even prior to that three other representations on the identical subject were received in the Ministry of Commerce and were under consideration. After a thorough examination, the Government conceded that some injustice had been done to the firms in question and decided in September, 1973 to grant relief to such of the importers of Yenam and Mahe, who fulfilled the rules of eligibility. While granting the relief, certain special precautions were taken and conditions imposed. Those firms were not black-listed, debarred or non-existent.

A preliminary enquiry conducted by C. B. I. and the letters subsequently received from the members showed that barring one member, signatures of other members were not genuine. A case had been registered on September 1, 1974, on the basis of the preliminary findings of the C.B.I. The investigation by the C.B.I. would cover all aspects of the matter. If any malpractice came to light in the course of the investigation, necessary action would follow.

Shri Uma Shankar Dikshit, Minister of Home Affairs ruled out a probe by a Parliamentary Committee as it was a matter where there was suspicion of a crime. On the other hand, C.B.I. was not a Government Department; it was a statutory agency created by law passed by Parliament. After the investigation of this matter was over the Government would bring it to the Parliament at the first possible opportunity and would proceed according to the wishes of Parliament.

⁴ See also the discussion in Rajya Sabha post p. 841.

After Shri Vajpayee replied to the discussion, the motion was put to vote and negatived.

Pondicherry Budget—Demands for Grants: Replying to the brief discussion on July 30, 1974, the Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that the President's rule would continue in the State till September, 1974. The question of merger of the area with the neighbouring States could be decided only after ascertaining the views of the people.

Gujarat Budget—Demands for Grants: Initiating the discussion on July 22, 1974, Shri Dinen Bhattacharya demanded that the Government must bring to book all people who were responsible for corruption in the State and also ensure that corruption was removed. Immediate steps should be taken to hold the elections.

Replying to the discussion on July 23, 1974, the Minister of State in the Ministry of Finance, Shri K. R. Ganesh reiterated that after the delimitation of constituencies had been finalised, the electoral rolls would be prepared as per revised constituencies. After that work was completed, the question as to when elections would take place would arise. As regards atrocities on Harijans, the Gujarat Government had taken certain steps in the matter by using the powers under the Bombay Police Act.

B. LEGISLATIVE BUSINESS

Finance (No. 2) Bill, 1974⁵: Replying to the discussion on August 19, 1974, the Minister of Finance, Shri Yeshwantrao Chavan said that there were two ways of financing the additional expenditure—one through an increase in deficit financing and another through an increase in taxation on non-essential goods. The Government considered that mobilisation of additional resources was the only way to curb inflation without affecting the growth rate of the economy. It had taken various legislative and other measures to check black money and were also attacking inflation by encouraging production of wage goods and by controlling the growth and demand of money. Every effort was also being made to procure as much quantity of fertilisers as was available in the international market. Thereafter the Bill was passed.

Constitution (Thirty-fourth) Amendment Bill, 1974: Moving the Bill for consideration on August 26, 1974 the Minister of Industrial

⁵ The Bill as introduced on July 31, 1974.

Development and Science and Technology and Agriculture, Shri C. Subramaniam said that the series of legislations which were being incorporated in the Bill had made some important changes in the land ceilings prevalent hitherto. In addition to such ceiling legislations, the Bill also sought to include in the Ninth Schedule three more enactments. It had to be ensured that the process of implementation of land ceiling legislation would not be allowed to be interrupted or halted by vested interests.

Replying to the brief discussion which ensued, Shri Subramaniam said that in regard to the distribution of the surplus lands, the Government had given guidelines to the State Governments that it should be handed over to the landless labour, particularly the Scheduled Castes and Scheduled Tribes. Some sort of machinery would have to be evolved to ensure their proper implementation in the States. Thereafter the Bill, as amended, was passed.

Constitution (Thirty-sixth Amendment) Bill, 1974: Moving the Bill for consideration on September 4, 1974, the Minister of External Affairs, Shri Swaran Singh said that on May 11, 1974 the newly elected Assembly of Sikkim unanimously adopted a resolution reiterating their determination to further strengthen the relations between India and Sikkim. June 28, 1974 the Assembly adopted another resolution in which it unanimously resolved that measures should *inter alia* be taken for seeking representation for the people of Sikkim in India's parliamentary system. The present constitutional amendment was an enabling one for the democratic leaders of Sikkim to share in the mainstream of India's political and economic life while continuing to maintain Sikkim's identity. India would continue to honour Sikkim's status, its Ruler, its Constitution, its Assembly and above all its close links with India.

Replying to the discussion, which continued for more than 8 hours, the Minister reiterated that the Bill in no way amounted to annexation or merger of Sikkim with India. It was a very solemn decision, which Sikkim and India had taken, and would only be altered by mutual agreement and to the mutual advantage. He assured the House that there was no question of conferring similar associate status on any constituent State of the country including Jammu and Kashmir. Thereafter, the Bill, as amended, was passed.

Companies (Temporary Restrictions on Dividends) Bill, 1974: Moving the Bill for consideration on August 20, 1974 the Minister

⁶The Statutory Resolution disapproving the Ordinance moved by Shri S. M. Banerjee was negatived.

of Finance said that having regard to the fact that an equitable package of anti-inflationary measures must include steps designed to curb consumption out of profits as well as other sources of income, it was considered necessary to fix a ceiling on the distribution of dividends. The total savings envisaged by limiting the distribution of dividends were estimated at Rs. 60 to Rs. 70 crores per annum and to that extent it would minimise the pressure on the resources of financial institutions.

Replying to the discussion lasting for two days, the Minister said on August 21, 1974 that the Bill was intended to save, as far as possible, the money that could have been distributed by way of dividends and added a certain pressure to the consumption. The Bill was not intended to redistribute the share holding or control monopolies or reduce profit-making. The money saved would be not at the disposal of consumption, but at the disposal of production. Thereafter, the Bill was passed.

Additional Emoluments (Compulsory Deposit) Bill, 1974:
Moving the Bill for consideration on August 27, 1974, the Minister of Finance, said that the measure did not at all amount to a wage freeze. The scheme was intended to immobilise fifty per cent of additional wages and additional allowance. In making compulsory deductions it would be ensured that an employee did not suffer any diminution in his wages as a result of operation of the scheme.

Replying to the debate lasting for eight hours, Shri Chavan said that there was no question of taking away the right of having dearness allowance or the right of having additional wages of the working classes. There was inflation and the Government were trying to find out how they could fight it. The Bill was thereafter passed, as amended.

Compulsory Deposit Scheme (Income Tax Payers) Bill 1974:^a
Moving the Bill for consideration on August 27, 1974, the Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that under the provisions of the Bill, the deposits would be required to be made by income tax payers of all categories where the aggregate of their 'total income' and net 'agricultural income', if any, exceeded Rs. 15,000.

^aThe Statutory Resolution disapproving the Ordinance moved by Shri Atal Bihari Vajpayee was put to vote and negatived.

^bThe Statutory Resolution disapproving the Ordinance moved by Shri Madhu Limaye was put to vote and negatived.

Replying to the brief debate, which ensured, Shri Ganesh said that it was neither a resource mobilisation measure nor a tax. It had to be seen as an integrated approach to make an impact on the serious problems of inflationary pressure. The Bill was thereafter passed, as amended.

C. THE QUESTIONS HOUR

During the Session, 14,808 notices of questions (7,015, Starred, 7,451 Unstarred and 342 Short Notice Questions) were received. Out of these, 590 Starred, 4,146 Unstarred and 6 Short Notice Questions were admitted. After the Lists of Questions were printed, 9 Starred and 81 Unstarred Questions were deleted from the Lists of Starred and Unstarred Questions respectively on account of their being either withdrawn by the member concerned or transferred from one Ministry to another.

Each Starred List contained 20 questions except those of August 7, 20, 21, 23, 27, 28 and 30, 1974 which contained 21 questions and that of August 12, 1974 contained 23 questions. On an average, 5 questions were orally answered on the floor of the House on one day. On each day, when there was Question Hour, the minimum number orally answered being 2 on August 28, 1974 and the maximum 8 on August 9 and 16, 1974. The average of questions in the Unstarred List came to 143.

D. HALF-AN-HOUR DISCUSSIONS

Of the 408 notices of Half-an-Hour discussions received during the session, 10 were put down on the Order Paper and 9 were discussed on the floor of the House. An Half-an-Hour discussion regarding supply of Krishna water to drought affected area of Rayalaseema put down for August 30, 1974 could not be taken up as the member concerned requested for discussion being dropped.

E. OBITUARY REFERENCES

On July 22, 1974, the Speaker referring to the sad demise of Dr. Govind Das sitting member and known as the Father of the House, said that in terms of membership of the Central Legislature, he was the oldest member of the House. He entered the Central Legislative Assembly in 1923. In 1925, he was elected to the Council of States and was its member till 1929. He again became a member of the Central Legislative Assembly in 1934 and continued till 1945. He was a member of the Constituent Assembly and Provisional Parliament from 1946 to 1952. He was then elected to First Lok Sabha in

1952 and since then he had been a member of all the Lok Sabhas. He was appointed as Speaker *pro-tem* on four occasions, and he presided over the House for administering Oath to the newly elected members and during election of Speakers.

A veteran freedom fighter, Dr. Govind Das joined Non-cooperation Movement in 1920 and suffered imprisonment five times. He was noted for his erudition and culture and dedication for the propagation and enrichment of Hindi. As a voracious writer, he made outstanding contribution to the Hindi literature. He was awarded Padma Bhushan in 1961. As a parliamentarian for half a century, he contributed through his ability, integrity and conviction to the growth of parliamentary democracy in the country. Only recently he was honoured in the Central Hall on the Golden jubilee of his dedicated service to the Central Legislature. In his death the country had lost the oldest parliamentarian, staunch supporter of Hindi, a great philanthropist and a luminary of the freedom struggle.

The Speaker also referred to the death of Maulvi Abdul Wajid (member, Central Legislative Assembly), Shri Jawala Prasad Sharma (member, First Lok Sabha), Shri K. B. Sahay (member, Constituent Assembly), Giani Kartar Singh (member, Constituent Assembly), Shri Premjibhai, R. Assar (member, Second Lok Sabha), Shri R. Velayudhan (member, First Lok Sabha) and Shri Goswamiraja Sahdeo Bharati (member, First Lok Sabha), Shri Hare Krishna Konar, General Secretary of the All-India Kisan Sabha and Shri Gopal Narain, (member, Constituent Assembly).

The members stood in silence for a shortwhile as a mark of respect.

On July 31, 1974, the Speaker referred to the sad demise of Shri M. B. Rana, sitting member and Minister of State in the Ministry of Industrial Development. The House was adjourned as a mark of respect to his memory till 5 p.m. when new taxation proposals were to be presented to the House.

ANNEXURE

BILLS PASSED BY THE FIFTH LOK SABHA DURING THE ELEVENTH SESSION

1. The Coal Mines (Conservation and Development) Bill, 1974.
2. The Gujarat Appropriation (No. 2) Bill, 1974.

3. The Cinematograph (Second Amendment) Bill, 1973, as passed by Rajya Sabha.
4. The Pondicherry Appropriation Bill, 1974.
5. The Direct Taxes (Amendment) Bill, 1973, as reported by Select Committee.
6. The Companies (Amendment) Bill, 1972, as reported by Joint Committee.
7. The Oil Industry (Development) Bill, 1974.
8. The Major Port Trusts (Amendment) Bill, 1974.
9. The University of Hyderabad Bill, 1974.
10. The Finance (No. 2) Bill, 1974.
11. The Companies (Temporary Restrictions on Dividends) Bill, 1974.
12. The Essential Commodities (Amendment) Bill, 1974, as passed by Rajya Sabha.
13. The Constitution (Thirty-fourth Amendment) Bill, 1974.
14. The Additional Emoluments (Compulsory Deposit) Bill, 1974.
15. The Compulsory Deposit Scheme (Income-tax Payers) Bill, 1974.
16. The Industries (Development and Regulation) Amendment Bill, 1974, as passed by Rajya Sabha.
17. Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Bill, 1974, as passed by Rajya Sabha.
18. The Press Council (Amendment) Bill, 1974, as passed by Rajya Sabha.
19. The Indian Iron and Steel Company (Taking Over of Management) Amendment Bill, 1974, as passed by Rajya Sabha.
20. The Constitution (Thirty-sixth Amendment) Bill, 1974.
21. The Appropriation (No. 3) Bill, 1974.
22. The Interest-tax Bill, 1974.
23. The Esso (Acquisition of Undertakings in India) Amendment Bill, 1974, as passed by Rajya Sabha.
24. The Delhi Sikh Gurdwaras (Amendment) Bill, 1974.
25. The Appropriation (Railways) No. 4 Bill, 1974.
26. The Payment of Bonus (Amendment) Bill, 1974, as passed by Rajya Sabha.

The Rajya Sabha met for its Eighty-ninth session on July 22, 1974. Some of the important discussions held and other business transacted during the session are briefly mentioned below:—

A. DISCUSSIONS

International Situation: On July 30, 1974 Sardar Swaran Singh, Minister of External Affairs, moving a motion for taking the present international situation into consideration said that in pursuit of the general urge for improving relations, India had during the last few months reached agreements and found better understanding with almost all the neighbouring countries. Agreements of mutual benefit had been signed with Bangladesh and all outstanding matters relating to border between the two countries had been finally settled. The question of persons of Indian origin in Sri Lanka had also been settled and half of them would be permitted to settle in India and the other half would be offered citizenship of Sri Lanka. An agreement had also been reached between the two countries regarding maritime boundary in Palk Strait. With Burma, India had reached detailed understanding on future economic and technical cooperation and demarcation of boundary, portions of which had so far remained undemarcated.

India's relations with Nepal, Bhutan and Afghanistan had continued to develop in the spirit of traditional friendship and cooperation. In the case of Pakistan, the earlier promise of reconciliation had received serious setback. The scheduled talks fixed for June 10, 1974, had been summarily called off by Pakistan on the plea that India's nuclear experiment had vitiated the atmosphere. It was unfortunate that Prime Minister Bhutto had gone to the extent of linking India's peaceful nuclear explosion with a wholly domestic anti-Ahmediya agitation in Pakistan. India did not want confrontation with Pakistan but would like both to live as good neighbours. He appealed to Pakistan to cooperate in establishing durable peace in terms of the Simla Agreement. Besides immediate neighbourhood, India's relations with all countries continued to develop in a spirit of friendship. On all difficult moments, the Soviet Union had stood

firmly by India. Relations with other East European countries were close and friendly and there had been a slow but steady improvement in relations with U.S.A. With China, India's offer for holding unconditional bilateral dialogue had not evoked a positive response.

India was deeply concerned at the developments in Cyprus where a constitutionally elected Government had been over-thrown by illegal and violent means. In West Asia some progress had, however, been made towards disengagement in the last few months but India always stood for permanent peace and aggression should be vacated and the legitimate demands of the Palestinian people should be fulfilled.

Replying to the debate on August 1, 1974, the Minister said that although the Government of India had taken strong exception to some of the statements of Pakistani leaders, it had repeatedly been made clear that India was committed to all the provisions of the Simla Agreement.

So far as Diego Garcia was concerned, the matter was under consideration of the United Kingdom. India's views over this question had been communicated to the Governments of U.S.A. and U.K. Practically all the littoral States of the Indian Ocean were in agreement with the need for maintaining Indian Ocean as a zone of peace.

The Minister also said that efforts were being made to improve Indo-American relations on the basis of mutual benefit and equality. The Government of India had to pursue the policy of seizing every opportunity of discussing with important countries the problems that confronted the international community and also making every effort to improve bilateral relations with all the countries. Clarifying the position regarding Kachchativu, the Minister said that that was a fair settlement in the interest of peace and one of the irritants that had come in the way of relations with Sri Lanka had been settled. Pakistan had not been given any preferential treatment as compared to India in the matter of oil supply by any Arab country. India had maintained friendly relations with PRG and had been in touch with them to find a mutually acceptable arrangement so that on important matters India might have direct access to their representatives.

Strike by the Pilots and Lock-out by the Management of Air India: On August 6, 1974, making a statement in response to the Calling Attention Notice by Shri Rajnarain regarding the strike by

the Pilots of the Air India and declaration of lock-out by the management, Dr. (Shrimati) Sarojini Mahishi, Minister of State in the Ministry of Tourism and Civil Aviation, said that in order to reduce operational costs the management of Air India introduced slip pattern of operation costs the management of Air India introduced slip pattern of operation place of the existing base pattern of operations—which would effect savings of about Rs. 75 lakhs per annum in foreign exchange and better utilisation of the crew. In deciding to introduce the new slip pattern, the management had satisfied itself that there was no violation of any agreement with any association of the employees. The management, after announcing the new system on July 12, 1974, invited comments from their crew associations and guilds so that those could be discussed before implementation. Whereas other associations accepted the new slip pattern, the Indian Pilots' Guild did not accept the same. On July 31, 1974, the Guild directed all its members not to undertake any flight from any point on the slip pattern and all pilots who were scheduled to operate or were stand-byes for flights on slip pattern had refused to operate them. Consequently, 10 pilots had been suspended for refusal to perform duties. On August 2, 1974, the Pilots' Guild directed all its members not to undertake any flight whether involving slip pattern or not. This action amounted to an illegal strike and the management was compelled to declare lock-out of its line pilots from 8.00 a.m. on August 3, 1974.

Intervening in the discussion, Shri Raj Bahadur, Minister of Tourism and Civil Aviation, said that many members of the International Air Transport Association were operating on slip pattern right from the beginning and that was not a new system at all. The Indian Pilots were the best in the world and it was hoped that they would accept the appeal and would come back to work on the slip pattern and if there was any difficulty, it could be sorted out.

Victimisation of Railway Employees: On August 6, 1974, Shri Rabi Ray, raising a discussion on the harassment and victimisation of the Railway employees who had participated in the strike, said that the railway employees had demanded parity with employees of the public sector undertakings and bonus for 1971-72 and 1972-73. The Government came with a heavy hand on the striking employees using repressive measures. About forty thousand regular and fifty thousand casual workers had been dismissed and fifty thousand were facing break in service. The Railway Minister had assured that the Government would not resort to victimisation if the strike was called off. The strike was called off in May, 1974 but the Government had

not honoured its words and had been indulging in all sorts of repression of the employees.

Replying to the discussion, Shri L. N. Mishra, Minister of Railways, said that the railway strike was not a part of a trade union movement but it was politically motivated. The employees had put forward eight demands of which six had been conceded and negotiations were going on. Demand for bonus could not be conceded because it was within the purview of the Bonus Review Committee. The employees could not be paid as much as any public sector undertaking did because they were getting other facilities also. The number of railwaymen arrested was 19,883 of which 19,286 had been released upto August 5, 1974 and 15,535 had been taken back to duty. The number of employees dismissed from service was 16,749 of which 6,644 had been taken back to duty. While the Government could not grant a general amnesty, there would be no vindictiveness its part.

Acute shortage of paper and text books in the country: On August 7, 1974 the Deputy Minister in the Ministry of Industrial Development, Shri Z. R. Ansari, in a statement in response to a Calling Attention Notice by Shri Harsh Dev Malaviya on the subject, said that due to various factors such as power-cuts imposed by the State Governments, shortage of coal and transport bottlenecks there was considerable non-utilisation of the existing capacity with the result that the total production was gradually decreasing over the last 2 years. This situation was further aggravated because of the shift in the production pattern from white printing paper to more lucrative varieties of paper and because of the 30 per cent cut imposed in the supply of newsprint quota which induced the newspapers to obtain printing paper to meet part of their deficit. The Deputy Minister outlined the steps taken to improve the situation. Replying to the points raised by the members, the Minister of Industrial Development and Science and Technology, Shri C. Subramaniam, said that as far as text book and exercise book producers were concerned the paper quota was fixed and it was delivered to them. But the needs of other publishers had also to be taken care of and the Government was examining as to whether a proper distribution system could be evolved for them also.

New Wheat Procurement Policy: Shri B. S. Shekhawat, initiating a discussion on the subject on August 14, 1974, said that the day in March 1973 on which the Government decided to take-over wholesale trade of wheat was an unfortunate one. Since then the country

had been facing an economic crisis. Even though approximately Rs. 2,679 crores had been invested in the agricultural sector during the Fourth Five Year Plan, the food production had been decreasing year after year. The levy price of wheat had been fixed as Rs. 105 per quintal but the variety of wheat had not been indicated and the trader had exploited the situation. The quantum of foodgrains meant for distribution through Fair Price Shops had been reduced by 50 per cent, which had badly affected the poor people. The only way to improve the situation was to check hoarding and to regulate the market.

Replying to the discussion, Shri A. P. Shinde, Minister of State in the Ministry of Agriculture, said that there was no question of the Government of India going to the doors of any country and begging for food. Whatever foodgrains were received were on commercial basis and there was no question of giving up honour. The Government could not give up the public distribution system because large urban cities had to depend upon the surplus in rural areas. The Food Corporation of India purchased wheat at Rs. 105 per quintal and gave to State Governments at Rs. 125. To this also were added railway charges and management expenses. But it was wrong to say that the private traders were in a better position. The Government would try to give higher prices for wheat to the farmers and protect their interests.

Felicitations to new Chairman: On August 31, 1974, Shri Uma Shankar Dikshit, Minister of Home Affairs and the Leader of the House, welcoming the new Chairman, said that he (the Chairman) had held positions of ability and responsibility and starting his career as a lawyer, he rose to the position of Governor of Orissa. It was the good luck of the House that it had him as its Chairman. He assured the Chairman all co-operation and support in upholding the high standards of parliamentary procedure of the House. Several members of the House associated themselves with the Leader of the House in felicitating the Chairman.

Replying to the felicitations, the Chairman thanked all the members and said that while discharging his responsibilities, it would be his constant endeavour to follow guidelines laid down by the galaxy of the distinguished men who occupied the august office prior to him. He appealed for co-operation of all the members and hoped that he would receive the same. He assured that he would strive to be fair and impartial to all.

Constitution of a Joint Committee to investigate into the "Licence Scandal": On September 11, 1974, Shri Bhupesh Gupta moved a
2021 LS—7.

motion for constitution of a Joint Committee of both Houses of Parliament to investigate into all matters arising out of answers given to Starred Question No. 730 in Raja Sabha on August 27, 1974, and supplementaries thereto and also the statement of the Minister of Commerce in connection therewith.

Shri M. Kadershah, a member, participating in the discussion said that the Commerce Minister on August 27, 1974, had given names of 21 members of the other House who had recommended that licences to 7 firms of Pondicherry might be given on the basis of the representations. Those who were connected with the scandal were members of the other House. They should not be subjected to a C.B.I. enquiry. C.B.I. was a Government department and how far it would be impartial was yet to be seen. The probe by a Parliamentary Committee had definitely fundamental built-in advantages and could rectify and plug the loopholes.

Intervening in the debate, Shri D. P. Chattopadhyaya, Minister of Commerce, said that after the issue of the licences, a reference was received from the Lok Sabha Secretariat raising suspicion about the matter. Immediately the matter was referred to C.B.I. The preliminary verification of the C.B.I., which contacted the Members of Parliament and obtained their statements and the letters that the Minister received subsequently from them, showed that their signatures were not genuine. Only one of the members concerned, Shri Tul Mohan Ram, had owned his signatures. The report of the C.B.I. was received on August 31, 1974, and orders were issued on September 1, 1974 for registration of a case on the basis of the preliminary findings of the C. B. I. The investigation by the C. B. I. would cover all the aspects of the matter and if any malpractices came to light, necessary action would follow.

Replying to the discussion, Shri Bhupesh Gupta said that signing a memorandum was not an offence and anybody could recommend anything to any Minister but there were issues of propriety and public policy. The C.B.I. should, therefore not question M.Ps. before Parliament questioned them. Parliament should have been taken into confidence over a document which defamed Parliament and the M.Ps. should have the right to ask the Government to show that document. The M.Ps. concerned had disowned their signatures and their denials had been accepted. When the issue had assumed such proportions, it was necessary not merely to flaunt a denial *ex-parte* but make the other members feel that the denials were also substantiated. This should be performed by the highest authority in the

country because its prestige was involved and that body should be delegated authority of Parliament and should use all agencies of the Government including the C.B.I.

The motion was negatived.

B. LEGISLATIVE BUSINESS

Of the 40 Bills passed by the Rajya Sabha during the session¹ a brief resume of some is given below.

1. *The Essential Commodities (Amendment) Bill, 1974*: On July 25, 1974, the Rajya Sabha discussed simultaneously the statutory Resolution and the Essential Commodities (Amendment) Bill, 1974. Moving the Resolution seeking disapproval of the Essential Commodities (Amendment) Ordinance, 1974,² Shri B. S. Shekhawat said that although the original legislation was enacted in 1955, it had failed to check the rising prices and the manifold increase in black-marketing, corruption, profiteering, hoarding and adulteration. Compared to 1956, the value of rupee had come down to only 25 paise but neither the Government nor the traders had been sincere in containing the price line. The Government itself was increasing frequently the prices of very essential commodities like wheat, vanaspati, sugar, drugs, soaps, cement etc. On account of faulty policies of the Government, the traders were making huge profits. The amending Bill provided stringent punishment but the Magistrates had been given discretionary powers. Unless the laws were enforced sincerely success in controlling the prices would not be achieved.

Moving the motion for consideration of the Bill the Minister of Commerce, Shri D. P. Chattopadhyaya said that the objective of the Bill³ was to ensure that essential commodities were made available to the consumers at fixed prices and if these prices were not followed by sellers, then those goods including their carriers, vessels and vehicles etc. might be confiscated by Government. The Bill also provided for raising the highest penalty from five years to seven years and also for three months' imprisonment for the first offence. Through the present Bill the Government intended to make the offences under the Act cognizable and non-bailable. During the usual procedures of trials, the wrong-doers escaped taking advantage of time-consuming legal proceedings. So the Bill provided for summary trial also.

¹See Annexure, post, p. 847.

²Laid on the Table on July 22, 1974.

³Introduced in the Rajya Sabha on July 23, 1974.

The resolution was negatived and the Bill was passed on July 29, 1974.

Industries (Development and Regulation) (Amendment) Bill, 1974: Moving the Resolution seeking disapproval of the Industries (Development and Regulation) Amendment Ordinance, 1974⁴ on August 5, 1974, Shri V. K. Sakhlecha, said that taking over of any mill should be based on some principles and it should not be under any political pressure. If the mills were to be run on profit, labour participation in the management was a must. The Government should follow a clean policy of nationalisation of the sick mills and the nationalisation should be done soon so that these mills could be run efficiently. Unnecessary interference by bureaucrats in the management should stop immediately.

Moving the motion for consideration of the Bill,⁵ Shri C. Subramaniam, Minister of Industrial Development, Science and Technology, said that there was one mill which had been taken over under the Industries (Development and Regulation) Act fifteen years ago. It was an isolated instance and it would have been handed over to the owners after the expiry of the fifteen years' period. But after the taking over of 103 mills and the decision to nationalise them, this isolated mill, taken over fifteen years ago, could not be returned while all others were being nationalised. Therefore, this also had to be included in the general nationalisation Bill which was coming up very soon before the Parliament and hence the Bill.

The Resolution was negatived and the Bill was passed on the same day.

The University of Hyderabad Bill, 1974: 'Moving the motion for consideration of the Bill on August 13, 1974, Professor S. Nurul Hasan, Minister of Education, Social Welfare and Culture, said that the establishment of the Hyderabad University, for which there had been a strong feeling in Andhra Pradesh, was part of the Six-Point Formula regarding that State. The University, which would be open to all classes, creeds and castes, but with reservation for Scheduled Castes and Scheduled Tribes, would not affiliate any institution and would set up other Campuses, if necessary, outside Hyderabad but

⁴Laid on the Table on July 22, 1974.

⁵Introduced in the Rajya Sabha on July 24, 1974.

⁶The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 9, 1974.

within the State of Andhra Pradesh. The University might have either a system of examination or any other method of evaluation which might be in consonance with modern academic thinking.

The Motion was adopted and the Bill was passed on August 19, 1974.

*Finance (No. 2) Bill, 1974*⁷: On August 24, moving the motion for consideration of the Finance (No. 2) Bill, 1974, Shri Y. B. Chavan, Minister of Finance, said that the purpose of the Bill was to increase the incidence of tax on long-term capital gains in the case of corporate and non-corporate tax-payers because large unearned incomes were accruing to them owing to the inflationary situation. The revenue should, therefore, take its share in those fortuitous gains. Proposals for indirect taxes were before the House and imposition of fresh levies on articles of mass consumption had been refrained. The choice of commodities had been scrupulously selective, some of the basic considerations being the need for effecting economy in the use of scarce materials and mopping up windfall gains being made by middlemen in conditions of scarcity.

The motion was adopted and the Bill was returned on August 26, 1974.

The Additional Emoluments (Compulsory Deposit) Bill, 1974: On August 29, 1974, Shri D. Thengari, moving the Resolution for disapproval of the Additional Emoluments (Compulsory Deposit) Ordinance, 1974⁸ said that the Government which could not freeze huge profits of monopolists, foreign collaborators, could not guarantee need based minimum wage to the workers and could not evolve a national wage policy for the last 27 years, had no justification in freezing wages. If inflation was to be curbed, the proper point to start with would have been the black money about which Wanchoo Committee had suggested certain measures.

Moving the motion for consideration of the Bill,⁹ Shri Y. B. Chavan, Minister of Finance, said that in the present inflationary situation, revision of wages or dearness allowance would no longer lead to the desired result of mitigating the effect of rise in prices.

⁷The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 21, 1974.

⁸Laid on the Table of the Rajya Sabha on July 22, 1974.

⁹The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 28, 1974.

On the contrary, payments of additional wages etc. would only give an upward thrust to prices and would aggravate the situation. The scheme would immobilise additional wages for a period of one year and half of additional dearness allowances for a period of two years. Wage increase in pursuance of recommendations of Third Pay Commission had been exempted. In making compulsory deductions it would be ensured that an employee did not suffer any diminution in his wages as a result of the operation of the scheme.

The Resolution was negatived and the motion was passed on August 31, 1974.

Constitution (Thirty-sixth Amendment) Bill, 1974¹⁰: Sardar Swaran Singh, Minister of External Affairs, moving the motion on September 7, 1974, for consideration of the Bill said that the Bill provided for insertion of a new article 2A after article 2 of the Constitution providing for the association of Sikkim with the Union of India on terms and conditions set out in the Tenth Schedule to be added to the Constitution. This step was being taken in deference to the wishes of the people of Sikkim. A request for Sikkim's participation in the political and economic institutions of India, was received from the Chief Minister of Sikkim in the last week of July, 1974. The request was studied carefully and as a result of that study the Bill had been brought before the House which provided for a short constitutional amendment for associating Sikkim with India on the terms and conditions set out in the new Schedule.

The motion was adopted and the Bill was passed in accordance with the provisions of article 368, on the same day.

C. OBITUARY REFERENCES

The Chairman made references to the passing away of Shri M. B. Rana, Minister of State in the Ministry of Industrial Development, and Shri M. C. Setalvad, an ex-Member. The House observed one minute's silence as a mark of respect to the memory of the deceased.

The House adjourned *sine die* on September 11, 1974.

¹⁰The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on September 5, 1974.

ANNEXURE

BILLS PASSED BY THE RAJYA SABHA DURING THE
EIGHTY-NINTH SESSION

1. The Indian Telegraph (Amendment) Bill, 1974.
2. The Rampur Raza Library Bill, 1974.
3. The Essential Commodities (Amendment) Bill, 1974.
4. The Industries (Development and Regulation) Amendment Bill, 1974.
5. The Press Council (Amendment) Bill, 1974.
6. The Indian Iron and Steel Company (Taking Over of Management) (Amendment) Bill, 1974.
7. The Gujarat Appropriation (No. 2) Bill, 1974.
8. The National Cadet Corps (Amendment) Bill, 1974.
9. The Alcock Ashdown Company Limited (Acquisition of Undertakings) Bill, 1974.
10. The Pondicherry Appropriation Bill, 1974.
11. The Cinematograph (Amendment) Bill, 1974.
12. The Direct Taxes (Amendment) Bill, 1974.
13. The Coal Mines (Conservation and Development) Bill, 1974.
14. The Major Port Trust (Amendment) Bill, 1974.
15. The University of Hyderabad Bill, 1974.
16. The Companies (Amendment) Bill, 1974.
17. The Finance (No. 2) Bill, 1974.
18. The Companies (Temporary Restriction on Dividends) Bill, 1974.
19. The Payment of Bonus (Amendment) Bill, 1974.
20. The Punjab Municipal (Chandigarh) Amendment Bill, 1974.
21. The Constitution (Thirty-fourth Amendment) Bill, 1974.
22. The Compulsory Deposit Scheme (Income-tax Payers) Bill, 1974.
23. The Additional Emoluments (Compulsory Deposit) Bill, 1974.
24. The Esso (Acquisition of Undertakings in India) (Amendment) Bill, 1974.
25. The Constitution (Thirty-sixth Amendment) Bill, 1974.
26. The Oil Industries (Development) Bill, 1974.
27. The Appropriation (No. 3) Bill, 1974.

28. The Interest Tax Bill, 1974.
 29. The Sikh Gurdwaras (Amendment) Bill, 1974.
 30. The Appropriation (Railways) No. 4 Bill, 1974.
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BOOK REVIEWS

THE MUSLIM DILEMMA IN INDIA; By M. R. A. Baig, Delhi, Vikas Publishing House Pvt. Ltd. 1974. Price Rs. 25

This is a courageous, clear-cut, controversial piece of writing by a 'Muslim Indian', as Mr. Baig calls himself. It is indeed, suggestive that Bangladeshis, after liberation, prefer to describe themselves as 'Muslim Bengalis' rather than as 'Bengali Muslims'. One wonders if Mr. Baig knew of it, or reached on his own the conclusion that the qualitative difference in the two appellations is important. Anyway, it is a happy coincidence.

Mr. Baig was for many years closely associated with the late M. A. Jinnah, till they parted company when the Muslim League proclaimed in 1940 that its goal was a separate State, Pakistan. He distinguished himself in social work, and even more, when Jawaharlal Nehru called on his talents, as a diplomat in the service of independent India. He is sufficiently knowledgeable and thoughtful to be able to delight in being provocative in discussion. In his impatience of many prevailing irrationalities, however, he appears disinclined to probe deeply into the processes of history. Perhaps this is the reason why the appendices to his book, where he reprints some short, crisp articles (26 pages out of the book's 164) read better than its main contents. It should be added that the book reads well throughout, but as a "critique of traditional Islam" it is little more than a sensitive intellectual's superior distaste for the oddities, often obnoxious, of obscurantism. No doubt one should aim at being a true humanist, but unfortunately one cannot wish away our present complexities of '*la condition humaine*'.

Reading his book, one does not get the impression that he is disrespectful towards Islam, but already, even highly educated Indian Muslims have resented his portrayal of what Islam, in his view, seems to have done to the Muslim in India. This is not entirely fair, but in his exasperation, entirely justified, with those who resist strenuously the much-needed reforms in Muslim personal law, for instance, he finds a little too much to admire in the reform

trends among Hindus from the time of Ram Mohan Roy onwards. It does not appear as if he sees, through certain trappings, the 'humbug', as Abu Abraham has recently put it, of 'secularism' in India.

Islam seems to require from its orthodox adherents what a French ideologue said recently about Communism: '*un oui trop massif*' (a much too massive 'yes')! In India, however, the militant and ultra-sure affirmations of Islam are matched, paradoxically, by the infinite eclecticism of Hindu thought, the result being a sociological situation that only a long-drawn revolutionary effort can straighten in the direction of social justice and humanism.

In spite of some of his critics, Mr. Baig is at home in Muslim lore and his critique of much Muslim practice in India sincerely derives, as far as can be seen, from the fact that he cherishes the radiant qualities of much Muslim thought. Even so, in his ardour for imperative social reform, he allows himself quite often to be gratuitously unfair. To him, it seems, the Mughul Empire was little more than an unfortunate historical interlude. He finds little more than material for denigration in so far as the thinking of Muslim savants from Shah Waliullah to Abul Kalam Azad is concerned. At a time when modern Indian scholars, Muslim as well as Hindu, are trying to evaluate fairly the so-called 'Muslim' period of Indian history, which, *pace* Eliot and Dowson *et al.*, was deliberately distorted for Western imperialist purposes, Mr. Baig refuses to understand the roots of our present predicament. He seems to under-rate, though not in so many words, the impact of Islam on the Indian scene, where, in spite of confrontations and still continuing conflicts, there took place a unique commingling, fostered and heightened by what, for want of a better word, may be called the democratic principles of Islam. It does not appear that Mr. Baig thinks much of what, for example, Kabir and his *Panth* meant for India and still, if there was sense and sensibility enough, means not only for India but for all mankind. One is struck sadly that in a book by an enlightened Indian humanist there is no reference even to the work, for instance, by Dr. Abid Hussain on our cultural history.

Alauddin Khilji had refused more than six hundred years ago, to be guided by the *Sharia*: "I do not know whether this is lawful or unlawful. Whatever I think to be for the good of the State or suitable for the emergency, that I decree". In the 16th century, Ferishta observed that "the Government of the modern world, and in particular of Hindustan, is not possible in accordance with the

Sharia". There is no need to cite instances to prove that life has its imperatives, which nothing can impede. It is from the concrete processes of life, and not from abstract precept, that history truly flows.

As a well-intentioned and zealous progressive, Mr. Baig advocates what he calls 'nature cure' for deep-rooted social maladies—he says by "the will to get better" we can "get better". Let us "think Indian", (p. 67), he says (claiming primacy over Shri Balraj Madhok, in the coining of this slogan), and everything will be lovely in the Indian garden. One is reminded of Renan's 19th Century formulation about the nation; it is thinking which makes it so, he said—the trouble, however, being that except in certain specific conditions such thinking cannot be whisked out of nowhere. It is a pity Mr. Baig's acute mind lent itself to such inanities in his treatment of a complex theme.

In 1940, soon after the Muslim League's Pakistan resolution, the present reviewer took part in a debate where the late Abdur Rahman Siddiqi, some time Mayor of Calcutta and a supporter of the Pakistan idea, said something which has kept stuck in his mind since. Exclaiming that while demanding Pakistan, he felt he belonged to this country in life and in death, Abdur Rahman Siddiqi said:

"When a Hindu dies, his body is burnt and the ashes are thrown into the river to be carried by the current to the sea and then God knows where. But when a Muslim dies, he wants 'six-foot-by-three' of Indian soil. He belongs here, in life as well as in death".

One can be sure Mr. Baig is sensitive enough to see the point of this moving exclamation. More than most people, he must also rejoice to recall the great Amir Khusro describing himself as "a parrot of India, "talking sweet Hindavi or Dehlavi"—I am an Indian Turk", he once said, "and I can reply to you in Hindavi". Hurdles in the way should not make Mr. Baig so sick and sorry for the Muslim "dilemma" in India.

Whether one likes it or not, the so-called 'international freemasonry of Islam' is still, to some extent, a fact. One of the few pioneers of Communism in India, the late Muzaffar Ahmad, has recorded in his memoirs that in the east Bengali backwater of Noakhali he was drawn, in his disinherited youth towards the idea of schooling by the desire, once ardent, to learn of the glories of Islam. The proponents of Hindu-dom (*Hindutva*) are also on the scene

today, in spite of the diffuse and nearly boneless eclecticism of the acquiescent society that has evolved in India. The road to secularism and socialism and humanism and what have you is, indeed, a hard one, but it is what History calls on us to begin, at least, to tread firmly. Mr. Baig tells us much that is of value about the "Muslim dilemma", but in India it is part of a much larger problem which Muslim and Hindu and all must solve together.

Mr. Baig as an experienced diplomat, cannot be unaware of happenings in the Soviet Union, but there is not a hint in his book of the Soviet experience with large, rigid, believing Muslim nationalities now integrated into the structure of a socialist society. He may not be interested in the advance of socialism, but aren't lessons in social dynamics to be learnt from that experience, which can help us here in India? The sense of real community can come only from work together, work in order to change one's living conditions, work in order to reach out to a better life. Comfortable people at the top of the social ladder may imagine they can 'think' themselves into being 'Indian' or whatever else, but such exercise is not relevant to the larger social scene. To read a book like Joshua Kunit's '*Dawn over Samarkand*', published as far back as the middle-thirties is a revelation. To hear from a Tajik or Uzbek even today that in the years of struggle against Bukhara Emirs and Khans and such like, Russian Bolshevik women, helped by local Muslim communities, fought the *pardah* system by wearing the veil, sometimes getting caught and stoned to death by priestly judges, and all together heroically defeating the forces of obscurantism, is a moving experience. This is not to suggest that we in India are similarly situated and that we are in a revolutionary posture. That is not so. But Muslims and Hindus and all have, if they are to solve the Indian dilemma, to come together in the fight to change concretely our living conditions, and then only will our pettifogging preoccupation with inherited obscurantisms find their true level.

Perhaps this is a somewhat large diversion from comments on the book's specific theme, but such thoughts are a testimony to the quality of Mr. Baig's writing as well as his forthright, if a trifle limited, thinking. "*The Muslim Dilemma in India*" is, on any reckoning, a worthwhile publication.

—H. N. Mukerjee, M.P.

THE CIVIL SERVANT UNDER THE LAW AND THE CONSTITUTION. By Narayan Nair. Trivandrum, Academy of Legal Publications. 1973, Rs. 50.

CRISIS IN ADMINISTRATION. By S. K. Ghosh, Calcutta, Eastern Law House, 1974, Rs. 25.

These two books are well worth reading. The general reader as also a student of administration will find them interesting. The former is, of course, somewhat specialised, but should prove of immense value to practising civil servants. In the old days, civil servants of any service and at any level rarely if ever thought of going to court to establish their service rights: they had the legal right but they did not consider having recourse to it 'proper'. Apart from that, a great deal more care was taken in those days to ensure that no one's legitimate rights suffered. But that attitude no longer obtains. And unfortunately, those whose duty it is to watch over and protect the rights of their staff more often than not allow their judgment to be influenced by extraneous considerations with the result that far too often unjust decisions get taken. And so it becomes necessary to have such books as Narayana Nair's to enable both Government and their staff to know what their respective rights are.

The author has dealt with every aspect of the civil servants' rights and obligations, and supported every opinion he has given expression to with authorities, constitutional, legal, rulings of Supreme Court, conventions etc. Every officer, who expects ever to have to deal with service and disciplinary matters, would be well rewarded if he studies this book carefully. While all those who expect to be called upon to improve the existing position in regard to service matters with a view to ensuring substantial justice and fairplay to the staff at all levels on the one hand and on the other to see that through having a contented staff maximum efficiency in the transaction of work is achieved, will also find most thoughtful suggestions in this book which merit their careful consideration.

I would refer here to a couple of the suggestions made by the author to show how practical and sensible they are. Dealing with disciplinary proceedings, he suggests that civil servants would be better protected and disciplinary proceedings would be conducted more efficiently, if permanent enquiry tribunals were set up, presided over by persons who have at least the qualifications to be appointed as district judges in all cases in which, if established, major

penalties would be meted out. Hundreds of cases are today quashed on the ground of procedural errors by courts. This at least will not happen if this suggestion were accepted, thereby saving a great deal of public time and money.

Similarly, referring to the fact that at present there exists no satisfactory procedure to settle the disputes relating to service conditions of civil servants, the author suggests the establishment of a Civil Service Tribunal consisting of higher officials and representatives of staff. The decisions of such a tribunal would be binding on both Government as well as the parties involved.

The second book is written by a former Inspector General of Police, whose heart appears metaphorically to have bled at the way in which he saw a difficult law and order situation handled. So far as he is concerned there could be nothing more disastrous than a breakdown of law and order, and therefore an administration that allows that to happen deserves to be condemned in the strongest possible term. S. K. Ghosh, the author, has described the Rourkela riots of 1964 in greater detail and shown how, why and where the district administrative machinery failed. This again is a book which should be a 'must' reading for politicians as also for officers of the administrative and police services.

Although it is 27 years since we became independent, we, as a people, have not to this day realised how very great is the importance and value of an honest, efficient, and impartial administration. We talk, of course, of inefficiency, delay, corruption, and favouritism in our administration and do not have the intellectual honesty to admit that we as a people are ourselves responsible for the administration being what it is today. Do we ask ourselves why our administration is so unsatisfactory and what we should do in order that our administration becomes efficient, honest, impartial and service-oriented? We would do this if we really and truly believed that such an administration is essential for the efficient functioning of parliamentary democracy.

There are historical reasons which may partially explain our attitude towards administration. In the course of the country's freedom struggle, the freedom fighters not surprisingly had to come into conflict with the administration and had also therefore to take the consequences of such a conflict. If you break the law, those, whose business it is to enforce compliance with the law, must necessarily take you to task. Sometimes this process involves the

exercise of force and sometimes the quantum of force applied may be excessive. During the struggle, those at the receiving end considered it good propaganda to maintain that the force applied was invariably excessive. In any case, the attitude adopted as a matter of tactics, by the efflux of time, tended to become a genuine attitude, an attitude of suspicion and distrust towards administration. This general attitude of hostility towards the forces of law and order was sedulously cultivated during the freedom struggle, as parts of which, various types of activities were carried on, such as non-violent campaigns of refusal to pay land revenue, to pay salt tax, of picketing liquor shops. The confrontation with the district administration, that is with the police and the revenue officers was of the bitterest. All this led understandably to a feeling of dislike bordering on hatred of the then administration, particularly the district administration. In so far as the officers in higher ranks were concerned, the feeling of hostility went far deeper because of the conviction that the senior Civil Servants did not just implement policies, but were possibly also formulators of policies for crushing the freedom movement.

On Independence, a change should have taken place in this general attitude of distrust of the administration and we should have had the good sense to forget all this and turned over a new leaf. Our great leaders realised that it was in the country's interest to ensure that the administrative personnel left behind by the British worked for the new government with redoubled zeal. And so it became one of Sardar Patel's first tasks as Home Minister to give the administration, disorganised as it was because of partition, the assurance that all their service conditions will be respected and to invite the civil servants at all levels to work wholeheartedly to make possible the fulfilment of the various challenging tasks that the new government had set to itself. And the response was electrifying. Never have the civil servants and the administration as a whole worked as they worked during those initial years of independence. That initial enthusiasm could not, however, last for not only was nothing done to sustain that enthusiasm, but instead everything possible was done to break their morale and to convert them from services, each with a tradition of its own, to a set of individuals, each working for his own advancement using means which were till then severely frowned upon in the services at all levels.

But the development that has been particularly distressing and suicidal has been the changes in the attitude towards maintenance

of law and order. The decision to transform the State into a Welfare State as quickly as possible was both sound and desirable: unfortunately in the process of distinguishing the new from the old, excessive emphasis came to be laid on the fact that the old administration was a mere law and order administration, almost as though maintenance of law and order, and respect for law and order did not still remain the essential and basic requirement for the development of the State into a Welfare State. What can happen when law and order fails even for a short while has been vividly described in Mr. Ghosh's book *Crisis in Administration*. As he says, "A crisis in administration may occur for various reasons; but one of the most important reasons is the inability of the administration to protect life and property of the people and in the preservation of the domestic peace".

It cannot be reiterated too often that no parliamentary democracy can function satisfactorily unless it ensures that it has an efficient and independent civil service, thoroughly honest and imbued with the basic principles of the Constitution. In particular, the civil servant must always be loyal to law: only then would it become second nature to him to be strictly impartial in the discharge of his duties. It is unfortunately in the course of the discharge of his duties impartially that the civil servant comes into conflict with the politicians and the political bosses. Everyone wants the administration to function impartially, and, showing no favour to anyone, act strictly in accordance with the provisions of the law and the instructions of the government. But in practice in India we do not want the administration to act in a just and impartial manner, where we are ourselves involved: we want then that it acts in our favour. The age-old preference among Indians for a pliant administration willing to listen and to act in accordance with the recommendations of persons of importance and status came back into its own too soon after Independence and has led us to be appreciative of only such officers as are prepared to do what they are told and to act not according to the law but according to the dictates of the politically powerful. This has affected our administration disastrously and the damage is particularly serious in respect of the district administration.

I know of a great many cases in the districts of decisions being taken not on merits, but on the lines of what men of influence and politically powerful desire; if an officer ventures to act correctly,

he suffers. I have personal knowledge of a case in which an important local political leader had the Collector of his District transferred because the Collector refused to withdraw a case instituted at his (the Collector's) instance against a president of a co-operative society who was alleged to have misappropriated funds of that society. This local political boss became later a Minister of the State Government and in that capacity continued to make use of his influence as a Minister even with wings of the administration other than his own even more blatantly.

A civil service that has lost its initiative and its ability to act fearlessly, confident that it will be supported so long as its actions are *bona fide*, cannot be expected to rise to the occasion in an emergency. And then when an emergency arises, disastrous consequences become inevitable. What makes matters worse is the present tendency to take no one to task for dereliction of duty whenever this occurs. These general thoughts pass before the mind of the reader of Mr. Ghosh's book. There can be very little doubt that far greater thought needs to be given to this problem—how to ensure that the country has a first rate administration. Without an efficient and honest administration, it is impossible to make any significant progress towards a Welfare State.

—H. M. Patel, M.P.

EVOLUTION OF THE TECHNIQUES OF MONETARY MANAGEMENT. By N. N. Shrivastava. New Delhi: Somaiya Publications. 1972. Rs. 50.

This book covers a wide field. It deals with the objectives of monetary management, the possible conflict that often arises between them in a developing country such as ours, and the various methods adopted or innovated by the Central Bank in reconciling them. For dealing with different aspects of the subject, the author confines himself to source material which is official in character such as Annual Reports, Bulletins, Statistical Tables, Occasional Reports, published by the Reserve Bank of India. 'Directives' issued by the Bank were naturally "the most authoritative and original source for the study of the techniques of monetary management".

The author starts with the proposition laid down by the Bank that economic growth is a real phenomenon and that money itself cannot purchase growth in real output. "But (this does not imply that) there is no place for monetary policy in growth perspective. For, while correct monetary policy is perhaps not a sufficient condition for economic growth, it is nonetheless a necessary one and an inadequate monetary policy can retard the pace of growth, even as

an appropriate policy can be expected to further it." The objectives of monetary policy, as clarified by the Reserve Bank, are to help accelerate economic development in an environment of reasonable price stability. The short and long term aspects of such a policy have also been clarified by the Bank.

These two objectives are, in the author's view, competitive rather than complimentary, in the context of a developing economy. The acceleration objective would always require some degree of monetary expansion, whereas, the stability objective would insist on some degree of monetary restraint. As the author rightly puts, "The restraint and the relaxation juxtaposed together would mean that the Central Bank has to eat the cake and yet aim at maintaining its initial size". To solve this problem the Reserve Bank has made a number of innovations in the techniques of monetary management. The book is a learned treatise on the evolution and functioning of these techniques, such as those of (1) selective credit control, (2) open market operations, (3) variable reserve ratios, (4) quota-cum-slab rate system, and (5) differential interest rate system. Problems relating to the regulation of the structure of liquidity, the non-banking companies and the promotional aspects of monetary management are dealt with in the last chapter.

The book is obviously the result of considerable painstaking effort on the part of the author. He has also brought to bear his deep scholarship on the analysis of the intricate problems of the Central Bank.

The book, however, leaves a good deal to be desired. The author's style is not only involved but sometimes even tortuous. There are also any number of sentences where the subject does not agree with the verb. The carelessness on the part of the printers as well as laxity on that of the author, which this implies, is inexcusable.

—Y. S. Mahajan, M.P.

MODERN FINANCIAL MANAGEMENT—Selected Readings. Edited by B. V. Carsberg and H. C. Edey. Penguin Modern Management Readings. 1969, reprinted, 1971.

The book contains a selection of articles written over a period of time by a number of authors and used for teaching purposes at the London School of Economics and Political Science. Set in five-

parts, the articles examine a model-building approach to financial management by application of technology. In a work of this nature, as the editors admit, the attempt can only be to elucidate general principles involved in planning and control rather than to dwell on details of application. The book succeeds in bringing out the basic theme of scientific management, *viz.*, that a large part of good decision-making is the ability to pick the small number of alternatives that are worth looking at. The illustrated applications of the theme to selected aspects of financial management are interesting.

H. C. Edey's 'Accounting Principles and Business Reality' though written in 1963 continues to be of topical interest. Thus investment planning is based on a whole series of budgets as far into the future as is practicable and the "...ultimate economic reality of investment is concerned with cash flows..." It is the rationale of choosing what is considered at a point of time as the best alternative that makes for effective financial management. Edey's comment that an important factor in the assessment of a company's financial stability is the extent to which it may be called upon at short notice to repay existing finance and the extent to which it has call on further finance is thought-provoking especially in the current inflationary context. The supplementary information in Annual Reports that are relevant and the situations that attract take-over bids are of particular interest.

The characteristics of equity and fixed interest markets of the last 15 years have, according to Merett and Sykes ('Return on Equities and Fixed Interest Securities; 1919-66'), been of adjustment to what now seems to be a permanent state of more-or-less controlled inflation by increases in equity prices and offsetting increases in interest rates. Equity prices are, no doubt, one of the most significant indices of 'business movement' of the post-war period; and the concept of equity has been a prominent motivating factor in 'business enterprise'. To say, however, in the context of Public Corporations ('Equity Capital and Public Corporations' by Edey) that the presence of equity shareholders may more readily present the profitability test of expenditure on maintenance, renewals and development, as opposed to vaguer tests of 'public interest' would be taking a narrow view of 'business'. Neither does competition by itself in an imperfect market ultimately satisfy public interest, given self-interest in individual operation. The real test, whether in public or private enterprise, is one of answerability or in financial terms, accountability.

The chapter on 'Pricing Problems' as affecting decision-model consists of well-written articles. The comments on Transfer Pricing, an aspect of financial control becoming increasingly popular, should be of interest both to students and practitioners of management.

Ansoff's approach to Long-Range Planning and Control provides a suitable caution that a complete quantitative model alone does not lead to a correct decision-making process. Summarized comparative examination of quasi-analytic method and Operations Research analysis is a useful study.

Mathematical Methods in the analysis of business-decision models have been lucidly explained. Basically the process of calculation is a choice between alternatives, the cost of adopting one being the sacrifice of another. 'Uses of Game Theory' by Shubik is a good attempt at providing the reader with an insight into simulation exercises against the background of interplay of uncertainties.

As in the case of many other Penguin productions, it is a useful addition to the Parliament Library, though it is not likely to prove a lay man's popular reading.

—S. Ranganathan, M.P.

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APPENDICES

APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE ELEVENTH SESSION OF THE FIFTH LOK SABHA

1	Period of the Session	July 22 to September 9, 1974	
2	Number of meetings held		38
3	Total number of sitting hours	274 hours and 11 minutes.	
4	Number of divisions held		28
5	<i>Government Bills:</i>		
	(i) Pending at the commencement of the Session		24
	(ii) Introduced		15
	(iii) Laid on the Table as passed by Rajya Sabha		10
	(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table		Nil
	(v) Referred to Select Committee		2
	(vi) Referred to Joint Committee		Nil
	(vii) Reported by Select Committee		Nil
	(viii) Reported by Joint Committee		1
	(ix) Discussed		30
	(x) Passed		26
	(xi) Withdrawn		Nil
	(xii) Negatived		Nil
	(xiii) Part-discussed		Nil
	(xiv) Discussion postponed		Nil
	(xv) Returned by Rajya Sabha without any recommendation		4
	(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted		2
	(xvii) Pending at the end of the Session		23
6	<i>Private Members' Bills :</i>		
	(i) Pending at the commencement of the Session		171
	(ii) Introduced		26
	(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	Nil
(ix) Negatived	2
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of pending Bills	1
(xvi) Pending at the end of the Session	194
7 Number of Discussions held under Rule 193: (Matters of Urgent Public Importance)	
(i) Notices received	223
(ii) Admitted	8
(iii) Discussion held	5
	(3 remained part-discussed)
8 Number of Statements made under Rule 197: (Calling attention to matters of urgent public importance)	
Statements made by Ministers	17
9 Half-an-hour discussions held	9
10 Statutory Resolutions:	
(i) Notices received	46
(ii) Admitted	10
(iii) Moved	10
(iv) Adopted	1
(v) Negatived	9
(vi) Withdrawn	Nil
11 Government Resolutions:	
(i) Notices received	} Nil
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
12 Private Member's Resolutions:	
(i) Received	8

(ii) Admitted	7
(iii) Discussed	4
(iv) Withdrawn	Nil
(v) Negatived	2
(vi) Adopted	1
(vii) Part-discussed	1
(viii) Discussion postponed	Nil
13 Government Motions:	
(i) Notices Received	5
(ii) Admitted	5
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Discussed	Nil
14 Private Members' Motions:	
(i) Received	340
(ii) Admitted	166
(iii) Moved	1
(iv) Adopted	Nil
(v) Discussed	1
(vi) Negatived	1
(vii) Part-discussed	Nil
(viii) Withdrawn	Nil
15 Motion Re. Modification of Statutory Rule:	
(i) Received	2
(ii) Admitted	2
(iii) Moved	} Nil
(iv) Adopted	
(v) Negatived	
(vi) Withdrawn	
(vii) Part-discussed	
16 Number of Parliamentary Committees created, if any, during the session	Nil
17 Total number of Visitors' Passes issued during the session	20,196
18 Maximum number of Visitors' Passes issued on any single day, and date on which issued	858 on 28-8-1974*

19 Number of Adjournment Motions :

(i) Brought before the House	16
(ii) Admitted and discussed	1
(iii) Barred in view of adjournment Motion admitted on the subject	Nil
(iv) Consent withheld by Speaker outside the House	101
(v) Consent given by Speaker but leave not granted by House	Nil

20 Total Number of Questions Admitted:

(i) Starred	590
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	4146
(iii) Short-notice Questions	6

21 Parliamentary Committees:

S. No.	Name of the Committee	No. of Sittings held during the period 1-5-74 to 31-7-1974	No. of Reports presented during the Session
1	2	3	4
(i)	Business Advisory Committee		5
(ii)	Committee on Absence of Members from the Sittings of the House		1
(iii)	Committee on Government Assurances		1
(iv)	Committee on Petitions		2
(v)	Committee on Private Members' Bills and Resolutions	3	4
(vi)	Committee on Privileges	4	3
(vii)	Committee on Public undertakings	1	10
(viii)	Committee on Subordinate Legislation	8	1
(ix)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	3	4
(x)	Estimates Committee	3	
(xi)	General Purposes Committee		
(xii)	House Committee	1	..
(xiii)	Public Accounts Committee	13	..
(xiv)	Railway Convention Committee	1	2
(xv)	Rules Committee	4	..
<i>Joint/Select Committees:</i>			
(i)	Joint Committee on Offices of Profit	4	..

1	2	3	4
	(ii) Joint Committee on National Library Bill, 1972 .	8	1
	(iii) Joint Committee on the Constitution (Thirty- Second Amendment) Bill, 1973	11	..
	(iv) Joint Committee on the Public Financial Institution Laws (Amendment) Bill, 1973	4	..
	(v) Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1974	1	..
	(vi) Select Committee on the Taxation Laws (Ame- ndment) Bill, 1973	11	..
	(vii) Joint Committee on Salaries and Allowances of Members of Parliament	4	..

22 Number of Members granted leave of absence 9

23 Petitions presented 1

24 Names of new Members sworn with date and Constituencies :

S. No.	Name of Members sworn	Date on which sworn	Constituency
1	Shri Ram Dayal	22-7-1974	Bijnor-Uttar Pradesh
2	Shri Janeshwar Mishra	22-7-1974	Allahabad-Uttar-Pradesh

25 Motion of No-Confidence in the Council of ministers:

(i) Admitted	1
(ii) Discussed	1
(iii) Negatived	1

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE EIGHTY-NINTH SESSION OF RAJYA SABHA

1	Period of the Session	July 22 to September 11, 1974
2	Number of meetings held	40
3	Total number of sitting hours	248 (excluding lunch break)
4	Number of divisions held —	29
5	<i>Government Bills :</i>	
	(i) Pending at the commencement of the Session	8
	(ii) Introduced	11
	(iii) Laid on the Table as passed by Lok Sabha	19
	(iv) Returned by Lok Sabha with any amendments :	1
	(v) Referred to Select Committee by Rajya Sabha	
	(vi) Referred to Joint Committee by Rajya Sabha	2
	(vii) Reported by Select Committee	
	(viii) Reported by Joint Committee	
	(ix) Discussed	30
	(x) Passed	30
	(xi) Withdrawn	
	(xii) Negatived	
	(xiii) Part-Discused	
	(xiv) Returned by Rajya Sabha without any recommendation	7
	(xv) Discussion postponed	
	(xvi) Pending at the end of the Session	8
6	<i>Private Members Bills</i>	
	(i) Pending at the commencement of the Session	62
	(ii) Introduced	14
	(iii) Laid on the Table as passed by Lok Sabha	
	(iv) Returned by Lok Sabha with any amendment and laid on the Table	

(v) Reported by Joint Committee . . . . .	..
(vi) Discussed]	I
(vii) Withdrawn	
(viii) Passed . . . . .	..
(ix) Negatived	I
(x) Circulated for eliciting opinion . . . . .	..
(xi) Part-discussed	I
(xii) Discussion postponed	
(xiii) Motion for circulation of Bill negatived . . . . .	..
(xiv) Referred to Select Committee . . . . .	..
(xv) Pending at the end of the Session	75
7 Number of Discussion held under rule 176 : <i>(Matters of Urgent Public Importance)</i>	
(i) Notices received	29
(ii) Admitted	6
(iii) Discussion held	6
8 Number of statements made under rule 180 : <i>(Calling-attention to matter of Urgent Public Importance)</i>	
9 (i) Statements made by Ministers	29
(ii) Half-an-hour discussions held	8
10 Statutory resolutions :	
(i) Notices received	17
(ii) Admitted	7
(iii) Moved	7
(iv) Adopted	1
(v) Negatived	6
(vi) Withdrawn . . . . .	..
11 Government Resolutions :	
(I) Notices received	} Nil
(II) Admitted	
(III) Moved	
(IV) Adopted	

12 *Private Members' Resolutions:*

(i) Received	13
(ii) Admitted	11
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	..
(vi) Adopted	..
(vii) Part-discussed	..
(viii) Discussion postponed	..

13 *Government Motions :*

(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	..
(v) Part-discussed	..

14 *Private Members' Motions :*

(i) Received	85
(ii) Admitted	83
(iii) Moved	1
(iv) Adopted	..
(v) Part-discussed	..
(vi) Negatived	1
(vii) Withdrawn	..

15 *Motion regarding modification of statutory rule :*

(i) Received	} NB
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
(v) Negatived	
(vi) Withdrawn	
(vii) Part-discussed	

16	Number of Parliamentary Committees created, if any, during the session	Two*
17	Total number of Visitors' Passes	4667
18	Maximum number of Visitors' Passes issued on any single day, and date on which issued.	348 issued on September 11, 1974.
	* 1. Joint Committee on the Central and Other Societies (Regulation) Bill, 1974. 2. Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974.	
19	Number of Motions for Papers under rule 175.	
	(i) Brought before the House	Nil
	(ii) Admitted and discussed	Nil
20	Total Number of questions admitted.	
	(i) Starred	842
	(ii) Unstarred (including Starred Questions).	1563
	(iii) Short-notice Questions	4
21	Discussion on the working of the Ministries :	Nil
22	Working of Parliamentary Committees :	

Name of Committee	No. of meetings held during the Session	No. of Reports presented during the Session
(i) Public Accounts Committee	..	..
(ii) Committee on Public Undertakings	—	2 (Minutes of Sittings)
(iii) Business Advisory Committee.	2	..
(iv) Committee on Subordinate Legislation.	1 (3-9-74)	..
(v) Committee on Petitions	1	..
(vi) Committee on the Welfare of Scheduled Castes & Scheduled Tribes.	..	6
(vii) Committee of Privileges.	3 (May to Aug. 74)	..
(viii) Committee on Rules.	..	..
(ix) Joint Committee on Offices of Profit.	..	1
(x) Committee on Government Assurances.	..	..

Name of Committee	No. of meetings held during the Sessions	No. of Reports presented during the Session
(xi) Joint Committee on the Plantations (Labour) Amendment Bill, 1973	1	
(xii) Joint Committee on the Indian Penal Code (Amendment) Bill, 1973	1	
(xiii) Railway Convention Committee		2
(xiv) Joint Committee on the Adoption of Children Bill, 1972.		
(xv) Joint Committee on the Foreign Contribution (Regulation) Bill, 1973.		
(xvi) Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974	1	
23 Number of Members granted leave of absence		2
24 Petitions presented		3
25 Number of new Members sworn with dates.		

Sr. No.	Name of Members Sworn	Date on which sworn.
1.	Shri Irengbam Tmpok Singh	22-7-1974
2.	Shri Niranjani Singh	22-7-1974
3.	Shri Sultan Singh	2-8-1974
4.	Shri Prabhu Singh	2-8-1974

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD APRIL 1, 1974 TO JUNE 30, 1974.

Legislature	Sessions held			Legislative Business						Notices for Questions			
	No.	Duration	Sittings	Govt. Bills		Private Bills		Starred		Unstarred		Short Notice	
				Intro-duced	Passed	Intro-duced	Passed	Recd.	Admtd.	Recd.	Admtd.	Recd.	Admtd.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATES													
Andhra Pradesh (L.A.)	1	20-6-74 (a)	1	1	1			555	193		213(b)	78	11
Andhra Pradesh L.C.	1	18-1-74 (c)	8	1	1			192	83		37(d)	22	1
Bihar L.A.	1	5-6-74 to 12-7-74	28	2	5(e)			2438	1084	651	618	1171	103
Bihar L.C. (I)	2	(i) 18-3-74 to 8-4-74 (ii) 12-6-74 to 13-7-64	7 22		2 8			747 503	584 482		144(g) 21(gg)	127 212	39 76
Haryana L.A.	1	..	..	..	..			209(h)	148(i)	37(i)	22		
Jammu & Kashmir L.C.	1	21-2-74 to 2-4-74	22	16	13			341	298	91	75	2	2
Karnataka L.A.	1	26-2-74 to 17-5-74 (K)	54	26	28			1039	916	131	87	55	17
Karnataka L.C.	1	24-4-74 to 8-4-74 and 13-5-74 to 8-6-74	26	1	20			34	30	1	1	14	7
Madhya Pradesh L.A.(I)	1	14-3-74 to 24-4-74	25	15	13	2		5256(m)	2 489		1303	90	28
Meghalaya L.A.	1	12-6-74 to 3-7-74	16	5	5	3		26	25	291	280	2	
Nagaland L.A.	1	23-5-74 to 31-5-74	7	3	3			115	85	75	58	4	
Orissa L.A.	1	3-6-74 to 18-7-74	31	20	19	5		2423	1944	1215	983	212	49
Punjab L.A.	1	..	..	..	..	..		103		101			
Tamil Nadu L.A. (f)	2	(i) 18-1-74 to 30-1-74 (ii) 4-3-74 to 20-4-74	11 } 38 } 49(c)	25	22			2067(p)	373		32	23	4
Uttar Pradesh L.A.	(f)1	18-3-74 to 9-4-74	9	6	9			438(m)	341		74	417(q)	22
Uttar Pradesh L.C.(I)	2	(i) 19-3-74 to 3-4-74 (ii) 10-6-74 to 28-6-74	10 } 13 } (22)	4	15			1332 (m)	752		82	55	54
West Bengal L.A.(I)	1	22-2-74 to 4-5-74	41	42	42			2146	1244	685	1153(r)	270	35
UNION TERRITORIES													
Delhi L.C.	1	22-4-74 to 4-5-74	12	3	3			1236(m)	180		760	4	4
Goa, Daman & Diu L.A. (I)	1	1-3-74 to 25-4-74	37	11	10	1		575	531	56	55	29	21

- (a) The Session continued beyond 30-6-74.
 (b) Includes Notices for Short Notice Questions admitted as Unstarred Questions.
 (c) The Session continued beyond 30-6-74. See also J.P.L., Volume XX, No. 3 (July-September, 1974), p. 715.
 (d) Notices for Starred Questions admitted as Unstarred.
 (e) Includes three Bills introduced in the Council.
 (f) Refers to the period 1-1-74 to 31-3-74.
 (g) Notices for Starred Questions admitted as Unstarred.
 (gg) 21 notices for Starred Questions were converted into Unstarred Questions.
 (h) Includes 22 Notices for Starred Questions which were not dealt with.
 (i) Includes 2 Notices of Starred Questions later withdrawn.
 (j) Includes 2 Notices for Starred Questions admitted as Unstarred.
 (k) The Session had commenced on 25-2-74.
 (l) Refers to the period 1-1-74 to 30-6-74.
 (m) Includes Notices for both Starred and Unstarred Questions.
 (n) Continuation of the Second Session. See J.P.L., Opp. cit. p. 721.
 (o) Sittings held up to 31-3-74.
 (p) Includes Notices for both Starred and Unstarred Questions.
 (q) Includes 158 Notices admitted as Starred and 42 as Unstarred Questions.
 (r) Includes some notices received for Starred Questions admitted as Unstarred.

APPENDIX III (Contd.)

Committees at work (Number of sittings held and Number of Reports presented)

Legislature	Business Advisory Committee	Committee on Government Assurances	Committee on Petitions	Committee on Private Members Bills and Resolutions	Committee on Privileges	Committee on Public Undertakings	Committee on Subordinate Legislation	Committee on the Work of Subordinate Legislation	Business Committee	General Purposes Committee	House Accommodation Committee	Library Committee	Public Accounts Committee	Rules Committee	Joint Select Committees
	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
STATES															
Andhra Pradesh L.A.	3(2)	2	..	..	..	22	12	..	18	..	2	..	12	1	8(a)
Andhra Pradesh L.C.	3	13	1	..	1	..	..	..	..	..	..	..	..	..	..
Bihar L.A.	1	29	29	..	4(1)	27	12	..	34(2)	..	4	1	18(3)	13(1)	1
Bihar L.C. (b)	3(2)	8	7	..	4	..	8	..	..	..	8	8	..	2	..
Haryana L.A.	..	..	..	..	..	..	..	6	5	..	..	..	12	..	..
Jammu and Kashmir L.C.	3(3)	4	2(1)	..	1	(1)	..	..	..	..	..	2	..	2	(c)
Karnataka L.A. (d)	7	9	1(1)	4(4)	1(1)	20	6(1)	(1)	24(2)	..	1	..	24	..	(e)
Karnataka L.C.	6(3)	2	..	..	..	(1)	(1)	3	..	..	..	..	10	..	(f)
Madhya Pradesh L.A. (d)	3(2)	5	5(1)	9(4)	1	10(2)	6(1)	..	7(3)	4	..	4	6(1)	1(2)	..
Meghalaya L.A.	2	2	..	..	2(x)	..	..	..	4	..	1(1)	..	3	..	..
Nagaland L.A.	1	2	1	..	..	..	..	..	1	..	1	..	6	..	..
Orissa L.A.	1	1	1	..	2	8	4	..	3	..	3	..	5	..	..
Punjab L.A.	..	14	..	..	18	5	16	..	16	..	1	4	13	..	..
Tamil Nadu L.A. (d)	..	..	..	..	..	10	..	..	23(2)	..	..	..	15(2)	..	..
Tripura L.A. (g)	..	4	1	..	5	..	3	..	8	..	3	2	7	..	..
Uttar Pradesh L.A. (h)	..	4	..	..	..	1	4(2)	..	3	..	..	..	8	..	..
Uttar Pradesh L.C. (i)	3(3)	23	5(1)	..	1	12	..	..	..	..	9	..	..	..	..
West Bengal L.A. (d)	18(18)	4(5)	..	..	..	5	..	8	15(2)	..	..	..	15(1)	2(2)	5(1)
UNION TERRITORIES															
Delhi M.C.	1(1)	2(1)	..	2(2)	..	..	..	..	..	..	..	..	..	..	4
Goa, Daman and Diu L.A. (d)	6(6)	7(2)	..	(1)	8	..	3(1)	..	4(2)	..	..	..	6(2)	..	7(i)

NOTE:—Figures in brackets indicate the number of reports presented to the House.

- (a) Joint Select Committee on the Andhra Pradesh Urban Areas (Development) Bill, 1974—8.
- (b) Refers to the period 1-1-74 to 30-6-74 and includes the number of sittings of the following Committees: (i) Ganga Bridge Committee—4; (ii) Slum Clearance Committee—3; (iii) Miscellaneous Matters Committee—17; (iv) Implementation Committee—6.
- (c) Joint Select Committee on land Revenue Act 1966—3; Select Committee on Municipal Act—2.
- (d) Refers to the period 1-1-74 to 30-6-74.

- (e) Joint Select Committee on (i) University of Health Sciences Bill—13 (1); (ii) Mysore State University Bill, 1973—6;
- (f) Joint Select Committee on University of Health Sciences Bill, 1973—1(1).
- (g) Committee on Absence of Members—3.
- (h) Refers to the period 1-1-74 to 31-3-74.
- (i) Administrative Delay Committee—10; Committee on Cultural Affairs—10; Chitaval and Rajpur Committee—3; Compilation of Rules Committee—11; Agro-Industrial Corporation Examining Committee—11; Agro-Industrial Corporation Examining Sub-Committee—5;
- (j) Includes Goa, Daman and Diu Mandates (Protection from Eviction) Bill, 1973—3;

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD MAY 1, 1974 TO JULY 31, 1974

S. No.	Title of the Bill	Date of Assent by the President
*1	The Constitution (Thirty-second Amendment) Bill, 1973	3-5-74
2	The Appropriation (No. 2) Bill, 1974	11-5-74
3	The Finance Bill, 1974	11-5-74
** 4	The Constitution (Thirty-third Amendment) Bill, 1974	19-5-74
5	The Estate Duty (Distribution) Amendment Bill, 1974	21-5-74
6	The Additional Duties of Excise (Goods of Special Importance) Amendment Bill, 1974	31-5-74
7	The Union Duties of Excise (Distribution Amendment) Bill, 1974	31-5-74
	* The Bill was introduced in Lok Sabha as "The Constitution (Thirty-third Amendment) Bill, 1973". The short title of the Bill was changed by Lok Sabha through an amendment to clause 1.	
	** The Bill was introduced in Lok Sabha as "The Constitution (Thirty-fifth Amendment) Bill, 1974". The short title of the Bill was changed by Lok Sabha through an amendment to clause 1.	

APPENDIX V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD APRIL 1, 1974 TO JUNE 30, 1974

ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The Andhra Pradesh Universities Acts (Amendment) Bill, 1974.

BIHAR LEGISLATIVE ASSEMBLY¹

1. Bihar Land Reforms Bill, 1974.
2. Bihar Land Reforms (Validation and Amendment) Bill, 1974.
3. Bihar Industrial Area Development Authority Bill, 1974.

BIHAR LEGISLATIVE COUNCIL²

1. Bihar Appropriation (Vote on Account) Bill, 1974.
2. Bihar Appropriation Bill, 1974.
3. Bihar Industrial Area Development Authority Bill, 1974.
4. Bihar Land Reforms (Amendment) Bill, 1974.
5. Bihar Land Reforms (Validation and Amendment) Bill, 1974.
6. Bihar Appropriation (No. 2) Bill, 1974.
7. Bihar Finance Bill, 1974.
8. Wakf (Bihar Amendment) Bill, 1974.
9. Patliputra Medical College (Take over of Management) Bill, 1974.
10. Bihar Bricks Supply Control Bill, 1974.
11. Bihar Agricultural Produce Market (Amendment) Bill, 1974.

JAMMU AND KASHMIR LEGISLATIVE COUNCIL

1. A Bill to Authorize Payment and Appropriation of Certain Sums from end out of the Consolidated Fund of the Jammu and Kashmir State for the Services of the Financial Year 1973-74.
2. A Bill to Amend the J. & K. State Civil Court Act Samvat 1977.

(1) Original in Hindi.

(2) Original in Hindi. Relates to the period 1-1-74 to 30-6-74.

3. The Code of Criminal Procedure (Amendment) Bill, 1974.
4. The Payment of Wages (J. & K. Amendment) Bill, 1974.
5. A Bill to Authorise Payment and Appropriation of Certain Sums from and out of the Consolidated Fund of the J. & K. State for the services of the Financial Year 1974-75.
6. The Sadiq University of Agriculture Bill, 1974.
7. The J. & K. Forest (Amendment) Bill, 1974.
8. The Salaries and Allowances of Ministers, Deputy Ministers, Speaker, Chairman, Deputy Speaker and Deputy Chairman, Laws (Amendment) Bill, 1974.
9. The J. & K. Industrial Establishments (National and Festival) Holidays Bill, 1974.
10. The J. & K. Livestock Improvement (Amendment) Bill, 1974.
11. The J. & K. Transfer of Land Laws (Amendment) Bill, 1974.
12. The J. & K. Development (Amendment) Bill, 1974.
13. A Bill to Amend the J. & K. Shops and Establishments Act, 1956.

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Stamp (Amendment) Bill, 1974.
2. The Karnataka Housing Board (Amendment) Bill, 1974.
- *3. The Karnataka Forest (Amendment) Bill, 1974.
4. The Karnataka Sales Tax (Amendment) Bill, 1974.
5. The Karnataka Entertainments Tax (Amendment) Bill, 1974.
6. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1974.
7. The Karnataka Appropriation (No. 3) Bill, 1974.
- *8. The Karnataka Electricity Supply Undertakings (Acquisition) Bill, 1974.
- *9. The Karnataka Public Premises (Eviction of Unauthorised Occupants) Bill, 1973.
10. The Karnataka Legislature Salaries (Amendment) Bill, 1974.
11. The Karnataka Ministers Salaries and Allowances (Amendment) Bill, 1974.
12. The Karnataka State Servants (Determination of Age) Bill, 1974.
13. The Karnataka Agricultural Credit Operations and Miscellaneous Provisions Bill, 1974.

*Bills awaiting assent.

14. The Karnataka Official Language (Amendment) Bill, 1973.
15. The Mysore Prevention of Animal Sacrifices (Amendment) Bill, 1974.
16. The Mysore Industrial Establishments (National and Festival Holidays) (Amendment) Bill, 1974.
17. The Mysore Police (Amendment) Bill, 1974.
18. The Mysore Government Parks (Preservation) Bill, 1973.

KARNATAKA LEGISLATIVE COUNCIL

1. The Mysore Betting Tax and Race Course (Licensing) (Karnataka Amendment) Bill, 1974.
2. The Karnataka Village Panchayats and Taluk Boards (Postponement of Election) Bill, 1974.
3. The Karnataka and Mysore Universities (Amendment) Bill, 1974.
4. The Mysore State Civil Services (Regulation of Promotion, Pay and Pension) Bill, 1973.
5. The Karnataka Housing Board (Amendment) Bill, 1974.
6. The Mysore Sheep and Sheep Products Development Bill, 1973.
- *7. The Mysore Urban Water Supply and Drainage Board Bill, 1973.
- *8. The Mysore Slum Areas (Improvement and Clearance) Bill, 1973.
9. The Municipal Taxation (Mysore Extension) Bill, 1973.
10. The Karnataka Sales Tax (Amendment) Bill, 1974.
11. The Karnataka Entertainments Tax (Amendment) Bill, 1974.
12. The Karnataka Stamp (Amendment) Bill, 1974.
13. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1974.
- *14. The Renuka Yellamma Devasthanas (Administration) Bill, 1973.
- *15. The Mysore Lifts Bill, 1973.
- *16. The Karnataka Public Premises (Eviction of Unauthorised Occupants) Bill, 1973.
17. The Karnataka Legislature Salaries (Amendment) Bill, 1974.
18. The Karnataka Ministers' Salaries and Allowances (Amendment) Bill, 1974.
19. The Karnataka Appropriation (No. 3) Bill, 1974.
20. The Karnataka Village Panchayats and Local Boards (Amendment) Bill, 1974.

*Bills awaiting assent.

- *21. The Karnataka Electricity Supply Undertakings (Acquisition) Bill, 1974.
- *22. The Karnataka Forest (Amendment) Bill, 1974.
- 23. The Karnataka State Servants (Determination of Age) Bill, 1974.

MADHYA PRADESH LEGISLATIVE ASSEMBLY³

- 1. Madhya Pradesh State Road Transport Service (Prevention of ticketless travel) Bill, 1974.
- 2. Indian Electricity (Madhya Pradesh Amendment) Bill, 1974.
- 3. Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Bill, 1974.
- 4. Madhya Pradesh Appropriation (No. 2) Bill, 1974.
- 5. Madhya Pradesh Municipal Corporation (Amendment) Bill, 1974.
- 6. Madhya Pradesh Panchayats (Amendment) Bill, 1974.
- 7. Madhya Pradesh Finance Bill, 1974.
- 8. Madhya Pradesh Motor Vehicles (Passengers Taxation) Amendment Bill, 1974.
- 9. Madhya Pradesh Appropriation (No. 3) Bill, 1974.
- 10. Madhya Pradesh Universities (Amendment) Bill, 1974.
- 11. Madhya Pradesh Appropriation (Vote on Account) Bill, 1974.
- 12. Madhya Pradesh Secondary Education Board (Sale of Prospectus and Text Books) Bill, 1974.

MEGHALAYA LEGISLATIVE ASSEMBLY

- 1. Meghalaya Appropriation (No. II) Bill, 1974.
- *2. Meghalaya Appropriation (No. III) Bill, 1974.
- *3. Meghalaya Passengers and Goods Taxation (Amendment) Bill, 1974.
- *4. The Contingency Fund of Meghalaya (Augmentation of Corpus) Bill 1974.
- *5. Meghalaya Excise (Amendment) Bill, 1974.

NAGALAND LEGISLATIVE ASSEMBLY

- 1. The Nagaland Appropriation Bill, 1974
- *2. The Tuensang and Hon District (Assimilation of Laws) Bill, 1974
- *3. The Rules for Administration of Justice and Police in the Nagaland (Amendment) Bill, 1974.

*Bills awaiting assent.

³ Original in Hindi. Relates to the period 1-1-74 to 30-6-74.

ORISSA LEGISLATIVE ASSEMBLY

1. The Orissa Land Reforms (Amendment) Bill, 1974.
2. The Orissa House Rent Control (Amendment) Bill, 1974.
3. The Orissa Government Land Settlement (Amendment and Validation) Bill, 1974.
4. The Orissa Gram Panchayat (Amendment) Bill, 1974.
5. The Orissa Entertainments Tax (Amendment) Bill, 1974.
6. The Orissa Motor Spirit (Taxation on Sales) (Amendment) Bill, 1974.
7. The Orissa Ayurvedic Medicine (Amendment) Bill, 1974.
8. The Orissa Appropriation Bill, 1974.
9. The Orissa Appropriation Bill, 1974.
10. The Orissa Khadi and Village Industries Board (Amendment) Bill, 1974.
11. The Bihar and Orissa Excise (Orissa Amendment) Bill, 1974.
12. The Court Fees (Orissa Amendment) Bill, 1974.
13. The Orissa Motor Vehicles Taxation Laws (Amendment) Bill, 1974.
14. The Orissa Sales Tax (Amendment) Bill, 1974.
15. The Orissa Motor Vehicles (Taxation of Passengers) Amendment Bill, 1974.
16. The Orissa Sales Tax (Second Amendment) Bill, 1974.
17. The Orissa Irrigation (Amendment) Bill, 1974.
18. The Orissa Education (Amendment) Bill, 1974.
19. The Orissa Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1974.

TAMIL NADU LEGISLATIVE ASSEMBLY⁴

1. The Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Amendment Bill, 1974.
2. The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of Office) Amendment Bill, 1974.
3. The Tamil Nadu Public Men (Criminal Misconduct) Amendment Bill, 1974.
4. The Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1974.

⁴ Relates to the period 1-1-74 to 31-3-74.

5. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 1974.
- *6. The Registration (Tamil Nadu Amendment) Bill, 1974.
7. The Tamil Nadu District Municipalities (Amendment) Bill, 1974.
8. The Tamil Nadu Appropriation (Vote on Account) Bill, 1974.
9. The Tamil Nadu Motor Vehicles Taxation Bill, 1974.
- *10. The Indian Stamp (Tamil Nadu Amendment) Bill, 1974.
11. The Tamil Nadu Appropriation Bill, 1974.
- *12. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Bill, 1974.
- *13. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1974.
- *14. The Tamil Nadu Additional Sales Tax (Amendment) Bill, 1974.
- *15. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Bill, 1974.
16. The Tamil Nadu Appropriation Bill, 1974.
- *17. The Tamil Nadu Hindu Religious and Charitable Endowments
- *18. The Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Bill, 1974.
- *19. The Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Bill, 1974.
- *20. The Tamil Nadu Hindu Religious and Charitable Endowments (Fourth Amendment) Bill, 1974.
21. The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment) and Extension of Term of Office (Second Amendment) Bill, 1974.
22. The Madurai City Municipal Corporation (Amendment) and Extension of Term of Office (Amendment) Bill, 1974.

UTTAR PRADESH LEGISLATIVE ASSEMBLY*

1. The Uttar Pradesh Appropriation (Supplementary, 1973-74) Bill, 1974.
2. The Uttar Pradesh Appropriation (Vote on Accounts) Bill, 1974.
3. Uttar Pradesh Contingency Fund (Amendment) Bill, 1974.
4. The Uttar Pradesh Advocates Welfare Fund Bill, 1974.
5. Essential Commodities (U.P. Amendment) Bill, 1974.

*Bills awaiting assent.

5 Relates to the period 1-1-74 to 1-74.

6. The Land Acquisition (U.P. Amendment and Validation) Bill, 1974.
7. The Uttar Pradesh Maternity Benefit (Repeal) Bill, 1973.
8. The Uttar Pradesh Antarim Zila Parishads (Sanshodhan Vidheyak) Bill, 1974.
9. The Uttar Pradesh Sugarcane (Regulation of Supply and Purchase and Recovery of Purchase Tax) (Amendment and Validation) Bill, 1974.

UTTAR PRADESH LEGISLATIVE COUNCIL⁶

- *1. Uttar Pradesh State Public Service Commission (Regulation of Procedure and Conduct of Business) Bill, 1974.
- *2. Uttar Pradesh Municipalities (Amendment) Bill, 1974.
- *3. Criminal Procedure Code (Uttar Pradesh Amendment) Bill, 1974.
- *4. Uttar Pradesh Land Laws (Amendment) Bill, 1974.
- *5. Indian Stamp (Uttar Pradesh Amendment) Bill, 1974.
6. Uttar Pradesh Molasses Control (Amendment) Bill, 1974.
7. Northern India Canal and Drainage (Uttar Pradesh Amendment) Bill, 1974.
8. Uttar Pradesh Motor Vehicle Taxation (Amendment) Bill, 1974.
9. Uttar Pradesh Sales Tax (Amendment) Bill, 1974.
10. Uttar Pradesh Motor Spirit and Diesel Oil Sale Taxation (Amendment) Bill, 1974.
11. Uttar Pradesh Excise (Amendment) Bill, 1974.
12. Uttar Pradesh Pension of the Speaker of the Legislative Assembly Bill, 1974.
13. Uttar Pradesh Muslim Wakf (Amendment) Bill, 1974.
14. Uttar Pradesh (Urban Area) Land and Building Tax (Repeal) Bill, 1974.
15. ~~Essential Commodities~~ (Uttar Pradesh Amendment) Bill, 1974.

WEST BENGAL LEGISLATIVE ASSEMBLY⁷

1. The West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Bill, 1974.
2. The West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Bill, 1974.

*Bills awaiting assent.

⁶ Original in Hindi.

⁷ Relates to the period 1-1-74 to 30-6-74.

3. The West Bengal Medical and Dental Colleges (Regulation of Admission) (Amendment) Bill, 1974.
4. The West Bengal (Requisition and Acquisition) (Amendment) Bill, 1974.
5. The West Bengal Tanks (Acquisition of Irrigation Rights) Bill, 1974.
6. The West Bengal Cruelty to Animals (Repeal of Laws) Bill, 1974.
7. The Rice-Milling Industry (Regulation) (West Bengal Amendment) 1974.
8. The Bengal Finance (Sales Tax) (Amendment) Bill, 1974.
9. The Bengal Agricultural Income Tax (Amendment) Bill, 1974.
10. The Calcutta Municipal Corporation Amendment) Bill, 1974.
11. The Bengal Finance (Sales Tax) (Second Amendment) Bill, 1974.
12. The Bengal Finance (Sales Tax) (Third Amendment) Bill, 1974.
13. The West Bengal Non-Agricultural Tenancy (Amendment) Bill, 1974.
14. The West Bengal Industrial Infrastructure Development Corporation Bill, 1974.
15. The Bengal Amusement Tax (Amendment) Bill, 1974.
16. The Indian Stamp (West Bengal Amendment) Bill, 1974.
17. The West Bengal Entertainments and Luxuries (Hotels and Restaurants) Tax (Amendment) Bill, 1974.
18. The West Bengal Electricity Duty (Amendment) Bill, 1974.
19. The Bengal Finance (Sales Tax) (Fourth Amendment) Bill, 1974.
20. The West Bengal Motor Spirit (Sales Tax) Bill, 1974.
21. The Hooghly River Bridge (Amendment) Bill, 1974.
22. The Calcutta Metropolitan Development Authority (Amendment) Bill, 1974.
23. The Bengal Municipal Corporation (Amendment) Bill, 1974.
24. The Bengal Legislative Assembly (Members) Emoluments (Amendment) Bill, 1974.
25. The Bengal Taxation Laws (Amendment) Bill, 1974.
26. The West Bengal Appropriation Bill, 1974.
27. The West Bengal Appropriation (No. 2) Bill, 1974.
28. The Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Bill, 1974.

29. The West Bengal Land Reforms (Amendment) Bill, 1974.
30. The West Bengal Labour Welfare Fund Bill, 1974.
31. The West Bengal Apartment Ownership (Amendment) Bill, 1974.
32. The Bengal Electricity Duty (Amendment) Bill, 1974.
33. The West Bengal (Compulsory Censorship of Film Publicity Materials) Bill, 1974.
34. The West Bengal Comprehensive Area Development Bill, 1974.
35. The Howrah Municipal (Repealing) Bill, 1974.
36. The West Bengal Taxation Laws (Second Amendment) Bill, 1974.
37. The Calcutta and Suburban Police (Amendment) Bill, 1974.
38. The Industrial Disputes (West Bengal Amendment) Bill, 1974.
39. The West Bengal Workmen's House-rent Allowance Bill, 1974.
40. The Basumati Private Limited (Acquisition of Undertaking) Bill, 1974.
41. The West Bengal Relief Undertakings (Special Provisions) (Amendment) Bill, 1974.
42. The Prevention of Adulteration of Food, Drugs and Cosmetics (West Bengal Amendment) Amending Bill, 1974.

UNION TERRITORIES

Delhi Metropolitan Council

1. Extension of Maharashtra Apartment Ownership Act, 1970, to the Union Territory of Delhi Bill, 1974.
2. Delhi Development (Amendment) Bill, 1974.
3. Delhi Sikh Gurdwara (Amendment) Bill, 1974.

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY*

1. The Goa, Daman and Diu Supplementary Appropriation Bill, 1974.
2. The Goa, Daman and Diu Excess Expenditure Bill, 1974.
3. The Goa, Daman and Diu Highways Bill, 1973.
4. The Goa, Daman and Diu Diseases of Animals Bill, 1973.
5. The Goa, Daman and Diu Motor Vehicles Tax Bill, 1973.
6. The Goa, Daman and Diu Sales Tax (Amendment) Bill, 1974.
7. Goa, Daman and Diu Sales Tax (Validation of Appointments and Proceedings) Bill, 1974.
8. The Goa, Daman and Diu Appropriation Bill, 1974.

* Relates to the period 1-1-74 to 30-6-74.

9. The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Bill, 1974.
10. The Goa, Daman and Diu (Vote on Account) Bill, 1974.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD MAY 1, 1974 TO JULY 31, 1974 AND STATE GOVERNMENTS DURING THE PERIOD APRIL 1, 1974 TO JUNE 30, 1974

S. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
1	2	3	4	5	6
<i>CENTRAL</i>					
1	The Essential Commodities (Amendment) Ordinance, 1974 (No. 2 of 1974)	22-6-74	22-7-74		
2	The Press Council (Amendment) Ordinance, 1974 (No. 3 of 1974)	28-6-74	22-7-74		
3	The Indian Iron and Steel Company (Taking over of Management) Amendment Ordinance, 1974 (No. 4 of 1974)	28-6-74	22-7-74		
4	The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Ordinance, 1974 (No. 5 of 1974)	28-6-74	22-7-74		
5	The Industries (Development and Regulation) Amendment Ordinance, 1974 (No. 6 of 1974)	29-6-74	22-7-74		
6	The Companies (Temporary Restrictions on Dividends) Ordinance, 1974 (No. 7 of 1974)	6-7-74	22-7-74		
7	The Additional Emoluments (Compulsory Deposit) Ordinance, 1974 (No. 8 of 1974)	6-7-74	22-7-74		
8	The Companies (Temporary Restrictions on Dividends) Amendment Ordinance, 1974 (No. 9 of 1974)	15-7-74	22-7-74		
9	The Compulsory Deposit Scheme (Income-tax Payers) Ordinance, 1974 (No. 10 of 1974)	17-7-74	22-7-74		

Sl. No.	Title of Ordinance	Date of promulgation	Date(s) on which laid before the House(s) of Legislature	Date of cessation	Remarks (whether subsequently withdrawn or disapproved or replaced by legislation and in the last case, title of the Bill)
1	2	3	4	5	6
<i>STATES</i>					
<i>Bihar*</i>					
1	Bihar Khadi and Gramodyog (Amendment) Ordinance, 1974.	16-1-74			
2	Bihar Khadi and Gramodyog (Amendment) Ordinance, 1974.	Do.			
3	Bihar Industry State Subsidy (Amendment) Ordinance, 1974.	Do.			
4	Bihar Hindu Religious Trusts (Amendment) Ordinance, 1974.	Do.			
5	Bihar Trade Vocation, Livelihood and Employment Taxation Ordinance, 1974.	Do.			
6	Bihar Municipalities (Amendment) Ordinance, 1974.	Do.			
7	Bihar Panchayat Raj (Validating) Ordinance, 1974.	Do.			
8	Bihar Irrigation and Lift Irrigation (Amendment) Ordinance, 1974.	Do.			
9	Bihar Panchayat Samitis and District Parishads (Amending and Validating) Ordinance, 1974.	Do.			
10	Bihar Panchayat Raj (Amendment and Validation) Ordinance, 1974.	Do.			
11	Bihar Local Self-Government (Amendment) Ordinance, 1974.	Do.			

*Original in Hindi. Relates to the period 1-1-74 to 30-6-74.

1	2	3	4	5	6
12	Bihar State Laws (Authorised Hindi Text) Publication Ordinance, 1974.	16-1-74			
13	Bihar District Boards and Local Board (Control and Management) (Amendment) Ordinance, 1974.	Do.			
14	Bihar Cooperative Societies (Amendment) Ordinance, 1974.	Do.			
15	Bihar Sugarcane (Regulation of Supply & Purchase) Ordinance, 1974.	Do.			
16	Bihar Salaries and Allowances of Ministers (Amendment) Ordinance, 1974.	Do.			
17	Bihar Salaries and Allowances of Deputy Ministers (Amendment) Ordinance, 1974.	Do.			
18	Bihar Legislature (Salaries and Allowances of Officers) (Amendment) Ordinance, 1974.	Do.			
19	Motor Vehicles (Bihar Amendment) Ordinance, 1974.	Do.			
20	Bihar Health Cess Ordinance, 1974.	Do.			
21	Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1974.	Do.			
22	Bihar Land Reforms (Validation and Amendment) Ordinance, 1974.	Do.			
23	Bihar Land Reforms (Amendment) Ordinance, 1974.	Do.			
24	Bihar Industrial Areas Development Authority Ordinance, 1974.	Do.			
25	Bihar Institutes of Medical Education (Regulations and Control) Ordinance, 1974.	Do.			
26	Anugrah Narain Sinha Institute of Social Studies (Amendment) Ordinance, 1974.	Do.			
27	Bihar Board of School Examination (Amendment) Ordinance, 1974.	Do.			

1	2	3	4	5	6
28	Bihar Primary Education (Amendment) Ordinance, 1974.	16-1-74			
29	Bihar Ancient Monuments and Archaeological Sites and Remains Ordinance, 1974.	Do.			
30	Patliputra Medical College (Taking-over of Management) Ordinance, 1974.	Do.			
31	Bihar State Housing Board Ordinance, 1974.	Do.			
32	Bihar Land and Water Preservation and Land Development Ordinance, 1974.	Do.			
33	Bihar Sales Tax (Amendment) Ordinance, 1974.	Do.			
34	Bihar State Universities (Patna, Bhagalpur, Ranchi and Magadha Universities) (Control and Management) Ordinance, 1974.	Do.			
35	Patna University (Amendment) Ordinance, 1974.	17-1-74			
36	Mithila University Ordinance, 1974.	Do.			
37	Bihar State University Laws and School Law (Amendment and Repeal) Ordinance, 1974.	Do.			
38	Bihar Shops and Establishments (Amendment) Ordinance, 1974.	Do.			
39	Bihar Child Ordinance, 1974	Do.			
	Bihar Supply of Bricks (Control) Ordinance, 1974	16-1-1974			
41	Bihar Agricultural Produce Marketing (Amendment) Ordinance, 1974.	Do.			
42	Rajendra Agricultural University (Amendment) Ordinance, 1974.	Do.			
43	Chhownagpur and Santhal Parganas Autonomous Development Authority (Amendment) Ordinance, 1974.	Do.			

1	2	3	4	5	6
44	Patna Municipal Corporation (Amendment) Ordinance, 1974	17-1-74			
45	Bihar Tenancy (Amendment) Ordinance, 1974	Do.			
46	Bihar Ceiling on Urban Property (Temporary Ban on Transfer) Ordinance, 1974	16-1-74			
47	Bihar Gramdan (Amendment) Ordinance, 1974	Do.			
48	Chhotanagpur Tenancy (Amendment) Ordinance, 1974	Do.			
49	Bihar Premises and Vehicles (Requisition) Ordinance, 1974	Do.			
50	Indian Electricity (Bihar Amendment) Ordinance, 1974	2-2-74			
51	Bihar Flying Club (Taking over of Management Control) Ordinance, 1974	Do.			
52	Bihar Weights and Measures (Enforcement) (Amendment) Ordinance, 1974	12-2-74			
53	Bihar State University Laws (Amendment) Ordinance, 1974	14-3-74			
54	Bihar Motor Vehicles Taxation (Second Amendment) Ordinance, 1974	Do.			
55	Bihar Sales Tax (Second Amendment) Ordinance, 1974	27-4-74		5-6-74	
56	Bihar Industrial Subsidy (Second Amendment) Ordinance, 1974	Do.	Do.		
57	Bihar Salaries and Allowances of Ministers (Second Amendment) Ordinance, 1974	Do.	Do.		
58	Bihar Salaries and Allowances of Deputy Ministers (Second Amendment) Ordinance, 1974	Do.	Do.		
59	Bihar Salaries and Allowances of Officers of Legislature (Second Amendment) Ordinance, 1974	Do.	Do.		

1	2	3	4	5	6
60	Motor Vehicles (Bihar Second Amendment) Ordinance, 1974 . . .	27-4-74	5-6-74		
61	Bihar Motor Vehicles Taxation (Third Amendment) Ordinance, 1974 . . .	Do.	Do.		
62	Bihar Motor Vehicles Taxation (Fourth Amendment) Ordinance, 1974 . . .	Do.	Do.		
63	Anugrah Narain Sinha Institute of Social Studies (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
64	Bihar Primary Education (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
65	Bihar Board of School Examinations (Second Amendment) Ordinance 1974 . . .	Do.	Do.		
66	Patna University (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
67	Bihar Motor Vehicles Taxation (Fifth Amendment) Ordinance, 1974 . . .	Do.	Do.		
68	Bihar State University and Schools Laws (Second Amendment and Repeal) Ordinance, 1974 . . .	Do.	Do.		
69	Mithila University (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
70	Bihar State School Laws (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
71	Bihar State Universities (Patna, Bihar, Bhagalpur, Ranchi and Magadha Universities) (Control and Management) Second Ordinance, 1974 . . .	Do.	Do.		
72	Bihar Weight and Measurement (Enforcement) (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		

1	2	3	4	5	6
73	Pataliputra Medical College (Taking-over of Management) Second Ordinance, 1974	27-4-74	5-6-74		
74	Bihar Institute of Medical (Regulation and Control) Second Ordinance, 1974	Do.	Do.		
75	Bihar Health Cess Second Ordinance, 1974	Do.	Do.		
76	Patna Municipal Corporation (Second Amendment) Ordinance, 1974	Do.	Do.		
77	Bihar Municipalities (Second Amendment) Ordinance, 1974	28-4-74	Do.		
78	Bihar Hindu Religious Trust (Second Amendment) Ordinance, 1974	Do.	Do.		
79	Bihar State Law (Authorised Hindi Text) Publication Second Ordinance, 1974	Do.	Do.		
80	Bihar Industrial Area Development Authority Second Ordinance, 1974	Do.	Do.		
81	Bihar Soil and Water Conservation and Land Development Second Ordinance, 1974	Do.	Do.		
82	Bihar Tenancy (Second Amendment) Ordinance, 1974	Do.	Do.		
83	Indian Electricity (Bihar Second Amendment) Ordinance, 1974	Do.	Do.		
84	Bihar Sugarcane (Regulation of Supply and Procurement) Second Ordinance, 1974	Do.	Do.		
85	Bihar Panchayat Samiti and Zila Parishad (Second Amending and Validations) Ordinance, 1974	Do.	Do.		
86	Bihar Local Self Government (Second Amendment) Ordinance, 1974	Do.	Do.		
87	Bihar District Board and Local Board (Control and Management) Second Amendment Ordinance, 1974	Do.	Do.		

1	2	3	4	5	6
88	Bihar Agricultural Produce Marketing (Second Amendment) Ordinance, 1974	28-4-74	5-6-74		
89	Bihar Industry Subsidy (Second Amendment) Ordinance, 1974	Do.	Do.		
90	Bihar Khadi and Village Industries (Second Amendment) Ordinance, 1974	Do.	Do.		
91	Bihar Shops and Establishments (Second Amendment) Ordinance, 1974	Do.	Do.		
92	Chhota Nagpur Tenancy (Second Amendment) Ordinance, 1974	Do.	Do.		
93	Bihar Gramdan (Second Amendment) Ordinance, 1974	Do.	Do.		
94	Bihar Panchayat Rai (Validation) Second Ordinance, 1974	Do.	Do.		
95	Bihar Panchayat Rai (Second Amendment and Validation) Ordinance, 1974	Do.	Do.		
96	Bihar Land Reforms (Second Amendment) Ordinance, 1974	Do.	Do.		
97	Bihar Land Reforms (Validation and Second Amendment) Ordinance, 1974	Do.	Do.		
98	Indian Registration (Bihar Amendment) Ordinance, 1974	Do.	Do.		
99	Bihar Cooperative Society (Second Amendment) Ordinance, 1974	Do.	Do.		
100	Bihar Flying Club (Taking over of Management) Second Ordinance, 1974	Do.	Do.		
101	Bihar Ancient Monuments and Archaeological Sites and Remains Second Ordinance, 1974	29-4-74	Do.		
102	Bihar Irrigation and Lift Irrigation (Second Amendment) Ordinance, 1974	Do.	Do.		

1	2	3	4	5	6
103	Bihar Brick Supply (Control) (Second Amendment) Ordinance, 1974 . . .	29-4-74	5-6-74		
104	Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
105	Bihar Premises and Vehicles (Acquisition) Second Ordinance, 1974 . . .	Do.	Do.		
106	Bihar State Housing Board Second Ordinance, 1974 . . .	Do.	Do.		
107	Bihar Land Reforms (Ceiling on land and acquisition of surplus land) (Amendment) (Amending) Ordinance, 1974 . . .	Do.	Do.		
108	Raiendra Agriculture University (Second Amendment) Ordinance, 1974 . . .	Do.	Do.		
109	Bihar Legislature (Removal of Disqualification) (Amendment) Ordinance, 1974 . . .	7-5-74	Do.		
110	Bihar Ceiling on Urban Property (Interim restriction on Transfer) Second Ordinance, 1974 . . .	10-5-74	Do.		
111	Bihar Cooperative Society (Third Amendment) Ordinance, 1974 . . .	18-5-74	Do.		
112	Bihar Secondary Education Board Ordinance, 1974 . . .	21-5-74	Do.		
113	Bihar Sales Tax (Third Amendment) Ordinance, 1974 . . .	4-6-74	Do.		
<i>HARYANA</i>					
1	The Punjab Agricultural Produce Market (Haryana Amendment) Ordinance, 1974.	13-4-1974	8-7-74		Replaced legislation
2	The Punjab Electricity (Duty) (Haryana Amendment) Ordinance, 1974. . .	13-4-74	10-4-74		Do.
3	The Court Fees (Haryana Amendment) Ordinance, 1974 . . .	3-5-74	8-7-74		Do.

1	2	3	4	5	6
<i>KARNATAKA</i>					
1	The Karnataka Land Reforms (Amendment) Ordinance, 1974	29-5-74	3-6-74		
2	The Karnataka Irrigation (Levy of Betterment, Contribution & Water rate) (Amendment) Ordinance, 1974	22-6-74		Do.	
<i>MADHYA PRADESH</i>					
1	Madhya Pradesh Universities (Amendment) Ordinance, 1974	13-2-74	15-3-74		Replaced by legislation.
2	Madhya Pradesh Krishi Upaj Mandi (Amendment) Ordinance, 1974.	11-5-74			
<i>ORISSA</i>					
1	The Orissa Land Reforms (Amendment) Ordinance, 1974.	13-4-74	3-6-74		Replaced by legislation.
2	The Orissa Gram Panchayat (Amendment) Ordinance, 1974.	1-4-74	3-6-74		Do.
3	The Orissa Essential Services (Maintenance) (No. 2) Ordinance, 1974.	1-5-74	3-6-74	14-7-74	The Ordinance ceased to operate on the expiration of six weeks from the date of re-assembly of the Assembly on 3-6-74.
4	The Orissa House Rent Control (Amendment) Ordinance, 1974.	2-5-74	3-6-74		Replaced by legislation.
5	The Orissa House Rent Control (Second Amendment) 1974.	18-5-74	3-6-74		Do.

20. गिनी हिंदी. Relates to the period 1-1-74 to 30-6-74.

1	2	3	4	5	6
<i>PUNJAB</i>					
1	The Punjab Municipal (Amendment) Ordinance, 1974.			8-4-74	
2	The Indian Stamp (Punjab Amendment) Ordinance, 1974.			28-4-74	
3	The Punjab Agricultural Produce Markets (Amendment) Ordinance, 1974.			30-4-74	
4	The Punjab Passengers and Goods Taxation (Amendment) Ordinance, 1974.			2-5-74	
5	The Punjab Entertainments Duty (Amendment) Ordinance, 1974.			9-5-74	
6	The Punjab Contingency Fund (Amendment) Ordinance, 1974.			10-5-74	
7	The Punjab Motor Spirit (Taxation of Sales) Amendment Ordinance, 1974.			6-6-74	
8	The Punjab Motor Vehicles Taxation (Amendment) Ordinance, 1974.			27-6-74	
<i>TAMIL NADU*</i>					
1	The Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance 1974.			17-1-74	Replaced by legislation.
2	The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Third Amendment Ordinance, 1974.			12-6-1974	
3	The Madurai City Municipal Corporation (Amendment and Extension of Term of Office) Second Amendment Ordinance, 1974			12-6-74	

*Relates to the period 1-1-74 to 30-6-74.

1	2	3	4	5	6
<i>UTTAR PRADESH⁴</i>					
1	The Land Acquisition (U.P. Amendment and Validation) Ordinance, 1974.	1-1-74	19-3-74	24-4-1974	Replaced by legislation
2	Essential Commodities (U.P. Amendment) Ordinance, 1974	8-1-74	19-3-74	24-4-74	Do.
3	The Uttar Pradesh Higher Education Grants Commission Ordinance, 1974.	15-1-74	19-3-74		
4	The Uttar Pradesh Advocates Welfare Fund Ordinance, 1974	20-1-74	19-3-74	16-4-1974	Replaced by legislation
5	The Uttar Pradesh Maternity Benefit (Repeal) Ordinance, 1974	18-2-74	19-3-74	10-4-74	Do.
6	Uttar Pradesh Contingency Fund (Amendment) Ordinance, 1974.	27-2-74	19-3-74	10-4-74	Do.
7	Uttar Pradesh Sales Tax (Amendment) Ordinance, 1974	21-5-74	10-6-74		Do.
8	Uttar Pradesh Muslim Wakf (Amendment) Ordinance, 1974	15-4-74	10-6-74		Do.
9	Uttar Pradesh Motor Spirit and Diesel oil sale Taxation (Amendment) Ordinance, 1974	23-4-74	10-6-74		Do.
10	Northern India canal and Drainage (Uttar Pradesh Amendment) Ordinance, 1974	31-5-74	10-6-74		Do.
11	Uttar Pradesh Excise (Amendment) Ordinance, 1974	15-4-74	10-6-74		Do.
12	Uttar Pradesh Malasses Control (Amendment) Ordinance, 1974	24-4-74	10-6-74		Do.
13	India Stamp (Uttar Pradesh Amendment) Ordinance, 1974	21-5-74	10-6-74		Do.

⁴Original in Hindi. Relates to the period 1-1-74 to 30-6-74.

1	2	3	4	5	6
<i>WEST BENGAL</i>					
1	The Bengal Agricultural Income Tax (Amendment) Ordinance, 1974	7-1-74	25-2-74	5-4-74	Replaced by legislation.
2	The Rice-Milling Industry (Regulation) (West Bengal Amendment) Ordinance, 1974	25-1-74	25-2-74	5-4-74	Do.
3	The West Bengal Entertainments and Luxuries (Hotels and Restaurants) Tax (Amendment) Ordinance, 1974	25-1-74	25-2-74	5-4-74	Do.
4	The Bengal Excise (Amendment) Ordinance, 1974	6-6-74			
5	The North Bengal University (Amendment) Ordinance, 1974	7-6-74			
6	The Commissions of Enquiry (West Bengal Amendment) Ordinance, 1974	24-6-74			

*Revised to the period 1-1-74 to 30-6-74.

APPENDIX VII
A. PARTY POSITION IN LOK SABHA
(As on September 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
<i>States</i>									
Andhra Pradesh	41	37	1	1			2(a)		41
Assam	14	12	1						13 (1 Vacant)
Bihar	53	37		5	2		7(b)	1	52 (1 Vacant)
Gujarat	24	11					10(c)	2	23
Haryana	9	7			1			1	9
Himachal Pradesh	4	4							4
Jammu and Kashmir	6	5						1	6
Karnataka	27	27							27
Kerala	19	6	2	3			7(d)	1	19
Madhya Pradesh	37	21			10		5(e)		36
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(k)	1	85
West Bengal	40	15	20	2			2(l)		40
<i>Union Territories</i>									
Andaman & Nicobar Islands	1	1							1
Chandigarh	1	1							1
Dadra and Nagar Haveli	1	1							1
Delhi	7	7							7
Goa, Dam in and Diu	2	1					1(m)		2
Lakshadweep	1	1							1
Mizoram	1	1							1
Pondicherry Nominated	1						1(n)		1
Arunachal Pradesh	1	1							1
Anglo-Indian	2						2(n)		2
TOTAL	524	358	26	24	20	19	58	13	518 (+ Vacant) 5

*Excludes the Speaker, who is not a Member of any Party.

(a) Telengana Praja Samiti	2						(h) Swatantra UIPG		2
(b) Socialist Party	2						(i) Swatantra UIPG		2
Congress(O) UIPG	3						(j) Muslim League Forward Block Congress (O)		1
(c) Swatantra Congress(O)	2						Ann. D.M.K.		4
(d) Muslim League Revolutionary Socialist Party Kerala Congress	2						(k) B.K.D.		2
(e) Socialist Party UIPG	1						(l) Socialist Party Revolutionary Socialist Party		1
(f) Socialist Party Forward Block	1						(m) UIPG		1
(g) UIPG	1						(n) ADMK		1
							(o) UIPG		2

B. PARTY POSITION IN RAJYA SABHA

Appendix VII (Contd.)

(As on Sept. 1, 1974)

States	No. of Seats	CONG	CONG. (O)	JS	DMK	CPI	SWA	CPI(M)	M.L.	BKD	SP	AKALI DAL	APHLC	FB(M)	UDF	PSP	REP	PWP	ADMK	IND	Nominated	Vacancies
Andhra Pradesh	18	15																			3	
Assam	7	7																				
Bihar	22	13	1	1		3				2							1				1	
Gujarat	11	7		1																		3
Haryana	5	5																				
Himachal Pradesh	3	3																				
Jammu and Kashmir	4	4																				
Kerala	9	2				1		3			2											
Madhya Pradesh	16	12		3						2											1	
Maharashtra	19	13				1				1	1						1	1		1		
Manipur	1	1																				
Meghalaya	1													1								
Karnataka	12	8	2																		2	
Nagaland	1																1					
Orissa	10	5				1	3			1												
Punjab	7	4				1						2										
Rajasthan	10	9		1																		
Tamil Nadu	18		1		11					3											2	1
Tripura	1					1																
Uttar Pradesh	34	20	3	4		1				5											1	
W. Bengal	16	7				3		4						1							1	
Arunachal Pradesh	1	1																				
Delhi	3	2		1																		
Mizoram	1	1																				
Pondicherry	1					1																
Nominated	12	1																				11
	243	140	7	11	12	12	3	7	5	9	2	2	1	1	1	2	1	1	2	11	11	3

C. PARTY POSITION IN STATE LEGISLATIVE ASSEMBLIES

States	Seats	Cong	Cong (O)	Swi.	JS	CPI	CPI (M)	SP	DMK	Other Parties	Ind. Nom.	Total	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh (as on 31-3-74)	288	214				8	1			36(a)	19	1	279(b)
Assam (as on 1-3-1974)	114	95		1	..	3		4		5(c)	6		114
Bihar (as on 22-7-73)	319	181	24	1	24	35		34		9(d)	14	1	319(e)
Haryana (as on 15-7-74)	81	51	3		2					9(f)	15		80(g)
Himachal Pradesh (as on 31-3-74)	67	53			5		1			2 (h)	6		67
Jammu and Kashmir (as on 7-12-73)	75	57			3	..				5(i)	9		75(i)
Karnataka (as on 30-6-74)	217	166	24		..	3	1	2		1(k)	18	..	216(l)
Kerala (as on 31-3-74)	134	35	3		..	16	31			36(m)	4	..	133(n)
Madhya Pradesh (as on 1-8-1974)	297	232			46	5		4		..	8	1	29(o)
Manipur (as on 30-4-74)	60	12				6		2		38(p)	2		60
Meghalaya (as on 11-7-74)	60	12								47(q)	1		60
Nagaland (as on 28-6-74)	60	..				..	..	..		60(r)	..		60
Orissa (as on 9-8-74)	146	69			..	7	3	2		57(s)	8		146(t)
Punjab (as on 11-7-74)	104	67			1	10	1	..		25(u)			104
Rajasthan (as on 31-3-74)	184	142	1	11	7	4		5	..	..	11	..	181(v)
Tamil Nadu (as on 6-3-74)	235	6	13	5		5	..		174	28(w)	2	1	234(x)
Tripura (as on 19-7-74)	60	41			..	1	16	..		..	2(y)		60
Uttar Pradesh (as on 31-4-74)	426	215	10	1	61	16	2	5		109(z)	5	1	425 (aaa)
West Bengal (as on 30-6-74)	281	216	2			36	13			8(aa)	5(bb)	1	281
*Delhi (as on 30-6-74)	61	47	2		5	3				1(dd)	1	..	59(cc)
Goa, Daman and Diu (as on 30-6-74)	30	1								28(ff)	1	..	30(gg)
Mizoram (as on 31-3-74)	33	30				..				..		3(hh)	33
Pondicherry (as on 26-3-74)	30	7	5		..	2	1	..	2	12(ii)	1		30

*Refers to Delhi Metropolitan Council

- (a) Socialist Democratic Front 11; Andhra Progressive Democrats 8; Progressive Front 6; Peoples Democrats, 6; Majlis Ittihad-ul-Muslimeen 2, RPI-1. United Democratic Front-36.
- (b) Vacant-9
- (c) Peoples Democratic Party-3; R. C. P. I.-1; Plains Tribal Party-1.
- (d) Include All India Jharkhand-3, Hul Jharkhand 2; Progressive Hul Jharkhand-1-Jharkhand (N.E. Hora Group)-1, Hindustani Socialist Dal-2.
- (e) Vacant-1; Includes Hon. Speaker.
- (f) Includes Vishal Haryana Party 3; Progressive Independent Party 2; Bhartiya Kranti Dal -4.
- (g) Vacant-1.
- (h) Lok Raj Party
- (i) Jamat Islami.
- (j) Vacant-1.
- (k) Janathapaksha
- (l) Vacant-1. Includes Hon. Speaker.
- (m) Includes Kerala Congress-13; Muslim League 11, Revolutionary Socialist Party-6; Kerala Socialist Party -2; Karshak Tozhiali Party 2; P.S.P. 2.
- (n) Vacant-1; Includes Hon. Speaker.
- (o) Vacant 1; Includes Hon. Speaker.
- (p) Includes M. P. P. -23; M.H.U. 13; K.N.A. -2.
- (q) Includes A.P.H.L.C. -39; H.S.P.D.P. -8.
- (r) Includes Nagaland Nationalist Organisation-24; United Democratic Front-36.
- (s) Includes Orissa Pragati Legislature Party-57.
- (t) -Excludes Hon-Speaker
- (u) Shiromani Akali Dal-25.
- (v) Vacant-3.
- (w) Tamil Arasu Kazhagam-7; Forward Bloc-7; Muslim League-6; Anna Dravida Munnetra Kazhagam-12, Tamil Nadu Communist-2.
- (x) Vacant-1; Includes Hon. Speaker.
- (y) Independent supported by CPI (M)
- (z) Includes B. K. D.-106; Muslim League-1; Hindu Sabha-1; Sahit Samsi Dal-4.
- (aa) Includes R. S. P. -3; Socialist Unity Centre -1; Workers party-1; Oorkha League -2; Mulim League-1.
- (aaa) Vacant-1.
- (bb) Includes Speaker supported by the U. F.-1; Others -4.
- (cc) Muslim League.
- (dd) Vacant-2.
- (ee) Includes Maharashtrawadi Gomantak Party-19; United Goans-9
- (ff) Includes Hon Speaker.
- (gg) Affiliated to Congress.
- (hh) A. D. M. K.

Note: - The figures are based on the information furnished by the respective State Legislature Secretariats.