

THE JOURNAL OF PARLIAMENTARY INFORMATION

JAWAHARLAL NEHRU AND THE FUNDAMENTAL RIGHTS

— Dr. S. P. Sathe

REFLECTIONS ON A NATIONAL FRONT

— H. N. Mukerjee, M.P.

**SOCIO-ECONOMIC BACKGROUND OF LEGISLATORS IN
THE UNION TERRITORIES**

— Research and Information Service,
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THE JOURNAL OF PARLIAMENTARY INFORMATION

Editor: S. L. SHAKDHER

The Journal of Parliamentary Information, a quarterly publication brought out by the Lok Sabha Secretariat, aims at the dissemination of authoritative information about the practices and procedures that are continuously being evolved in Indian and foreign legislatures. The Journal also purports to serve as an authentic recorder of important parliamentary events and activities and provides a useful forum to Members of Parliament and State Legislatures and other experts for the expression of their views and opinions thereby contributing to the development and strengthening of parliamentary democracy in the country.

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EDITORIAL NOTE

Ever since the *Golak Nath's case* the question about the Parliament's power to amend the fundamental rights enshrined in Part III of the Constitution has engaged the attention of public men as well as intellectuals. The debate goes on in spite of the enactment of the Constitution (Twenty-fourth) Amendment Act expressly declaring that the Parliament has the power to amend any provision of the Constitution including the provisions relating to Fundamental Rights, and the Supreme Court judgment in the *Kesavanand Bharati's case*. Needless to say, the late Prime Minister Shri Jawaharlal Nehru was the moving spirit behind the incorporation of the Fundamental Rights into the Constitution, when it was being drafted and considered in the Constituent Assembly. He appears to have had no doubts about Parliament's power to amend the provisions regarding Fundamental Rights. In 1951, moving the Constitution (First Amendment) Bill for consideration in the Provisional Parliament, he wanted to "remind the House that this Bill only perhaps clears up what the authority of Parliament is. We are not putting down any kind of curb or restraint. We are removing certain doubts as to enable Parliament to function if it so chooses and when it chooses." We publish in this issue an article on "Jawaharlal Nehru and the Fundamental Rights" by Dr. S. P. Sathe.

At the present juncture the country is faced with multitudinous problems, economic as well as political. Professor Mukerjee, M.P. expresses in his own inimitable style, his personal views about the formation of a National Front to come to grips with those problems.

In the previous issue of the *Journal* we published results of a comprehensive study about the socio-economic background of the legislators of the Upper and the Lower Houses both at the Centre and in the States. This issue contains the third and the last part of the study relating to the socio-economic background of legislators in the legislatures of some of the Union Territories.

Often there have been demands from the members of the Opposition in India and elsewhere asking the Ministers to declare their

pecuniary assets. In certain countries, e.g. in Jamaica, Trinidad and Tobago, there is provision for setting up Parliamentary Integrity Commissions to assist in promoting confidence in the integrity of public life. Sri Lanka National Assembly has since passed a Bill requiring Ministers, Members of Parliament etc. to declare their assets and liabilities every five years. In our own country two private members' Bills seeking declaration of assets by members and Ministers are already before Parliament. A brief note on the subject highlighting the recommendations of a Select Committee appointed by the House of Commons in the United Kingdom included in this issue would perhaps be of interest to the readers.

In the sphere of parliamentary and constitutional developments in India, after the Cabinet reshuffle at the Centre in October, 1974, certain changes had to be effected consequent on the sad demise of the Railway Minister, late Shri L. N. Mishra and the resignations of the Minister of Planning, Shri D. P. Dhar and the Minister of State for Law and Company Affairs, Shri Nitiraj Singh Chaudhury. Shri Dhar's portfolio was ultimately taken over by the Prime Minister herself. Shri P. N. Haksar who was earlier Secretary to the Prime Minister was appointed Deputy Chairman of the Planning Commission in succession to Shri D. P. Dhar.

Bhartiya Kranti Dal was eclipsed from the Indian political scene with the merger of its remnants in Parliament and the State Legislatures with the Congress. A majority of its members had already joined the new party Bhartiya Lok Dal. The B.L.D. received further strength with the renaming of the Orissa Pragati Legislature Party as the B.L.D. Legislature party of the State.

There was increase in the travelling allowance of members of Parliament besides some other facilities, as also in the allowances and amenities of the members of the Haryana Legislative Assembly.

The Constitution (Thirty-eighth Amendment) Bill making Sikkim the twenty-second State of the Indian Union recently received President's assent after its ratification by the State Legislatures as required under article 368 of the Constitution.

At the State level, new Speakers were elected in Andhra Pradesh and Manipur; in the latter the incumbent being a former Chief Minister. Ministries were reconstituted and expanded in Jammu and Kashmir, Karnataka and Maharashtra. A ministerial crisis due to defection of members had developed in Manipur which ultimately

led to the fall of the Shaiza Ministry. A new 2-member Congress-led Ministry under the leadership of Shri Dorendra Singh was sworn in. Its strength, however, rose to 11 later.

On the recommendations of its Privileges Committee, the Haryana Vidhan Sabha took the extreme step of expelling a member from the service of the House for breach of privilege and contempt of the House and declared his seat vacant.

New Governors assumed Office in Orissa and Uttar Pradesh.

Abroad, a significant event was the replacement of the parliamentary system of government within a short period of two years by the presidential one in Bangladesh. The change was brought about by an amendment to the country's Constitution "to bring about an appropriate form of administration and to free the society from exploitation". About a month before this changeover, a state of emergency was proclaimed against the backdrop of a deepening economic and political crisis. It appears that the political system adopted by Bangladesh after liberation was found to be inadequate to tackle the post-liberation problems of the country.

Besides Bangladesh, there have been constitutional changes in China, where the post of President was abolished and Guinea where the ruling party's national Congress became the country's "supreme national body" and the strength of the Legislative Assembly was doubled. In Jordan, a constitutional amendment empowered the King to dissolve both Houses of Parliament and put off new elections upto a period of one year.

Under the new Constitution, Malta became a republic, replacing the British monarch as the head of the state by an elected President of Maltese nationality. Sweden's new Constitution also formally came into force prohibiting the King to attend Cabinet meetings. The constitutions of both the countries lowered the minimum voting age to 18 years.

The new liberal Portuguese regime, convinced that colonialism has no place in this nuclear age, is fast giving up its colonial possessions. The agreements signed recently to transfer power in the Cape Verde Islands and Angola to transitional governments and make them independent nations are welcome developments.

We send our felicitations to Mr. Sayed Marei, the newly elected Speaker of the Egyptian Peoples Assembly.

General elections in Brazil resulted in a victory for the ruling National Renewal Alliance and in unprecedented gains for the Brazilian Democratic Movement.

In Denmark, the general elections enabled the Liberal Democratic Party to almost double its strength in the Parliament. The absence of a clear majority for any party created a sort of political instability and the minority Government formed by Hr. Hartling, the Liberal Democratic leader had to resign after a defeat in the House at the first available opportunity.

In the first free elections in a decade in Greece, Mr. Carmanlis' New Democracy party won by overwhelming majority. In a referendum, the country voted to become a republic and rejected the monarchy. The Parliament elected Professor Michael Stassinopoulos as the interim President. Later, the Greek Cabinet approved a draft Constitution under which the President would be the central figure in the country's political life with some of the powers and prerogatives the monarchs had enjoyed, including the power to dismiss the Prime Minister and the Cabinet.

After the Sarawak elections in Malaysia the ruling National Front received further strength and the entire federal Opposition was able to muster only a paltry 19 seats in a 154-member House.

The results of the mid-term elections to the Congress in U.S.A. giving the Democrats a massive majority have placed President Ford in a precarious position inasmuch as the Democrats now have a two-thirds majority to override his veto.

In this International Women's Year the Central African Republic provided on the New Year's Day the first woman Prime Minister in Africa; Mme. Elisabeth Domitien was appointed to the newly created post of Prime Minister by President Jean-Bedel Bokassa.

There were three other most significant governmental changes recently. In Cyprus Archbishop Makarios who returned to Cyprus, rejected Turkish plans to divide the island and reinstated five ministers ousted by the July coup in his new Cabinet. Prime Minister Tanaka of Japan resigned from his post over the publication of an article raising questions about his financial dealings while in public office. Cabinets were reshuffled in Iraq, Nepal and Sudan which resulted in the dropping of some Ministers.

The question of financing elections by public funds is assuming prominence not only in India but in other democratic countries too. In U.K., a legislative measure seeking to provide subsidies to Opposition parties is reported to be before Parliament.

The Stonehouse episode is assuming increasing importance and the House of Commons have thought it fit to appoint a Select Committee to consider whether the runaway member of Parliament may be expelled from the House, or some other action against him would be called for.

—S. L. Shukdher

JAWAHARLAL NEHRU AND THE FUNDAMENTAL RIGHTS

I. INTRODUCTION

India became free in 1947 after a long struggle against imperialism. The alien rule was bad not only because it demoralised the nation but also because it caused denial of human rights, economic exploitation and social injustice. The leaders of the National Movement had visualised the setting up of a democratic government and a just social order in independent India. They did not want mere "change of masters from white to brown".¹ But they wanted a real people's rule, adult franchise and an ending of poverty and misery. The Constitution, which the Constituent Assembly framed, became the nucleus of such a social revolution.

The provisions guaranteeing fundamental rights and providing directive principles of state policy contain a vision of the Constitution-makers regarding the future India. These provisions envisage the emergence of a new social order based on justice, social, economic and political.² They provide the guidelines of social change. They do not merely protect the individual against the State. They also tend to free him from the bondage of tradition and social and economic exploitation. They secure freedom of the individual against various kinds of oppression. And they also limit his freedom in the interest of the freedom of others. These provisions have rightly been described as the "conscience of the Constitution".³

*Dr. Sathe is Reader in Law, University of Bombay.

¹See J. Nehru, *Discovery of India*, Asia Publishing House, 1973, p. 66. Also see J. Nehru, *An Autobiography*, Allied Publishers, 1962, p. 137, hereinafter referred as *Autobiography*. Gandhi wrote as early as in 1931 that to him political power was not an end "but one of the means of enabling people to better their conditions". See V. V. Ramana Murthi, *Gandhi: Essential Writings*, Gandhi Peace Foundation, New Delhi, 1970, p. 258.

²See article 38 of the Constitution of India.

³Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford, Indian edition 1972, p. 50 hereinafter cited as Austin.

Among those who were most articulate about the social thought and ideology of the National Movement Jawaharlal Nehru was doubtless the most prominent. According to one writer "there have been many eminent men who have led the nation towards freedom. There have been men more intellectual, more courageous, more spiritual but for modernity of outlook and humanity, for consistency of vision which comprehended all history, Jawaharlal was the greatest of them all".⁴ His commitment to democracy, individual liberty and an egalitarian social order developed through experience and intellectual conviction. Through his writings and speeches a coherent philosophy of democratic socialism emerges and this philosophy pervades the Indian Constitution.

The Constitution is a link between India's past and her future. It drew inspiration from the National Movement and provided inspiration to the social revolution which India embarked upon under Nehru's leadership after independence. While moving the Objectives Resolution in the Constituent Assembly, Nehru said that "our past is witness to what we are doing here and though the future is still unborn, the future too somehow looks at us".⁵ He described the Constitution-makers as "trustees of the future" and "inheritors of our great past".⁶

II. NEHRU: SOCIAL THOUGHTS AND FUNDAMENTAL RIGHTS

Nehru's family background as well as his training abroad exposed him to western influence much more than other Indians. His personal contact with individual Englishmen was since his early childhood and this continued throughout his life. Therefore although he resented "the alien rulers of the country"⁷ he had no feeling against individual Englishmen. In his heart he "rather admired the English".⁸

He studied in England during 1906 to 1913, first at Harrow, then at Cambridge and lastly at London for the Bar. The years which he spent at Cambridge were the years of intellectual ferment in Europe. H. G. Wells and Bernard Shaw were challenging old social and eco-

⁴See P. H. Patwardhan, *Jawaharlal Nehru: The Ecstasy and the Agony*, University of Poona, 1966, p. 3.

⁵*Constituent Assembly Debates*, Vol. I, p. 65 hereinafter cited as C.A.D.

⁶C.A.D. Vol. II, p. 318.

⁷*Autobiography*, p. 6.

⁸*Ibid.*

nomic ideas. Einstein had propounded his theory of relativity and Freud had published his first psychopathological treatise, entitled "Psychoanalysis". Two authors who moulded his political and economic thinking were Lowes Dickinson and Meredith Townsend. Later he was attracted by the Fabianism of Shaw and the Webbs and the intellectual freshness of Bertrand Russell and John Maynard Keynes. He took a certain interest in British politics and was drawn towards the Sinn Fein movement in Ireland and the women suffrage movement in England.⁹ If Nehru appeared to be essentially western in his intellectual make-up it was because of his early exposure to Englishmen and English ideas.¹⁰ In 1922 when he faced his second political trial he said in a statement that after a long stay in England he had "imbibed most of the prejudices of Harrow and Cambridge" and that in his likes and dislikes he "was perhaps more an Englishman than an Indian."¹¹

His family background had already prepared a ground for his secularist and modernist position. Motilal lived in a Western style and was a non-conformist and even a rebel so far as religious orthodoxy was concerned. He had resisted successfully after returning from abroad the attempt of the castemen to compel him to undergo expiation (*prayaschit*) which according to caste orthodoxy he was bound to undergo.¹² From childhood Nehru developed cynical attitude towards superstition and religious rituals. Religion appeared to him to be "a woman's affair".¹³

During his stay in England, he learnt about and began taking interest in the Indian National Movement. The movement was at that time divided between the extremists led by Tilak and the moderates. He was sympathetic to Tilak, and was fed up with the slow-moving and submissive approach of the moderates.¹⁴

⁹Frank Moraes, *Jawaharlal Nehru—A biography*, The Macmillan Co., New York 1956, p. 42. Hereinafter cited as Moraes.

¹⁰According to Brecher, Nehru was "essentially a western in his intellectual make-up". See Michael Brecher, *Nehru—A Political Biography*, Oxford, 1959, p. 19. Hereinafter cited as Brecher.

¹¹*Selected works of Jawaharlal Nehru*, Vol. I, Orient Longman, 1972, pp. 252-53. Hereinafter cited as *Selected Works*. Also see B. R. Nanda, *The Nehrus*, George Allen & Unwin Ltd., London, 1962, pp. 209-10.

¹²*Autobiography*, p. 13.

¹³*Ibid.*, 8.

¹⁴*Ibid.*, pp. 23, 24.

On his return to India he saw the repression of human rights in various British Legislative Acts. The Rowlatt Bill contained drastic provisions for arrest and trial without any of the checks and formalities which the law is supposed to provide. This was followed by other similar repressive measures. Gandhi appeared on the Indian political scene in 1919. He made an appeal to the Viceroy not to give his consent to the Rowlatt Bill. That appeal was ignored and Gandhi started his first all-India agitation. He started the Satyagraha Sabha, the members of which pledged to disobey the unjust laws and court arrest. Nehru was impressed by this. He found in this "a method of action, which was straight and open and possibly effective".¹⁵ The Jallianwala Bagh tragedy in which thousands of unarmed citizens were massacred came "as a profound insult to the honour, pride and self-respect" of the Indians. It violated "all that he had absorbed and admired about British justice and liberal idealism during his seven years in England."¹⁶ During the war, the Government used the Defence of India Act indiscriminately to suppress the National Movement. What pained Nehru most was "the manner in which human dignity had been outraged by indiscriminate suppression of whole populations". "The political problem, urgent as it was, took second place before the human problem".¹⁷

With the appearance of Gandhi, the Indian National Movement became much more broad-based. Gandhi mobilised the masses most effectively. With the drawing in of the masses, the National Movement was bound to acquire social and economic dimensions. Till 1920, Nehru was totally ignorant of the labour conditions in factories or the problems of the peasantry. He came in contact with the peasantry in 1920. That entanglement grew in later years and influenced his mental outlook greatly.¹⁸ A new picture of India seemed to rise before him. A picture of "naked, starving, crushed and utterly miserable" peasants. He listened to their "innumerable tales of sorrow, their crushing and ever-growing burden of rent, illegal exactions, ejectments from land and mud hut, beatings".¹⁹

15*Ibid.*, p. 41.

16Brecher, p. 64.

17*Autobiography*, p. 483.

18*Ibid.*, p. 51.

19*Ibid.*, p. 52.

In 1926 Nehru once again went abroad. The first world war and the Russian revolution of 1917, had made a deep impact on the social thought of Europe. Liberalism, with its emphasis on abstract individual liberty and economic *laissez faire* was on the decline. The socialistic ideas had become popular and fascist powers were rising. During his stay in Europe, Nehru "turned inevitably with goodwill towards Communism".²⁰ He felt that whatever its faults, "it was at least not hypocritical and not imperialistic".²¹ However, even at that time Communists often irritated him "by their dictatorial ways, their aggressive and rather vulgar methods, their habit of denouncing every body who did not agree with them".²²

When Nehru came back to India, he had become fully converted to socialism. His outlook was wider and nationalism by itself seemed to him to be "definitely a narrow and insufficient creed".²³ Since then he started asserting that "political freedom, independence, were no doubt essential, but they were only steps in the right direction; without social freedom and a socialistic structure of society and the State, neither the country nor the individual could develop much".²⁴ In his presidential address in 1928 he said that he wanted to spread the ideology of socialism. He said "I must confess that I am a socialist and a republican, and no believer in kings and princes, or in the order which produces the modern kings of industry who have greater power over the lives and fortunes of men than even the kings of old and whose methods are predatory as those of the feudal aristocracy".²⁵

By socialism, Nehru meant change of social structure so as to reduce the disparities between the rich and the poor. There could not be equal opportunities unless the disparities were reduced. But he was a gradualist. He did not approve of the communist methods. The Gandhian influence as well as a streak of individualism and non-conformism, prevented him from accepting the creed. In a letter to Gandhi while mentioning his desire to eliminate vested interests he said, "We do not wish to injure any class or group and the divesting

²⁰*Ibid.*, p. 163.

²¹*Ibid.*

²²*Ibid.*

²³*Ibid.*, p. 166.

²⁴*Ibid.*

²⁵*Selected Works*, Vol. IV, p. 192.

should be done as gently as possible".²⁶ He confessed that he was an individualist but did not agree that his being an individualist was in any way inconsistent with his being a socialist. In fact he was attracted towards socialism because it would "release individuals from economic and cultural bondage".²⁷ The socialistic society gave greater freedom to the individual. Mere political liberty was of little value "when the fear of starvation was always compelling the vast majority of people everywhere to the will of the few".²⁸

Nehru believed that eradication of poverty must be done through State effort. He felt that poverty was a hateful thing which had "to be fought and rooted out and not to be encouraged in any way".²⁹ This inevitably led to an attack on a system which tolerated and produced poverty. It was at his instance that the Congress committed itself to economic planning. At one time Nehru seemed to doubt whether it would be possible to resolve a conflict about the very basic structure of the State or of society through democratic means.³⁰ Later, however, he came to believe that it was desirable and possible to achieve socialism through democratic means. In western Europe "there was no truly democratic structure of the state, and changes could hardly be made constitutionally". Hence revolutionary violence offered the only way to change. Since then, however, political democracy had spread bringing with it possibility of peaceful change. Moreover, capitalism itself had "undergone a great deal of change". Therefore, it was possible to bring about the intended socio-economic revolution through democratic process.³¹

III. FUNDAMENTAL RIGHTS AND THE NATIONAL MOVEMENT

The idea of fundamental rights dates back to the English Magna Carta of 1215. In its origin it was addressed against an autocratic King. Parliament became supreme at the end of the constitutional

²⁶Selected Works, Vol. V. p. 527.

²⁷Brecher, p. 253.

²⁸Autobiography, p. 361.

²⁹Ibid., p. 192.

³⁰In a letter to Lord Lothian dated January 17, 1936, Nehru said "The democratic method has many triumphs to its credit, but I do not know that it has yet succeeded in resolving a conflict about the very basic structure of the State or of society", J. Nehru, *A Bunch of old Letters*, Asia Publishing House, 1958, p. 141. In his *Autobiography* also one finds complimentary remarks about Communism, see at p. 361.

³¹J. Nehru, *India Today and Tomorrow*, Orient Longmans, 1960, p. 13.

struggle. In countries like the United States of America, where natural law theory dominated, the feeling was that the powers of the legislature also must be limited and that the model of an omnipotent legislature was not suitable to them. In India, the demand for a declaration of fundamental rights was first made in 1895. Since then it was repeated many times.³² The communal problem that became more intricate in later years gave it further urgency, for it was thought to be an ideal solution. The guarantees of freedom of religion and protection of the minorities could allay the fears of the minorities. The Indian Statutory Commission (popularly known as the Simon Commission) did not support this demand because in its opinion such "abstract declarations were useless unless there existed the will and the means to make them effective".³³ The Indian opinion however had always asserted that there were certain "inalienable" rights of the people which no government could deny. According to one writer "the shades of American Declaration of Independence were evident in this assertion".³⁴

In 1931, the Indian National Congress once again reiterated its resolve to regard such a declaration as essential in any future Indian Constitution. This resolution was drafted by Nehru. The resolution stressed that "in order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions". The resolution said that any constitution of independent India must guarantee the fundamental rights of the people, including (1) freedom of association (2) freedom of speech and of the press; (3) freedom of conscience and free profession and practice of religion; (4) protection of the culture, language and scripts of the minorities; (5) equal rights and obligations to all citizens, without any bar on account of sex; (6) right to personal liberty and must enjoin the State to provide free primary education, a living wage and healthy conditions of work for individual workers and protection against old age, sickness and unemployment, protection against employment of children, protection of women workers, relief to the peasantry, prohibition of intoxicating drinks and drugs etc. The resolution also enjoined the State to control key industries and own mineral resources.³⁵

³²B. Shiva Rao (ed.), *The Framing of India's Constitution*, Vol. 5, 1968, pp. 171—74. Hereinafter cited as Shiva Rao.

³³*Report of the Joint Parliamentary Committee, 1934, AC 5 (1), Pt. I.* pp. 215-216. Cited in Austin, p. 58.

³⁴Brecher, p. 148.

³⁵*Selected Works*, Vol. IV, p. 511.

The 1931 resolution seems to have provided the blueprint of the fundamental rights which were later on incorporated into the Constitution. The only major difference which the Constituent Assembly made was to divide the rights enumerated in the 1931 Karachi Resolution into justiciable and non-justiciable rights. The provisions like living wage, free primary education, protection of labour, etc., were grouped together and described as the directive principles of state policy and the provisions such as freedom of speech, freedom of religion, right to equality and right to property were called fundamental rights. Both were equally sacrosanct because though the directive principle are not justiciable, they are nevertheless "fundamental in the governance of the country".³⁶

IV. CONSTITUTION-MAKING

Although opinion in England was not in favour of the inclusion of fundamental rights in the Constitution, it changed in later years. Perhaps it was realised that for a country like India where there were religious and linguistic minorities such a declaration could serve a useful purpose. Therefore the Cabinet Mission in 1946 recognised the need for fundamental rights in the Constitution of India and recommended the setting up of an advisory committee for reporting *inter alia* on fundamental rights.³⁷ Before that the Indian National Congress had also resolved to set up such a Committee.³⁸ In the draft manifesto for the Central Legislative Assembly elections which was prepared by Nehru, it was said that "The Congress has envisaged a free democratic State with fundamental rights and civil liberties of all its citizens guaranteed in the Constitution".³⁹ In the Objectives Resolution, the Constituent Assembly pledged itself to provide in the Constitution guarantees of justice, social, economic and political, equality of status, of opportunity, liberty of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality and adequate safeguards for the minorities, backward sections of society and tribal and excluded areas.⁴⁰

36Article 37.

37Shiva Rao, Vol. I, pp. 214—16.

38Austin, p. 61.

39Durga Das (ed.), *Sardar Patel's Correspondence, 1945—50*, Vol. II, Navajivan Publishing House, 1972, p. 8.

40C.A.D. Vol. II, p. 324—26.

The Constitution says that the State shall not make any law which takes away or abridges the fundamental rights.⁴¹ The word "State" has been defined broadly to include not only legislatures and governments at the centre and the states but also all local authorities and statutory bodies.⁴² The fundamental rights guaranteed under the Constitution are spread over twenty-four articles and they fall broadly into the following categories (1) right to equality (articles 14, 15, 16, 17); (2) right to freedom (articles 19, 21, 25 etc.); (3) right against exploitation (articles 18, 23, 24); (4) right to a fair criminal trial (articles 20, 22); (5) cultural and educational rights of the minorities (articles 29, 30); (6) right to property (article 31) and (7) right to constitutional remedies (articles 32—35). In this section we shall briefly review how these rights came to their present shape and what contribution Nehru made towards their formulation. We shall mainly consider these rights under three heads (1) Equality; (2) Liberty and (3) Socio-Economic Justice.

Equality: Equality before law is an important aspect of the rule of law. The Constitution guarantees equality before law and equal protection of the laws.⁴³ However, since no two individuals are almost alike, different treatment may have to be given in view of the difference in circumstances. Courts, therefore, permit differential treatment based on reasonable classification. It means that the differential treatment is valid if (1) those who are treated differently are identifiable as distinct from others and (2) such a differential treatment has rational relation to the object of the law.⁴⁴ The Constitution specifically forbids discrimination based on religion, race, caste, sex, place of birth, etc.⁴⁵ At the same time it declares that "untouchability in any form is forbidden", and that "the enforcement of any disability arising out of "untouchability" shall be an offence punishable in accordance with law".

Nehru had heard in his childhood that on trains, compartments and in public parks, benches were reserved for Europeans. He had

41Article 13(2).

42Article 12. See *Electricity Board, Rajasthan V. Mohanlal*, A.I.R., 1967 S.C. 1857.

43Article 14.

44*Chiranjit Lal V. Union of India*, A.I.R. 1951 S.C. 41.

45Articles 15(1), 16(2) and 29(2).

46Article 17.

resented this even at a very tender age.⁴⁷ Nehru observed that the caste system was a barrier to progress. The social structure based on caste prevented the individual from performing his role to his optimum capacity.⁴⁸ Gandhi had fought against racial discrimination in South Africa and had made valiant efforts to eradicate untouchability. It is no wonder, therefore, that the Constitution provides elaborately to exclude discrimination on the basis of ascriptive status and to outlaw untouchability. Parliament passed the Untouchability (Offences) Act, 1955 to provide punishment against the practice of untouchability.

The Constitution is unique in one way. While guaranteeing the equal protection of the laws, it enjoins the State to protect the weaker sections of society.⁴⁹ Certain sections of society had remained backward because they had been the victims of the unjust social order based on caste. It would not have been enough if the Constitution had merely declared that they would be treated equally by law. It was necessary to give them some extra facilities so as to enable them to catch up with the other advanced sections of society. The Constitution therefore provides for the reservation of jobs and seats in the legislatures for backward classes.⁵⁰ Originally there was no general provision enabling the State to discriminate in favour of the backward classes in matters such as admission to educational institutions or housing. The Supreme Court had held such discrimination unconstitutional.⁵¹ The Constitution was amended in order to give such power to the State. While speaking in the Constituent Assembly on April 3, 1948, Nehru emphasised that it was necessary to "think always in terms of raising the level of all those who have been denied opportunities in the past".⁵² He did not believe that this could be achieved by reserving seats for them in the legislature. The better way was "to advance them rapidly in the economic or educational sphere and then they will stand on their own feet."⁵³

The power of protective discrimination, however desirable, had its own demerits. It could be abused. Further, the backward classes

47*Autobiography*, p. 6.

48*Discovery of India*, p. 226.

49Article 46.

50Articles 16(4). Also see articles 330, 332 and 334.

51*State of Madras V. Champakam Dorairajan*, AIR 1951 S.C. 226.

52*Speeches*, Vol. I, p. 77.

53*Ibid.*

might develop vested interests in their backwardness. It would also reduce their competitive spirit. Therefore, protective discrimination must be exercised with restraint and vision. In Parliament, some members expressed these apprehensions. Nehru conceded that there was such a possibility. He however hoped that a proper balance between the goals of equality and protective discrimination would be maintained.⁵⁴ Towards the achievement of such a balance, the Supreme Court laid down useful norms in *Balaji V. State of Mysore*.⁵⁵ The Supreme Court speaking through Mr. Justice Gajendragadkar observed that the provision for protective discrimination, which was in the nature of an exception, ought not to exclude the main provision which was of equality before the law and equal protection of the laws. The Court therefore held that caste should not be the only criterion for determining backwardness and that the reservation of seats should never exceed more than half of the total number of seats. This ruling was further extended to the reservation of jobs also.⁵⁶

Liberty: Among the many grievances which Indians had against British rule, one was that they were denied their civil liberties. Nehru felt very strongly against this. India wanted political freedom but free India must be democratic. Even in the hour of crisis, neither Gandhi nor Nehru abandoned their faith in the democratic process. Nehru hated fascism. It is well known that he declined the invitations of Mussolini and later of Hitler.⁵⁷ His sympathies in the war were definitely on the side of the allied powers. Nehru felt that had India been free she would have joined the war along with England in the defence of democracy. But he could not understand how Britain could claim to fight for democracy while she kept countries like India under subjugation.⁵⁸

One of the essential attributes of a democratic society is that the individual must be dealt with according to law. He must not be

⁵⁴*Speeches*, Vol. II, p. 517.

⁵⁵A.I.R. 1963 S.C. 649.

⁵⁶*Chitrallekha V. Mysore*, A.I.R. 1964 S.C. 1823.

⁵⁷*Discovery of India*, p. 18.

⁵⁸In *Discovery of India*, Nehru said, "I wanted India to take an eager and active part in the mighty conflict, for I felt that high principles would be at stake... But I was convinced that only as a free country and an equal could she function in this way... That was the attitude of the National Congress, the one great organization in India which consistently for all these years had been anti-fascist and anti-nazi, as it had been anti-imperialist". *Ibid.*, pp. 19-20.

subjected to arbitrary arrest. The Constitution makes suitable provisions for preventing arbitrary arrests and ensuring fair procedure in criminal trials. It provides that no person shall be deprived of his life or personal liberty except according to procedure established by law⁵⁹. A person who is arrested must be informed, as soon as may be, of the grounds for such arrest, he should not be denied the right to consult a lawyer of his choice, and he must not be detained for more than twenty-four hours without the authority of a magistrate⁶⁰. The Constitution also protects an individual against (1) retrospective punishment; (2) double jeopardy and (3) self-incrimination⁶¹.

Preventive Detention: The Constitution provides for preventive detention. In the case of preventive detention, the normal safeguards such as production before a magistrate or consultation with a lawyer are not available⁶². Preventive detention unlike punitive detention, is not based on any offence committed by the individual but on the subjective satisfaction of the detaining authority that the activities of the individual are prejudicial to the security of the State or the maintenance of law and order⁶³. It is inherently against the principle of rule of law which is that no one shall be kept in detention except for a distinct breach of law⁶⁴. The only justification for this could be found in the extra-ordinary conditions obtaining in the country since independence. There were communal riots after partition. Further, in some parts subversive forces were rising. These things would have killed the nascent democracy. Nehru had always felt that "in spite of every desire to avoid it, coercive action

59Art. 21.

60Art. 22(1) and (2).

61Art. 20.

62Art. 22(3).

63The Union Parliament alone can authorise preventive detention for reasons connected with defence, foreign affairs, or the security of India. (Entry 9 of List I of the Seventh Schedule read with article 246(1) and both the Parliament as well as the State legislatures can authorise preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community (Entry 3 of List III of the Seventh Schedule read with article 246(2)).

64Although preventive detention was provided during peace time by the Internal Security Act, 1950, the so-called McCarran Act in the United States it was in fact never invoked. See P. K. Tripathi, 'Preventive Detention: The Indian Experience, 9 Am. J. Comp. L. 219 (1960). Also reprinted in *Spotlights on Constitutional Interpretation*, N. M. Tripathi, 1972 pp. 187-212.

may become necessary in particular cases". He stressed that violence and communal strife could not be tolerated⁶⁵.

While speaking on the Preventive Detention Bill on August 2, 1952, Nehru made it clear that the situation that confronted the Government in Telengana was 'extraordinary'. There were three types of activities which had to be dealt with: (1) communal (2) communist and (3) terrorist. He lashed out at his critics by saying: "If in the name of democracy, you want people to be incited to do wrong and the structure of a democratic State we have built up undermined, you are welcome to it. Only it is not my conception of democracy"⁶⁶. He further made it clear that he very much cherished individual liberty and he did not want that to be restricted. But "if the safety of the State was at stake the freedom of certain individuals had to be curbed"⁶⁷. The Constitution imposes certain restraints on preventive detention. A person who is preventively detained must be informed as soon as may be of the grounds of detention and must be given an opportunity to make a representation against the order⁶⁸. A person cannot be kept in detention for more than three months without the concurrence of an advisory board consisting of persons who are or have been or are qualified to be appointed as judges of a High Court⁶⁹.

Nehru pointed out that such provision for scrutiny of detention by an advisory board consisting of persons who are, or have been, or are qualified to be appointed as judges of a High Court was a good safeguard against executive highhandedness. But he attached greater importance to the fact that all ultimate responsibility lay on ministers who were popularly elected and were ultimately accountable to people. He assured the House on another occasion that preventive detention would be resorted to as rarely as possible.⁷⁰ The first Central law on preventive detention restricted the benefit of scrutiny by an advisory board only to detention connected with the maintenance of supplies and services essential to the community. The position improved under the later legislation. All cases of detention were referred to an advisory board, the opinions of the advisory

65Brecher, p. 237.

66Speeches, Vol. II, p. 588.

67Ibid., p. 589.

68Art. 22(5).

69Art. 22(4) (a).

70Speeches, Vol. II, p. 510.

board became binding and the detenu was given the right of oral hearing before the advisory board. However, even now the law needs further liberation.⁷¹

Preventive detention may have been necessary in India at the time the Constitution came into force. But it is unfortunate that the country has not yet been able to dispense with such an extraordinary and coercive method of social control. It was an irony of fate that Nehru as Prime Minister had to use preventive detention which when used by the British Government during war, he had condemned most vociferously. But the use of preventive detention though by no means rare was not extravagant.⁷²

Seven Freedoms: Article 19(1) guarantees seven freedoms, namely, (i) freedom of speech and expression; (ii) freedom of assembly; (iii) freedom of association; (iv) freedom to reside and settle in any part of the territory of India; (v) freedom to move freely throughout the territory of India; (vi) freedom to acquire, hold and dispose of property; and (vii) freedom to carry on any trade or occupation.

Nehru's association with the press had been in existence since long. Freedom of speech and expression is the most fundamental of the fundamental rights. Without it, democracy cannot function. During British rule, various restrictions on this freedom were imposed. Important leaders like Tilak and Gandhi had been convicted for sedition, for writing articles or making speeches critical of government. Section 124-A of the Indian Penal Code punishes sedition and as interpreted by the courts it made even a mild and unmalicious criticism of government an offence.⁷³ Freedom of the press is essential not only for political reasons; it is also necessary for cultural and moral growth. In 1929, the Governor-General had proscribed a book called "Today and Tomorrow". The book was largely a record of the adventures of the author in the brothels of Calcutta. Nehru thought that it was a "dangerous power in the hands of a government" because it amounted to government having the right to decide

⁷¹See Tripathi, *supra*, N. 63 and MP. Jain, *Indian Constitutional Law*, N. M. Tripathi, 1970, pp. 604-5.

⁷²See Bayley, *Preventive Detention in India*, Mukhopadhyaya, 1962, pp. 25-28.

⁷³*Queen Empress V. J. C. Bose* (1892) I.L.R. 19 Cal. 35; *Queen Empress V. B. G. Tilak* (1898) I.L.R. 22 Bom. 112.

what people should read and what they ought not to read. He strongly felt that the ban on books like this as well as like Mazzini's *Essays* and Savarkar's *War of Independence* ought to be lifted.⁷⁴

Reacting to the Public Safety Bill, 1929, which gave power to government to extern any person from India and which was aimed at the communists, Nehru said "if socialism or communism are bad, they have to be met in the open, discussed and defeated in argument". While the government was entitled to suppress violent activity, it should never suppress ideas.⁷⁵ It is significant in this context that Nehru refused to ban the Communist Party or any other political association. The Constitution-makers were therefore concerned with making the freedom of speech and expression, which includes freedom of the press secure, against authoritarian interference. However, they knew that the exercise of such freedom had to be subject to social control. Therefore, the laws relating to libel, slander, defamation, contempt of court or decency or morality or the security of the State were not to be affected by the above guarantee of freedom of speech and expression.

The Supreme Court held that freedom of the press could not be restricted in the interests of public order or public safety and that nothing short of a threat to the security of the State justified its restriction.⁷⁶ The Constitution was therefore amended to allow the State to restrict freedom of the press in the interest of friendly relations with foreign states and public order. While moving this amendment Nehru observed that "no single fundamental right can survive any great danger to the State".⁷⁷ The interest of the nation must take primacy over the interest of the individual. There was no such thing as one hundred per cent freedom for the individual to act

⁷⁴*Selected Works*, Vol. III, pp. 393, 394.

⁷⁵*Ibid.*, p. 318.

⁷⁶*Ramesh Thappar V. State of Madras*, A.I.R. 1950 S. C. 124; *Brij Bhushan V. State of Delhi*, A.I.R. 1950, S. C. 129.

⁷⁷*Speeches*, Vol. II, p. 521.

as he wished in any social group. In a democratic society, the concept of individual freedom had to be balanced with social freedom and the relations of the individual with the social group.⁷⁸

In one respect however the first amendment increased the scope of the freedom of speech and expression. The amended clause (2) included the word "reasonable" which the original clause did not contain. Therefore, the courts gained power to review not only the nexus between the restriction and the objects mentioned in clause (2) but also the reasonableness of a restriction. Nehru observed that this was a significant change and it made the freedom more firmly secure⁷⁹. In 1963 this clause was further amended to permit reasonable restrictions on freedom of speech and expression in the interests of the sovereignty and integrity of India. This amendment became necessary in order to meet the threats of secession posed by certain parochial elements.

The Constitution seeks to strike a just poise between authority and liberty by allowing the State to impose reasonable restrictions on the freedoms guaranteed under the article. The reasonableness of the restrictions is to be determined by the courts. The Supreme Court takes into account the nature of the right alleged to have been infringed, the underlying purpose of the restrictions imposed, the extent and urgency of the evil sought to be remedied thereby, the proportion between the evil sought to be avoided and the restriction and the prevailing conditions while determining the reasonableness of restrictions.⁸⁰

Nehru knew that the press was an important instrument of social control. But so long as the press was owned by a few, it was bound to reflect only the social philosophy of their class. He was aware of the fact that where the ownership of the press was concentrated in a few hands, the freedom of the press was not a reality. He moved to bring about a wider dispersal of press ownership. The Price and Page Schedule Act was enacted to help the smaller newspapers. The Supreme Court however struck it down as being violative of the freedom of the press⁸¹. After Nehru, another such attempt also prov-

⁷⁸Ibid., p. 499.

⁷⁹Nehru said "But with a major change, that is, with the addition of the word 'reasonable' which really, immediately and explicitly limits everything that you do and put it to the Courts to determine whether it is reasonable or not. It is a big addition". Ibid., p. 528.

⁸⁰*State of Madras V. V. G. Row*, A.I.R. 1952 S. C. 196, 200.

⁸¹*Sakal Papers (P) Ltd. V. Union of India*, AIR 1962 S. C. 305.

ed abortive due to the Supreme Court's objections.⁸² Nehru was right in holding the view that for real freedom of the press, the press ownership must be freed from the control of the big business houses. The press is an important medium of social control and its attachment to a particular class may come in the way of our advance towards socialism. But in order to bring about change in the ownership patterns, if the government impose arbitrary curbs regarding the size and the price of the newspaper, it may have the effect of inhibiting the circulation of thought and knowledge. Moreover, in a country like India, where radio and television are owned by government, the press is the only non-official mass media of communication. Unlike any other business which may be nationalised the press cannot be nationalised because any such move will cause infringement of the right of freedom of speech and expression. Some other way to effectuate the policy without imposing direct curbs on the freedom of the press must be conceived.

Socio-Economic Justice—Right to Business: The intention to vest ownership of mineral resources in the State and impose state control over key industries was mentioned in the 1931 resolution on Fundamental Rights and Economic Policy. The Industrial Policy Resolution of 1948 put certain industries exclusively in the state sector, and the private sector was to function under state regulation. Article 19(1) (g) of the Constitution guarantees the right to freedom of trade. Clause 6 as originally enacted enabled the State to impose reasonable restrictions on the exercise of the above right in the interest of the general public or for prescribing the professional or technical qualifications.⁸³ It did not specifically permit the nationali-

⁸²The Government sought to bring about such dispersal of press ownership through the exercise of the power to distribute newsprint among the existing newspapers. The policy was to arrest the growth of large size or chain newspapers and encourage the smaller papers. This was held to be unconstitutional in *Bennett Coleman (P) Ltd. V. Union of India*, A.I.R. 1973 S. C. 106.

⁸³Clause (6) as originally enacted read as follows: "Nothing in Sub-clause (g) of the clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause and in particular nothing in the said sub-clause shall affect the operation of any existing law insofar as it prescribes or empowers any authority to prescribe, or prevent the State from making any law prescribing or empowering any authority to prescribe, the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business."

sation of an industry or trade to the exclusion of private enterprise. A law providing for nationalisation of trade had to stand the test of reasonableness.⁸⁴ In 1951 the clause was amended by the Constitution (First Amendment) Act, 1951, to permit the State to make a law providing for "the carrying on by the State or by a corporation owned or controlled by the State of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise". After this amendment the State monopoly of trade or business is presumed to be a reasonable restriction in the interest of the general public.⁸⁵ This amendment removed an important obstacle in the pursuit of socialistic policies.

Right to property: Nehru had often stressed that political freedom without economic freedom was of no use. He was for a radical change in the social structure. The Congress was divided between the socialists and the non-socialists. Nehru had the distinction of carrying both the sections with him. The division became more obvious when the right to property came up for discussion in the Constituent Assembly. The right to property had a history in Indian Constitutional law. Unlike other fundamental rights like freedom of speech and expression or freedom of association it was not making its appearance for the first time in the Constitution in 1950. Nehru's attitude towards that right can be traced from his reactions to the previous attempts. He had always felt that "the institution of private property (except in a very restricted sense) gives dangerous power to individuals over society and is therefore very harmful to society."⁸⁶ When the Nehru Committee, of which his father was the chairman, recommended the inclusion of a provision to protect the vested interests of the Oudh taluqdars, Nehru was shocked. He conceded that "the whole constitution was of course, based on the idea of private property", but it seemed to him "an outrage to make the property rights in the huge semi-feudal estate one of the irremovable foundations of the Constitution".⁸⁷ He even offered to resign on this issue but did not press it in view of the greater need for unity.

⁸⁴*Motilal V. U.P.*, A.I.R. 1951, All 257; *Saghir Ahmed V. State or U.P.* AIR 1954 S.C. 728.

⁸⁵*Akadasi V. State of Orissa*, A.I.R. 1963 S.C. 1047, Also see *R. C. Cooper V. Union of India*, AIR 1970, S. C. 564.

⁸⁶*Autobiography*, p. 543.

⁸⁷*Ibid.*, p. 173.

Section 299 of the Government of India Act, 1935, guaranteed the following rights : (1) no one shall be deprived of his property except by authority of law; and (2) private property shall be acquired only for a public purpose and on payment of compensation. The Constituent Assembly adopted the above provisions substantially in article 31. The main controversy was regarding the compensation requirement. On this, three views were expressed in the Assembly. According to one view, full compensation must be paid and the compensation must be justiciable. According to another view, no compensation need be paid. The third view was that compensation must be paid, that it should be just and fair, but what was just and fair depended upon a variety of factors which the legislature alone could gauge. Therefore, the legislature must have the last word on the question of compensation. Nehru was the leader of the group. He made it clear that "there is no question of expropriation without compensation so far as this Constitution is concerned".⁸⁸ But in their effort to bring about a just social order of economic democracy, they might have to apply different standards of compensation to different situations. He made a distinction between petty acquisitions and acquisitions for the purpose of social reform. In the case of petty acquisitions, the law regarding compensation had been laid down under the Land Acquisition Act. This Act provided that the market value plus 15 per cent solatium be paid as compensation. But in the case of a scheme of social reform, full compensation could not be paid. Even in such a case, compensation had to be fair and equitable, but in considering the equity not only the interest of the individual but also that of the community had to be taken into account⁸⁹. The debates in the Constituent Assembly show that Nehru emphasised that unless there was fraud on the Constitution or where compensation was illusory, the legislative determination of compensation was to be final.⁹⁰

Nehru and others were however concerned about an immediate problem regarding the land reform legislation which had been introduced in some State legislatures and in some it was awaiting the Presidential assent. The Congress had long since been committed to the abolition of Zamindari system. On the need to save such legislation from lengthy litigation there was unanimity even among the

⁸⁸*Speeches*, Vol. II, p. 472.

⁸⁹*Ibid.*, p. 473.

⁹⁰*C.A.D.*, Vol. IX, p. 1193.

rightists and the leftists of the Congress party. Patel was no less committed to this programme than Nehru. Therefore, provisions were made for that purpose in clauses (4) and (6) of article 31 to make such laws immune from attack in courts on the ground of their alleged contravention of the compensation clause of article 31.

When the Supreme Court held in *Bella Banerjee's case*⁹¹ that "compensation" meant the just equivalent of the value of property and that the market value was the standard for measuring such equivalence, it became obvious that in spite of omitting the word "just" from the article and contrary to what Nehru and others had expected, the adequacy of compensation had become a subject of judicial determination. In 1955, Parliament amended the Constitution and clause (2) as amended made it clear that "no such law shall be called in question in any court on the ground that the compensation so fixed or determined is not adequate". While speaking on the Bill to amend the Constitution in the Lok Sabha, Nehru once again said that Parliament's decision regarding how much compensation and what compensation was to be given must be final. He agreed that compensation had to be just and fair. But it was neither desirable nor possible to always pay compensation equal to market value. It was not possible because it would impose too heavy a burden on the community. It was not desirable because where the purpose of a scheme was to reduce the disparity between the haves and the have-nots, compensation if paid in terms of market value, would totally defeat that purpose. Nehru never contemplated the taking of private property without compensation. But he wanted compensation to be determined in the light of various social and economic factors such as history of the ownership of property, causes for the rise in market value, the interest of the community and the interest of the individual. He hoped that Parliament would act justly and fairly in arriving at the decision. Since the issue of compensation had so many variables, it was not possible to bind down the legislatures to a set of preordained norms.⁹²

It is debatable whether the Fourth Amendment was a mere clarification of the original intention or it was a departure from the origi-

⁹¹State of W. B. V. *Bella Banerjee*, A.I.R. 1954 S. C. 170.

⁹²Lok Sabha Debates, 1955, Vol. II, Part II, p. 1953.

nal understanding.⁹³ Nehru was consistent in his stand in the Constituent Assembly as well as in Parliament in 1955. Two members, Professor Shibbanlal Saxena and Acharya Kripalani stated very clearly that in the Constituent Assembly the views of Patel and Mathai (the right wing of the Congress) had prevailed as against Nehru's.⁹⁴ Whatever may be the truth, in 1955 Nehru had the Constitution amended to make the word of the legislature final in the matter of compensation. At that time the Congress party had proclaimed itself as more firmly committed to the goal of creating a socialistic pattern of society. After Patel's death there was no right wing leader left in the party who could oppose Nehru. Therefore he achieved in 1955 what he had failed to achieve in the Constituent Assembly.

The development of constitutional law on the subject of compensation would have proceeded along healthy lines if the courts had abided by an understanding that on the question of compensation they could not interfere with legislative decisions except in rare cases of fraud on the Constitution. Since one does not lightly impute fraudulent motive on a legislature, such interference would have almost never occurred. In *Vajravelu*⁹⁵ the Supreme Court held that the very use of the word "compensation" in the Constitution even after the fourth amendment showed that the legislature had accepted the interpretation which the Court had given to that term. Hence though the adequacy of compensation was not justiciable, the Court had power to strike down a law if what was provided as compensation was illusory. It could ascertain whether the principles fixed by the legislature for determining the compensation were relevant and their application resulted in the giving of just compensation. The Court in fact did not strike down the impugned law in that case under article 31 on the ground that there was no compensation though it struck it down under article 14 as being discriminatory. However, in later years

⁹³According to H.C.L. Merillat, "Compensation for taking of property—A Historical Footnote to Bella Banerjee's Case", *Journal of the Indian Law Institute*, Vol. I, 1958, pp. 375—401, it was a departure whereas contrary view has been expressed by T. S. Rama Rao "The Problem of Compensation and its Justiciability in Indian Law", *Journal of the Indian Law Institute*, Vol. IV, 1962, p. 481 and Alexandrowicz, *Constitutional Developments in India*, Oxford, 1957, p. 94.

⁹⁴Professor Saxena, *Lok Sabha Debates*, 1955 Vol. III, Part II, Col. 4904; Acharya Kripalani, *Lok Sabha Debates*, 1955, Vol. III, Part II, Col. 4994.

⁹⁵*Vajravelu V. Sp. Dy. Collector*, AIR 1965, S. C. 1017.

the Court almost overlooked the difference between inadequacy and illusoriness and struck down the laws which in its opinion provided less than market value as compensation.⁹⁶ The Constitution was amended in 1972 by the Constitution (Twenty-Fifth) Amendment Act which dropped the word "compensation" and replaced it by the word "amount".⁹⁷ The Twenty-fifth amendment in fact does nothing new. It seeks to reassert that legislative determination of compensation would be final, what under Nehru's leadership Parliament had said in 1955. Even after the substitution of the word "amount" in place of the word "compensation" some justices in *Kesavananda Bharati* have expressed a view that if the amount provided is illusory or fraud on the Constitution, the Court would intervene in favour of the individual holder.⁹⁸ It is to be hoped that the Court would use this power very sparingly and rarely. That brings us back to the position which Nehru had put forward in the Constituent Assembly when the question of compensation was discussed.

When the Constituent Assembly debated the right to property, the members were concerned about saving the land reform legislation from lengthy litigation. The Congress party was committed to this programme and Nehru emphatically stated that the Congress would fulfil its pledge and no court or judiciary could come in the way of

⁹⁶*Union of India V. Metal Corporation*, AIR 1967 S. C. 564. See S. P. Sathe, "Supreme Court, Parliament and Constitution", *Economic and Political Weekly*, Vol. VI, Nos. 34 and 35. Aug. 21 and 28, 1971, pp. 1821—1879.

⁹⁷Clause (2) of article 31 as amended read as follows: "No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for acquisition or requisition of the property for an amount which may be fixed by such law or which may be determined in accordance with such principles and given in such manner as may be specified in such law; and no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate or that the whole or any part of such amount is to be given otherwise than in cash.

Provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority referred to in clause (1) of article 30, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

⁹⁸*Kesavananda Bharati V. State of Kerala*, A.I.R. 1973, S. C. 1461; Sikri C. J. at p. 1454; Shelat and Grover, p. 1610; Hegde and Mukherjee at p. 1648; Reddi, p. 1776, Chandrachud, p. 2055.

that programme.⁹⁹ We have said earlier that special provisions were made in clauses (4) and (6) of article 31 to protect such laws from attack in courts on the ground of their alleged violation of the right to property. The Bihar Land Reforms Act provided for the abolition of Zamindari. It provided compensation to the expropriated zamindars at a sliding scale of rates so that the poorer zamindars got full compensation and the richer got less. The Patna High Court held this to be discriminatory.¹⁰⁰ The Patna decision showed that despite an express provision to exclude judicial review, the land reform legislation had not become immune from legalistic objections. To Nehru it seemed that the provision of equality before the law became a major tool of "making existing inequalities rigid by law."¹⁰¹

Articles 31-A and 31-B were introduced by the Constitution (First Amendment) Act. Article 31-A sought to put certain categories of legislation beyond judicial scrutiny in respect of fundamental rights and article 31-B conferred such immunity on a few statutes which were enumerated in Schedule IX of the Constitution. Over the years the schedule has grown bigger and new categories were added to article 31-A. Nehru was not happy while making such a provision. But under the circumstances and in view of the urgency of the legislation and the dilatory nature of the court processes, it seemed to be the only way out.¹⁰²

Another major change was brought about by the Constitution (Seventeenth Amendment) Act. By this amendment article 31-A was so amended as to bring ryotwari lands within its purview. The Supreme Court had held that ryotwari lands were not covered by that article.¹⁰³ In 1950 when that article was introduced for the first time, Ambedkar had assured that ryotwari lands would not be covered by article 31-A.¹⁰⁴ This amendment enabled Parliament to undertake a major programme of equitable redistribution of land. The seventeenth amendment however assures full compensation (equivalent to market value) to owners of land whose holding is either equal

99C.A.D., Vol. IX, p. 1195.

100Kameshwar Singh V. State of Bihar, AIR 1951, Pat. 91.

101Speeches. Vol. II, p. 508.

102Ibid., pp. 426, 529.

103Karimil Kunhikoman V. State of Kerala, A.I.R. 1962, SC. 723.

104Parliamentary Debates, 1951 Vol. XII, Part II, Cols. 9913-14.

to or less than the ceiling limit provided under the ceiling legislation.¹⁰⁵ This shows that Nehru admitted the principle of full compensation for private property in a reconstructed social order. The departure from that principle was desired only in transitional situations where law sought to bring about change in the existing pattern of the distribution of resources. The fourth amendment and the seventeenth amendment were the major steps taken in Nehru's lifetime to give socialistic bias to the Constitution.

The above account shows that Nehru was anxious to strike a proper balance between the interests of the individual and the interests of the community. On the one hand he was against confiscation of property, on the other he took care to see that the individual's right to property did not stand in the way of socio-economic change which he wanted to bring. He was not a doctrinaire socialist. As a democrat he showed regard for private property but he did not hesitate to curb private property in the interest of social justice.

Concluding Remarks

Nehru was a democrat and he had the highest regard for the dignity of the individual. However, as Prime Minister, Nehru had to impose severe curbs on individual liberty. The communal violence that was unleashed after partition, the outbreak of war in Kashmir immediately after independence, the assassination of Gandhi, the growth of communalism and regionalism and the Chinese aggression forced him to continue imposing severe curbs on individual liberty.

The provisions abolishing untouchability and prohibiting discrimination doubtless made a significant dent in the age-old social practice. Untouchability has certainly not disappeared. But the increasing incidence of violence against and by the untouchables is indicative of social change. No significant social change can take place

¹⁰⁵The Second proviso of Article 31-A reads as follows:—"Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof."

through formal legal methods alone. Informal methods of social control must supplement the existing formal legal methods. The increasing assertion of their rights by the ex-untouchables and the growth of organisations which militantly agitate against social injustice show that such informal methods are operating and making significant impact. These methods must interact with the legal methods to produce the desired results. Nehru knew fully well that the law alone can never achieve social transformation. But the law can certainly set in motion the process of change.

The Indian Constitution was made at a time when the concept of welfare state had been accepted in all democratic societies. But Nehru did not want a mere welfare state. He wanted a socialistic society. Therefore the Constitution commanded the state to direct its policy towards securing that "the ownership and control of the material resources of the community are so distributed as best to subserve the common good" and that "the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment".¹⁰⁶ These constituted the dynamic elements of the Constitution. He sought to make the right to private property conform to the above ideals. For that purpose the Constitution had to be amended three times during his life-time. After Nehru's death, his daughter had also to pass through another constitutional crisis before she could reassert the primacy of these dynamic elements *vis-a-vis* the static element incorporated in the right to private property.¹⁰⁷

Jawaharlal Nehru was not even a member of the advisory committee on Fundamental Rights set up by the Constituent Assembly. Yet he as the "driving force and the main founding father of the Constitution"¹⁰⁸ made significant impact on decision-making in the Constituent Assembly. A Constitution is not made, it has to grow. The provisions of the Constitution reflect the urges and aspirations of the people. Nehru was in the forefront in making them vocal and audible. Although the formal source of legal authority of the Constituent

106Article 39 (b) and (c).

107Article 31 C throws blanket immunity on legislation carrying out any of the objectives mentioned in Clauses (b) and (c) of article 39. This amendment was inserted by the Constitution (Twenty-Fifth) Amendment Act, 1972.

108Chalapati Rau, *Jawaharlal Nehru, Publications Division, 1973, p. 157.*

Assembly lay in the Indian Independence Act, the real authority came from the people. Nehru was perhaps second only to Gandhi as an idol of the nation. He could therefore claim to be the spokesman of the Indian masses. Moreover, as the first Prime Minister, who ruled for fourteen years since the coming into force of the Constitution, he carried the main burden of making constitutionalism strike roots in India. Democracy and constitutionalism came to stay in India mainly due to the relentless efforts of Jawaharlal Nehru.

REFLECTIONS ON A NATIONAL FRONT

Twenty-five years have gone by since the Constitution of free India came into operation. In a couple of years we shall complete twenty-five years of the Parliament of India set up in terms of her new Constitution. It is time, therefore, for stock-taking and for perspective projections for the future.

A certain additional urgency has been lent to this idea by the recent emergence of a challenge to established forms of parliamentary authority by forces seeking to group themselves under the somewhat equivocal banner of 'total revolution' unfurled by a widely respected but always rather controversial public figure like Shri Jayaprakash Narayan. That movement is by no means the subject of discussion in the present article. But reference to it is important insofar as the role of parties, their 'programmes, promises, performance and prospects' (as someone recently put it with picturesque alliteration) and the metamorphosis of an ardent advocate of 'partyless democracy' into the guiding genius of a combination of disparate parties and personalities is concerned.

Noticing how much scarce newspaper space is devoted today to the ventilation of public interest in miscellaneous manifestations of Shri Narayan's movement, one recalls the old dictum of Henry George that "we cannot safely leave politics to politicians and political economy to college professors". If the peculiar problems which have proliferated lately have to be tackled, it can only be on the basis of as nearly genuine a national understanding as can be mustered.

This country can be proud of the repeated demonstration by its people, by and large, of a remarkable capacity for political wisdom. Though illiteracy is still a massive hurdle in the way of our advance and is aggravated by the other inevitable concomitants of socio-economic backwardness, the Indian electorate has behaved with an admirable poise and displayed powers of shrewd judgment. There

*Professor Mukerjee is a Member of Parliament (Lok Sabha) and Chairman of the Public Accounts Committee of Parliament.

can be no claim, of course, that their judgment has been always unerring and their wisdom impeccable, but perfection and such absolutes do not exist in real life. There is much point—and fun—in the well-known story of the village sage who, asked by a young boy how he came to be so wise, replied: “Well, Son, wisdom is good judgment; good judgment comes from experience; and experience—well, that comes from poor judgment!” Though a long-suffering lot, India’s electors are as good and sensible a body of people as any other. They can give the powers that be a much-needed fright from time to time, as they are doing, for instance, in many recent bye-elections.

The coming together—for how long, of course, one cannot be sure—of several different (and often mutually bellicose) political parties and groupings under the ‘father figure’, so to speak, of an erstwhile national figure like Jayaprakash Narayan, is a clear indication of political parties in India falling into a sort of disarray. One might say that this applies both to the Right and to the Left, using both terms, rather haphazard in the Indian context, in a generalized sense. In the case even of the currently preponderant party, it is a wing, however formidable, of a divided Congress and perhaps on that account, among others, somewhat excessively (and unhealthily) reliant on whatever charisma the Prime Minister has earned and can manage to sustain. The parties that are more professedly Right-wing have for some time now, in the disturbing currents of contemporary history, found themselves more or less floundering, some of them ingeniously trying to keep a brave face but not too confidently. At the other end of the scale are the Socialists, long known, as in the Bengali proverb, as “the twelve Rajputs with thirteen separate Kitchens”, and the Communists, for all their fabulous discipline—or if one prefers to use a much decried word “regimentation”—conspicuously divided, perhaps one should say trifurcated, at a point of time, piteously, when history seems to have opened brave new prospects of progress.

In the circumstances there should not be much surprise if the broad masses of our people appear to have developed a certain distaste—even in some circumstances also disgust—with the general functioning of the political system—distaste and disgust which has lent grist to the mill of ‘total revolution’, howsoever quaint it might be. The mess is made worse by the ubiquitous cry of corruption everywhere—if words only of condemnation could do any damage, corruption would have been scotched and buried fifty fathoms deep but it isn’t.

Electoral and other reforms are widely talked about, and a cynical public notes how that particularly ugly feature of recent politicking, namely, 'defection continues to survive all sanctimonious denunciation. Let us not, by the way, beat our breasts with a wrong idea that this kind of salesmanship in politics is a particularly Indian quality. "The laws of commerce are the laws of nature and therefore, the laws of God"—so said Edmund Burke, still perhaps the paladin of many parliamentary enthusiasts in India, and there is no end of examples, in Britain, U.S.A. and elsewhere in the world which Big Money runs, of apparently Godfearing men, true to the laws of God and of Nature, selling themselves to the highest bidder. However, such scum is always detestable, and ways and means must be worked out to make sure that they do not continue to dirty the waters of our public life.

Even in the twenty-eighth year of our independence, many of us seem too enamoured of the idea imbibed from our long-time foreign mentors that the alpha and the omega of political wisdom is to be found in the so-called two-party parliamentary system in Britain. It should not be difficult to realize that the historical context having been very largely different in Britain and in India, there should be no expectation, in reason, of a mechanical replica of the British set-up in this country. It is true, of course, that at least three generations of Indians have shown a special acumen, as it were, for the working of parliamentary institutions, and have demonstrated that it is a ball which, if so minded, we can play very well indeed. It was not for nothing that some twenty or so years ago a former British premier, Anthony Eden, found himself more at home during Question Hour in the Indian Parliament than in Australia's. However, to sigh and to fret for a party system as nearly as possible fashioned after Britain's in this country is unrealistic and uncalled for.

It is necessary, indeed, to shed whatever yearnings one might have for a neat and cosy see-saw in our parliamentary paraphernalia perhaps even embellished by a third party, like the nearly vanished Liberals in Britain, as a sort of harmless showpiece. In the mess that is so much of political life today, let us not take shelter in wish-fulfilling hallucinations.

One good result of the current hullabaloo over the 'total revolution' propaganda is perhaps the slow but sure emergence of the idea

that a country as plagued by problems as India is today requires the combination of more or less like-minded parties and groups, sharing a basic goodwill and contact with the people and capable of tackling, to the extent possible, the problems of social reconstruction. There are, of course, certain conflicts and discords that are fundamental and that cannot, except in very temporary and emergency circumstances, be kept in cold storage. The 'philosophy' of the Swatantra party (or if you like, the Bhartiya Lok Dal today) is in diametric opposition to whatever variety of socialism is conceivable. Likewise, the 'philosophy' of the more powerful Jan Sangh cuts at the root of a secular democratic society. Earlier experiments with the so-called 'Grand Alliance' have shown how their own internal contradictions prevented their coalescence. The anticipation today, however, of "total revolutionaries" is that the soaring ineptitudes of the Congress administration (aggravated by its lack of a principled approach to the people in a time of crisis) have created a truly propitious atmosphere for basically Right wing parties and groups to emerge in unity and strength, since they can draw support at the same time from the variegated populists who often call themselves socialist and also from more sophisticated Left-wingers who are not unready to take the risk of association even with the rankest reactionaries and imagine that utilizing the opportunity of fishing in troubled waters they rather than the reactionaries, would come out on top. This is the perilous process which has already started and the country will have to reckon with it.

However, the mood of the Indian people being what it is, perhaps it may be said that in spite of Shri Jayaprakash Narayan's challenge, the odds are a great deal more in favour of the emergence—if we truly work for it—of a front of Left and democratic parties and groups, keen, in their own way, on socialism, quarrelling, maybe, over ideological niceties, sometimes even airing differences which appear to be unbridgeable, and yet, under the pressure of public opinion, demanding rapid and efficient implementation of a minimum democratic programme (which in today's context is bound to bear a clear socialist coloration) for building a platform of national unity.

If this does not happen before very long, the situation may well deteriorate, nationally and internationally, to such an extent that the cat might very well jump the other way, and in that case something like a Chile operation could be enacted, and rampant Right reaction (with its inevitable bedfellow ultra-revolutionism) might together

make of India a kind of shambles which is horrifying to contemplate, and as a change from present reality would be worse than a transfer from the frying pan to the fire.

For more than two decades now, this country has flaunted a Plan which presupposes, for its proper execution, a virtual national front, if it is not to remain in its degenerate condition of a desultory economic exercise and at best a holding operation for a basically derelict economy. A slogan like *Garibi Hatao* (Remove Poverty), if it is not to remain the tasteless joke it has been for some years, also presupposes as near a national effort as can be made. This slogan had worked as an effective vote-catcher for the ruling Congress party; if that was all that was wanted, one has nothing to say. But if the slogan was meant seriously, action must begin—and it is almost 'now or never'—for genuine mobilization of the people's democratic impulses and not merely the pursuit of power for partisan advantage. Such pursuit may in the short run, produce dividends, but in the not very long run will recoil on itself—which is what events today clearly underline.

Youth in India today, and not merely youth, is nearly frantic in its impatience with the petty, crawling advance that Government can boast of. In some parts of India, there is such desperation that everything seems to fall apart, the authority of the administration itself shaky and often worthless. What is most needed—and the 'total revolution' challenge today cries for the response—is a creative political effort towards something like a revolution by consent, with the mobilisation of all the democratic decency and human goodwill there is in the country.

If that effort is to be made, it is more than time that one begins to think in terms of fronts rather than parties. The parties, of course, cannot and need not be wished away. But given agreement on fundamentals of a practical programme with a clear socialist-orientation (which alone can save democracy and secularism and everything worthwhile), they could come together on an objective plank, and when they do, new perspectives would unfold themselves, for life, whatever we make of it, is never still and static.

The pooling of all decent, democratic, socialistically minded forces is our greatest task at present. The anguished yearning for an instant revolution which for a while nearly demented the flower of India's youth (in the so-called 'Naxalite' and other allied movements)

cannot and must not be forgotten and sought to be fobbed off by conventional political manoeuvres. The blandishments of 'total revolution' (rehearsed in the middle thirties over much of the globe and tried recently, under different auspices in Chile) have also to be resisted and their ill effects eliminated. Political parties that truly wish to serve the country have an obligation today to make courageous decisions and combine for achieving the country's fundamental objectives.

No one should imagine that mechanical comparisons are being attempted, but we should study how, in times of terrible stress, the National Front which laid the foundations of the German Democratic Republic or the Fatherland Front which launched Bulgaria on her socialist course overcame multitudinous problems. We are very differently situated; we are not on the crest, as it were, of a historical wave flowing through our country; but we live in a world where the decisive factor is the emergence of socialism as the panacea of the ills of humanity, and we can, on the basis of our own strength and the friendship we command in the world outside, adopt truly worthwhile national steps ahead today.

SOCIO-ECONOMIC BACKGROUND OF LEGISLATORS IN INDIA*

III. MEMBERS OF THE LEGISLATURES OF THE UNION TERRITORIES

In this study an attempt has been made to analyse the background factors, viz. age, education and prior occupations of the members of the Legislatures of the Union Territories of India. Of the nine Union Territories, only (i) Goa, Daman and Diu (ii) Pondicherry and (iii) Mizoram have Legislative Assemblies and (iv) Delhi has a Metropolitan Council. This study is based on the data in respect of only three of the Union Territories as information about Mizoram is not readily available.

The information for this analysis has been collected from the respective "Who's Who" of the members of the Legislatures and also obtained from the concerned Legislature Secretariats. It pertains only to the period 1967—72 in the case of Delhi, Goa, Daman and Diu and to 1969—74 with regard to Pondicherry.

Age: The minimum age laid down for membership of the Legislative Assembly of a Union Territory is twenty-five years.¹ There is, however, no upper age limit. Table 3.1 indicates the percentage distribution of members in twelve different age groups with a span of five years each, beginning with 25—30 and ending at 81—85:

It would be seen from Table 3.1 that the heaviest concentration of members in the Delhi Metropolitan Council, Goa, Daman and Diu

*Contributed by the Research and Information Service, Lok Sabha Secretariat. Two separate studies on the socio-economic background of legislators in India, pertaining to members of the Rajya Sabha and State Legislative Councils and members of the Lok Sabha and State Legislative Assemblies respectively were published in the *Journal of Parliamentary Information* (Vol. XXI No. 1, January—March 1975). This is the third and last study in the series.

¹The Government of Union Territories Act, 1963, s. 4, and Delhi Administration Act 1966, s. 6.

TABLE 3.1
 Percentage distribution of Members of Legislatures of the Union
 Territories by the Age Groups (Period 1967—72).

| Sl. No. | Legislature | (In percentages) | | | | | | | | | | | |
|---------|---|------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | 25-30 | 31-35 | 36-40 | 41-45 | 46-50 | 51-55 | 56-60 | 61-65 | 66-70 | 71-75 | 76-80 | 81-85 |
| 1 | Delhi (Metropolitan Council) | — | 3.6 | 10.9 | 18.2 | 27.3 | 12.7 | 14.6 | 7.3 | 3.6 | 1.8 | — | — |
| 2 | Goa, Daman & Div (Legislative Assembly) | 3.1 | 21.9 | 40.6 | 18.8 | 9.4 | 3.1 | 3.1 | — | — | — | — | — |
| 3 | Pondicherry (Legislative Assembly, @ 10.3 | 17.2 | 10.3 | 10.3 | 27.6 | 10.3 | 13.8 | 3.5 | 3.5 | 3.5 | 3.5 | — | — |

@ Figures relate to the third Assembly (1969—74) formed on the basis of Mid-term Elections.

Legislative Assembly and Pondicherry Legislative Assembly was in the age groups of 46—50, 36—40 and 41—45 respectively. The Delhi Metropolitan Council did not have any member in the youngest age group of 25—30 years. In Goa, Daman and Diu Legislative Assembly on the other hand there was no member beyond 60 years of age. While a majority of the members of the Delhi Metropolitan Council and Pondicherry Legislative Assembly were between 41—60 years i.e. in the middle age range, the younger element of below 40 years formed the majority in the Goa, Daman and Diu Legislative Assembly.

Education: Table 3.2 indicates the educational background of the Members of the legislatures of the Union Territories:

TABLE 3.2

Educational Background of Members of the Legislatures of the Union Territories (1967—72)

(In percentages)

| Sl. No. | Legislature | Under Matriculates | Matriculates/ Higher Secondary or intermediate certificate holders | Graduates | Post Graduates (including technical qualifications) | Doctoral Degree or other higher academic qualification holders |
|---------|---|--------------------|--|-----------|---|--|
| 1 | Delhi (Metropolitan Council) | 11.4 | 31.8 | 25.0 | 25.0 | 6.8 |
| 2 | Goa, Daman and Diu (Legislative Assembly) | 25.0 | 46.9 | 15.6 | 12.5 | |
| 3 | Pondicherry (Legislative Assembly)@ | 44.8 | 34.5 | 20.7 | .. | .. |

@Figures relate to the Third Assembly (1969—74) formed on the basis of the Mid-term Elections.

As Table 3.2 would show, matriculates had the heaviest representation in the Delhi Metropolitan Council (31.8 per cent) and Goa, Daman and Diu Legislative Assembly (46.9 per cent). In the Pondicherry Legislative Assembly, however, under-matriculates had the heaviest representation (44.8 per cent). The Delhi Metropolitan Council alone had the distinction of having members with

Doctoral Degrees. While a majority of the members in the Delhi Metropolitan Council were graduates or persons with higher academic qualifications, undermatriculates and matriculates together formed the majority in Goa, Daman and Diu and Pondicherry Legislative Assemblies.

Occupation: As in the case of the members of Parliament and the legislators of the State Assemblies|Councils, the members of the Legislatures of the Union Territories are drawn from various professions of walks of life. For the purpose of analysis they have been divided into the following fourteen categories: (i) cultivators and land holders; (ii) political and social workers; (iii) lawyers; (iv) traders and industrialists; (v) teachers and educationists; (vi) journalists and writers; (vii) civil service (viii) military service; (ix) medical practitioners; (x) engineers and technologists; (xi) former rulers; (xii) religious missionaries; (xiii) industrial workers; and (xiv) artists. Where a member was engaged in more than one occupation, the one that was predominant was taken into consideration.

Table 3.3 indicates the percentages of members of the legislatures of the Union Territories divided into the above fourteen categories on the basis of their prior occupations:

As Table 3.3 would reveal the representation of the first five categories of occupations was predominant in the Delhi Metropolitan Council (88.1 per cent), Goa, Daman and Diu Legislative Assembly (96.9 per cent) and Pondicherry Legislative Assembly (89.6 per cent). While the political and social workers had the heaviest representation in the Delhi Metropolitan Council (28.8 per cent) and the Pondicherry Legislative Assembly (58.6 per cent), the traders and industrialists held the first position in the Goa, Daman and Diu Assembly (40.6 per cent).

What strikes as common to all these three legislatures of the Union Territories is the fact that there was no representation of six categories *viz.*, (i) military service, (ii) engineers and technologists, (iii) former rulers, (iv) religious missionaries, (v) industrial workers and (vi) artists.

TABLE 3.3
 Prior Occupation of Members of Legislatures of the Union Territories
 (1967—72).

| Sl. No. | Legislature of Union Territories | (In percentages) | | | | | | | | | | | | | | | | |
|---------|---|--|---|--------------|--|---|---------------------------------------|-----------------------|-----------------------|---|--|----------------------------|--|--------------------------------------|--------------|----------------------------------|--|--|
| | | Cul- tural & Land- holders | Poli- tical & Social Work- ers | Law- yers | Trad- e's & Indus- trial- ists | Teach- & Edu- cational ists | Jour- nalists & Writ- ers | Civil Ser- vice | Mili- tary Vice | Med- ical Prac- tition- ers | Engi- neers & Tech- nol- ogists | For- mer Ruler- s | Reli- gious Mis- sion- aries | In- dus- trial Work- ers | Arti- sts | Total of Col- 3 to 7 | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | | |
| 1 | Delhi (Metropolitan Council) | 10.2 | 28.8 | 5.1 | 27.1 | 16.9 | 3.4 | 3.4 | | 5.1 | | | | | | 88.1 | | |
| 2 | Goa, Daman & Diu (Legislative Assembly) | 18.7 | 12.5 | 6.3 | 40.6 | 18.8 | | | | 3.1 | | | | | | 96.9 | | |
| 3 | Pondicherry (Legislative Assembly) @ | 20.7 | 58.6 | 10.3 | | | | 7.0 | | 3.4 | | | | | | 89.6 | | |

@. Figures relate to the third Assembly (1969—72) formed on the basis of the Mid-term Elections.

TWENTY-FIFTH ANNIVERSARY OF THE CONSTITUTION AND PARLIAMENT*

Inaugurating the Twenty-fifth Anniversary Celebrations of the Constitution and Parliament in the Central Hall of the Parliament House on February 26, 1975, the President of India, Shri Fakhruddin Ali Ahmed said:

“Constitution has given us a coherent, rational and stable framework. It has given us a system of government by reflection, discussion, consent and consensus. Free debate is of the essence of democratic government but we must preserve the dignity and the decorum of the debate. To compromise it is to compromise the very integrity of the parliamentary system. The parliamentary system may not be the last word in human wisdom but it has proved to be viable and workable.”

Referring to the constitutional amendments Shri Ahmed said that in several cases these were necessitated by pressing social urges and necessities and were effected for the implementation of the Directive Principles of State Policy. The amendments had not, however, changed the essential identity of the Constitution. The relative flexibility of the Constitution was its greatest strength, “preventing it from becoming an intolerable millstone around the neck of each successive generation and at the same time enabling it to renew and reinforce itself.”

Earlier, in his welcome address, the Vice-President Dr. B. D. Jatti said that to build up a socialist society in which political, social and economic justice could be secured for all through the democratic machinery was not an easy task for any country, but in India, with its vast area and population, and the special difficulties arising from centuries of political subjection and traditional ways of thinking, the task had been stupendous in magnitude. Even so, progress was made in many directions largely because the people had shown an ability to understand and appreciate the implications and needs of the new situation, a readiness to absorb new ideas and a capacity to adjust themselves to new orientations.

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

Speaking on the occasion, the Prime Minister, Shrimati Indira Gandhi said that the Constitution would realise the vision of political, economic and social justice which it has set forth and would endure, because it has been drafted by one of the most noble, purposive and capable groups of persons in the history of the world and because the people of India were totally in tune with the spirit of the Constitution and would spare themselves no effort in its defence. She further said:

“Democracy vouchsafes freedom of political opinion. But this freedom does not include the freedom to wreck democracy. While political parties are free to choose their own policies they have basic agreement on national ideals. The right to oppose the government of the day carries with it a responsibility not to weaken the national fabric.”

Dr. G. S. Dhillon, Speaker of Lok Sabha in his address said, that “ours is an open society where freedom of individual thought and expression is a prized possession. Such progress as we have made has, in fact, been accomplished through the processes of consensual democratic politics. The end-purpose of all political action, we have believed, is a fuller life for the common man.”

On February 18, 1975 the Speaker, Dr. G. S. Dhillon, had informed Lok Sabha that the General Purposes Committee of the House had decided that suitable celebrations might be organised to mark the Twenty-fifth Anniversary of the Constitution and the Parliament. The Republic which came into existence on January 26, 1950 had completed 25 years on January 26, 1975 and the Lok Sabha and Rajya Sabha elected under the Constitution would complete 25 years in 1977, the first Lok Sabha having met in May 1952. The Committee had therefore suggested that the celebrations might be spread over two years from 1975 to 1977.

As a part of the celebrations and to mark the twenty-fifth anniversary of the Republic, the Posts and Telegraphs Department of the Ministry of Communications brought out a special postage stamp of 25 paise, denomination, depicting a portion of the Parliament House, printed in black, blue and silver. The stamp was released by Dr. G. S. Dhillon, Speaker, Lok Sabha, at a function held in the Central Hall of Parliament House on January 26, 1975. Speaking on the occasion, Dr. Dhillon said:

“The Constitution of India, hammered out in this historic Central Hall, is not merely a framework of Government

but also a charter of liberty, justice and equality. It is, in other words, an instrument for free, democratic government and a means for bringing about socio-economic changes through peaceful and constitutional methods. It is indeed a matter of great satisfaction to us that despite several internal and external crises and other storms and stresses which we have faced, our Constitution has withstood the test of time and shown enough resilience and flexibility to meet the challenges and hold the country together. . .

If our Parliament is to fulfil its historic role as the instrument through which our people hope to realise their age-long aspirations, it is obvious that it has to remain apposite to the challenges of developing situations. I have no doubt in my mind that our Parliament, which has already proved its capacity in the past to make innovations as required, will be found equally capable in the future as well, and measure up to any task that may lie ahead."

Earlier, in his presidential address*, Shri B. D. Jatti, Vice-President of India said that the experiment with parliamentary democracy had so far been truly heartening. If India had been able to make a success of the constitutional system, the credit for this achievement should largely go to the people of the country. "The credit should also go, no less, to their representatives in Parliament whose concern has ever been the welfare of the Nation. Parliament in our country has been singularly fortunate in having had both on the Treasury Benches and the other side men and women who were always united in their dedication to the country and in their commitment to the national well-being."

Speaking on the occasion, the Minister of Communications, Dr. Shankar Dayal Sharma referred to the role of Parliament and said:

"Parliament occupies a predominant and pivotal position in the country's constitutional set-up and political life. It has over the years secured for itself a unique place in the esteem of the people as a forum through which they articulate and realise their aspirations and ventilate their grievances and difficulties. The peaceful conduct of, and the vast turn-over at, various elections indicate that the people have come to have faith in the Parliament and Parliamentary institutions. It has been an instrument for national regeneration in the truest sense of the term. It would not be an exaggeration if I say that no other

*The Address was taken as read in his absence—*Editor*.

legislature in the world has had to measure up to the problems of the range, variety and dimensions that our Parliament was called upon to shoulder from its very inception. One can confidently say that much of whatever has been accomplished in the political, economic and social spheres during the last 25 years has been possible because of the guidance provided by the parliament and the faith that the people have in the working of the Parliamentary institutions."

DECLARATION OF MEMBERS' PECUNIARY INTERESTS*

The Select Committee on Members' Interests (Declaration) of the U.K. House of Commons which submitted its Report¹ on December 12, 1974 has recommended the following nine classes of pecuniary interest or other benefit for being entered into a Register of Members' Interests:—

- (1) remunerated directorships of companies, public or private;
- (2) remunerated employments or offices;
- (3) remunerated trades, professions or vocations;
- (4) the names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the House;
- (5) financial sponsorships, (a) as a Parliamentary candidate where to the knowledge of the Members the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of Parliament, by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage direct or indirect;
- (6) Overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds;
- (7) any payments or any material benefits or advantages received from or on behalf of foreign Governments, organisations or persons;

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

¹Report from the Select Committee on Members' Interests (Declaration), Session 1974-75, HMSO, 1974.

- (8) land and property of substantial value or from which a substantial income is derived;
- (9) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital.

The Committee recommend that the form for the register of interests to be sent to Members should contain the following definition:

“The purpose of this Register is to provide information of any pecuniary interest or other material benefit which a Member of Parliament may receive which might be thought to affect his conduct as a Member of Parliament or influence his actions, speeches or vote in Parliament.”

With regard to the compilation, maintenance and accessibility of the register, the Committee envisage the establishment of a permanent Select Committee on Members' interests to examine the arrangements made therefore, to consider any proposals made by Members or others as to the form and contents of the Register, to consider any specific complaints made in relation to the registering or declaring of interests, and to report on these and any other matters relating to Members' interests. Provision is made, however, for the House to be the final judge when a Member does not accept the decision of the Select Committee. Provision is also made to preserve the rights of the Members concerned to confidentiality. If, however, the Member takes part in any relevant proceedings, he would have to declare his interest at the cost of forfeiting the confidentiality.

The procedure for the compilation and maintenance of the register proposed by the Committee is simple and straightforward. It will be the responsibility of the Members to complete the prescribed form, the particulars of which will be edited and published by the Registrar. He will be notified of any changes in the registrable interests by the Members. The Committee has laid down guidelines for the Registrar who will be clerk to the Select Committee and act on their instructions as well as under the authority of the Resolutions of the House.

The Committee observe that a Member of Parliament is subject to many influences which may affect his conduct as a Member. It

is, however, only because his actions as a Member of Parliament may seem to be affected that he is required to disclose any pecuniary interest or benefit relevant to the parliamentary action he is taking. The Committee emphasise that the register is supplementary to and not in place of the obligation on a Member to declare his interests, where the occasion arises.

Noting that the Member of Parliament must be subject to thorough public scrutiny, the Committee stress that he is also a private individual and is entitled to a proper degree of privacy. The concept that the register should consist of a Member's income tax returns, is rejected as the institution of a register can give no guarantee against evasion.

Some of the other important observations and recommendations of the Committee are:

- (i) The person appointed as Registrar should be a senior member of the Department of the Clerk of the House.
- (ii) The register should be published from time to time as a House of Commons paper.
- (iii) An up-to-date copy of the register should be available for inspection by the public. (The Committee has suggested certain rules in this regard.)
- (iv) Under no circumstances should the Registrar and his staff be seen as enforcement officers. With powers to inquire into the circumstances of Members; the sanction of possible penal jurisdiction by the House should be sufficient.
- (v) In terms of the Resolutions, a Member must make a declaration of interest, if appropriate, whether or not that interest is registered.
- (vi) In the case of Questions, it will be necessary to indicate in the Notices of Questions the relevant interest having been recorded or not recorded in the register by the use of different symbols.
- (vii) A Member who has not tabled a Question and is called to ask a supplementary Question must declare his interest, in the same way as in debate.
- (viii) The same procedure as for Questions may be followed in the case of notices for motions or amendments.

- (ix) The declarations of interest made at the meetings of a Select Committee should be recorded and published in the minutes of proceedings of the Committee.
- (x) In regard to voting, there being no time generally for the Member to declare his interest in connection with a vote, before voting takes place, it would be open to him to give details of the interest at a later stage to the Clerk at the Table.
- (xi) No action need be taken to extend the requirement to register to parliamentary journalists working in the Lobby or the Press Gallery; the question may be considered by the proposed permanent Select Committee, if necessary.
- (xii) No action should be taken to extend the register to relatives of Members; a disclosure of the interests of spouses and children would be an unnecessary invasion of privacy for which there was no justification at present and would in any case require legislation.
- (xiii) Though under the present electoral law it would be impracticable for all Parliamentary candidates to be included in the register, some action ought to be taken. It appears unfair that a candidate who happens to have been a Member of Parliament should have his pecuniary interests and benefits recorded and available to the electorate while the other candidates remain under no obligation to disclose anything. The question of registering the interests of all Parliamentary candidates may, therefore, be referred to the next Speaker's Conference on Electoral Law with a view to the introduction of legislation before the next general election.

The Committee on Members' Interests (Declaration) was appointed by the House on November 7, 1974, "to consider the arrangements to be made pursuant to the Resolutions of the House...relative to the declaration of Members' interests and the registration thereof, and in particular:

- (a) what classes of pecuniary interests or other benefit are to be disclosed;
- (b) how the register should be compiled and maintained and what arrangements should be made for public access thereto;

- (c) how the resolutions relating to declaration and registration should be enforced;
- (d) what classes of person, (if any) other than Members ought to be required to register;

and to make recommendations upon these and any other matters which are relevant to the implementation of the said Resolutions".

The two resolutions which had been adopted by the House of Commons on May 22, 1974 were:

- (i) That, in any debate or proceeding of the House or its committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect that he may have had, may have or may be expecting to have.
- (ii) That every Member of the House of Commons shall furnish to a Registrar of Members' Interests such particulars of his registrable interests as shall be required, and shall notify to the Registrar any alterations which may occur therein and the Registrar shall cause these particulars to be available for inspection by the public.

The adoption of these resolutions was significant for two reasons: it changed a convention² into rule of the House, and it imposed this rule over a far wider area than that to which the former convention applied.³

²"There is a convention in both Houses that peers and Members should declare such a (pecuniary) interest in debate. It is not a rule of procedure in the Commons." May, *Parliamentary Practice*, (18th Edition), p. 403.

³*Report from the Select Committee on Members' Interests (Declaration)*, *op. cit.*, p. xii.

CONFERENCE OF CHAIRMEN OF COMMITTEES ON SUBORDINATE LEGISLATION*

On March 14, 1975 Dr. G. S. Dhillon, Speaker of Lok Sabha called upon the Chairman of Committees on Subordinate Legislation of Parliament and State Legislatures to evolve safeguards against the risks inherent in the delegation of legislative powers to the Executive. He pointed out that sometimes there were undue delays on the part of the administration in framing rules which might cause hardship to the public and referred to the fact that despite the recommendation of the Committee on Subordinate Legislation of Lok Sabha that rules should be framed within six months of the passage of an Act, and the Government agreeing to do so, there were several cases where they had not been framed for over five years. Similarly, there were sometimes unconscionable delays in laying rules on the Table of the House and members had always looked with disfavour such delays. In his view the Conference might perhaps like to consider whether, in the interest of more effective control over subordinate legislation, as also of uniformity of procedure, the Committee might not start examining rules immediately after their publication in the Gazette, rather than watch helplessly till they were laid on the Table. Dr. Dhillon further said:

“...it is not necessary for the Committee to adopt a rigidly legalistic attitude towards the rules under their examination. In the course of their work, the Committees should not lose sight of the fact that the ultimate aim of all rules, regulations, etc., is the larger public good. The Committee should, therefore, see that the subordinate legislation framed by the executive not only does not transgress the limits laid down in the parent law but that it also conforms to the canons of equity and natural justice, and does not result in unnecessary harassment to the general public.”

Dr. N. N. Kailas, Chairman of the Committee on Subordinate Legislation of Lok Sabha, in his address said that the “safeguards” should be made “both at the stage the powers are delegated and at the stage the rules are framed in exercise of the delegated powers” and one of the important safeguards against assumption of arbitrary

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

powers by the Executive was that rules framed by it should not only be required to be laid before the legislature but that the legislature should also have the statutory right of annulling or modifying them". He said:

"The root of abuse lies in unfettered, unguided discretionary powers. It is our duty to see that such powers are circumscribed within well-defined limits and adequate safeguards provided against their misuse".

CONFERENCE OF CHAIRMEN OF COMMITTEES ON PUBLIC UNDERTAKINGS*

Dr. G. S. Dhillon, Speaker of Lok Sabha inaugurating the first Conference of the Chairmen of Committees on Public Undertakings of the Parliament and State Legislatures on March 8, 1975 said that the purpose of appointing these Committees "would be adversely affected if either the Committee becomes imbued with the feeling that it is merely a fault finding body or that it is a super Board of Management". He added:

"At the same time there cannot be any fettering of its judgment and the expression of its views in good parliamentary traditions. The Committee no doubt bears in mind that any public expression of views which are intended to correct errors are not of such a character as would have the opposite result of lowering the undertakings in the estimation of the public or affecting its credit-worthiness or capacity to transact business."

Dr. Dhillon said that he had been averse to the discussion of reports of the Financial Committees, on which were represented all parties and groups on the floor of the House as a general practice, because of the convention that the recommendations contained in such reports should be implemented by Government, as if they were the recommendations of the House itself. He said:

"If on a rare occasion a discussion is allowed in the House, then it should be on a subject of wide public importance and that too after the Committee has examined the action-taken notes received from Government and given its final Action Taken Report high-lighting areas of divergence between its recommendations and Government's stand."

Shri Nawal Kishore Sharma, Chairman of the Parliament's Committee on Public Undertakings said the Committee was a "miniature Parliament inasmuch as practically all Parliamentary parties and groups were represented on it more or less in proportion to their strength in the House." On the basis of his experience at the Centre and his knowledge about the working of such Committees in

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

the States, he could say with confidence that they had made noteworthy contribution in improving the performance of public undertakings and he had no doubt that their labours would go a long way in helping the public sector achieve commanding heights and realise the dream of Shri Jawaharlal Nehru, the architect of socialism in the country. He hoped that the States which did not have such Committees would feel inspired by their achievements elsewhere and lose no further time in setting up such Committees.

PARLIAMENTARY EVENTS AND ACTIVITIES*

A. SYMPOSIA AND CONFERENCES

Second Inter-Parliamentary Conference: The Second Inter-Parliamentary Conference on 'European Cooperation and Security' was held in Belgrade (Yugoslavia) from January 31 to February 6, 1975. Dr. G. S. Dhillon, Speaker, Lok Sabha and President of the Inter-Parliamentary Council presided over the conference.

Meeting of the Working Group of the Inter-Parliamentary Union: The meetings of the Working Group of the Inter-Parliamentary Union on the Union's Statutes were held in Belgrade (Yugoslavia) on January 28 and 29, 1975. Dr. G. S. Dhillon, Speaker, Lok Sabha and President of the Inter-Parliamentary Council presided over the meetings.

B. FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

Transit halt of the First Secretary of the Central Committee of the A.S.U. at Delhi: Dr. Mohammed Hafez Ghanem, First Secretary of the Central Committee of the Arab Socialist Union and party made a transit halt at Delhi on December 11, 1974. They were cordially received and seen off at the airport by the Speaker, Lok Sabha.

Visit of the French Senators: A team of three French Senators visited India in January-February, 1975. The Speaker, Lok Sabha hosted a luncheon party in their honour on January 22, 1975.

C. NEW RECEPTION OFFICE

On March 25, 1975 Dr. G. S. Dhillon, Speaker, Lok Sabha inaugurated the new Reception Office Building and the Electric Sub-Station of the Parliament House complex. Appreciating the design of the new building which not only harmonised aesthetically with the surroundings but also combined the values of both the old and new forms of architecture, he hoped that the new Reception Office would make for a pleasant point of contact between the general public and the parliamentary institution and provide adequate facilities to the Members of Parliament to meet the visitors who came from all parts of the country to see the premier democratic institution at work and to meet their elected representatives.

*Contributed by Conference Branch, Lok Sabha Secretariat.

PRIVILEGE ISSUES*

LOK SABHA

Obstructions to a member in carrying out his parliamentary duties: On November 28, 1974, Shri Madhu Limaye stated in the House that a major part of the finances of the Kurukshetra University like all other universities came from the University Grants Commission set up under the Central Acts. When he was proceeding to make enquiries into those matters his vehicle was stopped at the Karnal bypass by the so-called youth congress workers who were mainly policemen and Government servants without uniform. *Lathis* were rained on the vehicle and although there was huge deployment of the police at that point, they deliberately kept themselves at a distance from those 'hoodlums'. He contended that all this was pre-planned with a view to obstruct him from carrying out his parliamentary duties and therefore, constituted a breach of privilege.

Disallowing the question of privilege, the Deputy Speaker, Shri G. G. Swell, who was then in the Chair, ruled, *inter alia*, as follows:—

It has been a well laid convention that if a member proceeds to attend Parliament as a Member of Parliament and if he is obstructed in that process, then it is a privilege.

As Members of Parliament, as leaders, we have many other duties that call us every where, and the bigger the person, more the duties. When we go out of this House and perform our duties as political leaders, we encounter difficulties. Whether that comes within the purview of obstructing a member from doing his duty is a new question which I think the House must go into very carefully.

..... So, I repeat, that question is open and it cannot be a question of privilege at this stage."

Carrying of explosives by a visitor and assault by him on an official of the House: On November 26, 1974, the Chairman, Shri Nawal Kishore Sinha, informed the House that, at about 12.25 p.m.

*Contributed by Committee Branch I, Lok Sabha Secretariat.

that day a visitor calling himself Satenderjeet Singh, son of Sardar Surendra Singh, attempted to enter the Visitors' Gallery of Lok Sabha after getting his pass checked at the checking post. When the Watch and Ward Assistant of the Lok Sabha Secretariat on duty noticed something bulging out in his coatpocket and started searching his person, he found a glass jar containing some explosives attached to a fuse and crackers. The visitor immediately took out a dagger hidden on his person and attempted to assault the Watch and Ward staff but he was overpowered and taken into custody.

Immediately after the Chairman's statement, a motion was moved by the Minister of Parliamentary Affairs, Shri K. Raghuramaiah, resolving that the offender might be sentenced to rigorous imprisonment upto December 20, 1974 and sent to Tihar Central Jail for the grave offence and contempt of the House committed by him. This would be without prejudice to any other action to which he might be liable under the law.

In pursuance of the decision of the House, the Speaker issued a warrant of commitment addressed to the Superintendent, Central Jail, Tihar, New Delhi for necessary action in the matter.

Subsequently, the Watch and Ward Officer of Lok Sabha, with the permission of the Speaker, lodged a written complaint against the said Satenderjeet Singh with the Parliament Street Police Station in respect of the criminal offences committed by him.

Failure to lay Papers on the Table within the prescribed time: Under Section 3(4) of the Commissions of Inquiry Act, 1952 the Government is required to lay on the Table of the House copies of reports by statutory commissions within a period of six months after their submission to the Government. On August 20, 1974, Shri Madhu Dandavate sought to raise a question of privilege against Shri C. Subramaniam, Minister of Agriculture for not laying on the Table of the House copy of the Report of the Bhargava Commission on Nationalisation of Sugar Industry within the prescribed period, though it had been received by the Government on May 15, 1973. The Speaker reserved his ruling.

On the next day when Shri Dandavate again sought to raise the matter, Shri Subramaniam said that only the interim Report had been received by the Government in May 1973 and the provisions of the Act related to the final report and not to any interim report whatsoever. The final report, which also included the two interim

reports of the Commission as parts I and II, had been received on February 27, 1974. He added that the Government was considering the Report and would place it on the Table of the House before the 27th August, 1974.

“Disallowing the question of privilege, the Speaker ruled *inter alia*, that “The Report of the Commission is in three parts...I think in the case of interim reports when they are part of the final report, the final presentation counts. I think this Report should be counted from the date of its final presentation. I am sorry I cannot admit the privilege motion.”

On August 26, 1974 the Minister of Food and Agriculture laid on the Table the final Report of the Sugar Industry Inquiry Commission, together with an action-taken Memorandum as required under section 3(4) of the Commissions of Inquiry Act, 1952. On the next day, Shri Dandavate pointed out that the Memorandum, instead of indicating the action taken by the Government on the recommendations of the Commission read *inter alia*: “In view of the sizeable financial outlay and complex issues involved, Government would need some more time to examine the matter in detail and arrive at a decision”. Shri Dandavate contended that this could not be taken as a memorandum of action taken as required under the Act, and as such the matter involved a contempt and breach of privilege of the House. The Speaker then observed:

“In my own opinion also, this is not a memorandum... Please do not come under privilege every time...When the Government fails to fulfil certain legal or constitutional obligations, it is not always a matter of privilege. It can be the subject of censure or other discussion not a privilege.”

On September 2, 1974 after Shri Dandavate again raised the matter, Shri Subramaniam stated that he had complied with the provisions of the Act inasmuch as whatever action had been taken or had not been taken, had been stated in the Memorandum and therefore, it was factually correct. There was no question of misleading the House by giving any wrong facts there. The Speaker thereupon ruled as follows:

“I appreciate it. I tried to know how it is a question of privilege. Because privilege is something you cannot make by far-fetched means. It is on failure of the Government. Now, he has taken the interpretation in his own way and you have taken it in your own way. According to the Action-taken Report this should have been included

in the memorandum, and he says, it includes whatever up to that stage was there about the action taken."

The matter was thereafter closed.

Intimidation of a member by his Party Leader: On August 8, 1974, Shri Jyotirmoy Bosu, sought to raise¹ a question of privilege against the Prime Minister, Shrimati Indira Gandhi, for allegedly reprimanding a member of the House (Shri S. N. Misra) for suggesting that Shri Fakhruddin Ali Ahmed, the Congress candidate in the Presidential election should declare his assets. The Speaker, Dr. G. S. Dhillon, disallowed the question of privilege and ruled² *inter alia* as follows:—

"What is said in the party meeting cannot be brought in here...I do not think it is a privilege matter. It is a matter within their party....Every party has a right to give directions to its members. This has come up in the House on a number of times. I have taken the same view."

When some members stated that the members should not be subjected to certain regulations by any outside authority, in respect of the performance of their functions in the House, the Speaker observed *inter alia* as follows:—

"If somebody thinks that his Party Leader is obstructing him, he can come to me....I have not thought it proper to intervene in a matter between the Party and the Leader. I basically recognise the working of a party system. It is the right of the Leader to keep discipline and to issue directions."

Alleged misleading statements in the House by a Minister. On April 18, 1974, Shri Jyotirmoy Bosu, stated³ that on April 17, 1974 the Minister of Home Affairs, Shri Uma Sankar Dikshit had in his statement on the Bihar situation in the House mentioned that no 'shoot-at-sight orders' had been issued in Gaya and that all the three firings that had taken place were under the orders of the magistrate on duty on the spot. Shri Bosu contended that according to a news report circulated by the *Press Trust of India* and published in the *Times of India*, dated the 16th April, 1974, the District Magistrate had confirmed to the press that he had given shoot-at-sight order in Gaya on April 13, 1974. The Minister, by making a wrong:

¹L.S. Deb., August 8, 1974, cc. 158—66.

²Ibid.,

³L.S. Deb., April 18, 1974.

statement, had thus committed contempt of the House. The Deputy Speaker, Shri G. G. Swell, who was then in the Chair, reserved his ruling.

On April 19, 1974, the Deputy Speaker, disallowing the question of privilege, ruled¹ as follows :

“I have had the opportunity to go through his (Shri Bosu's) letter and also to examine the relevant proceedings in the House on that day and what I found was that there is a dispute with regard to facts. Shri Jyotirmoy Bosu contends that there was an order to shoot-at-sight and the Home Minister in his statement says what there was no such order and whatever action was taken was on the order of the Magistrate on the spot and not on any order of shoot-at-sight. At the most, this is a dispute of facts and since the discussion on the Bihar situation will be taken up right now, I shall give Shri Jyotirmoy Bosu an opportunity to speak on it and he may make that submission....I have ruled that there is no privilege involved.”

On August 1, 1974, Shri Madhu Limaye, seeking to raise² the matter again stated that according to the Report of the Committee appointed by Shri Jayaprakash Narayan, the authorities did issue shoot-at-sight orders there. He contended that the statement made by the Minister of Home Affairs on the basis of the information received by him from the State Government was thus not correct and the matter might be referred to the Committee of Privileges for examination. The Speaker, Dr. G. S. Dhillon, reserved his ruling.

In his statement³ on August 5, 1974, the Minister of Home Affairs, Shri Uma Shanker Dikshit, said:

“Shri Madhu Limaye had referred to the report of a Committee appointed by Shri Jayaprakash Narayan to enquire into the incidents at Gaya. The Committee in its report had referred to what Shri B. K. P. Sinha, a former member of the Rajya Sabha had informed the Committee that he heard an announcement that the curfew had been extended and that those found on the road would be shot at. The Committee, however, had also stated that it was not possible for them to check the facts with the administration and, therefore, it was difficult for them to get the exact wording of the written orders, if any, passed in this regard. We have, however, again checked the

¹*Ibid.*, April 19, 1974.

²*Ibid.*, August 1, 1974, cc. 288—98.

³*Ibid.*, August 5, 1974, cc. 197-98.

position with the State Government who have reiterated that what I had informed the House was correct. Sir, whenever the Central Government are required to apprise members of this House of the developments relating to public order or any other matter wholly within the competence of the State Government under the Constitution, it has been the practice that we rely on the information furnished by the concerned State Government. The practice in our view is based on a correct appreciation of the constitutional position. The information I furnished to the House is based on what the State Government have conveyed to us and in doing so there cannot be any question of misleading the House or committing any contempt of its privileges."

The Speaker disallowing the question of privilege ruled¹ as follows:—

"So far as this privilege is concerned I think there is no privilege involved, because, normally, the information is that of the State Government and they have made it sure that it is checked again.....

Now, the Minister is responsible so far as those matters which are within his cognizance and he has relied on them. I am sorry, there is no privilege involved here..... We have to rely on the statement made by the Minister."

PUNJAB VIDHAN SABHA

Alleged misleading statement by a Minister in the House: On February 26, 1974, Sarvashri Satya Pal Dang, Shamsheer Singh Josh and Raj Kumar, sought to raise a question of privilege against the Minister of Revenue and Parliamentary Affairs, Sardar Umrao Singh, for making a wrong statement in the House regarding deputation of C.I.D. personnel from other Departments. The Speaker, Dr. Kewal Krishan, reserved his ruling.

On February 28, 1974, the Speaker disallowed the question of privilege and ruled *inter alia* as follows:

"I have examined the matter with reference to the relevant proceedings of the sittings of the House held on 25th and 26th February, 1974. The Minister had, on 25th February, 1974, said that there was no separate cadre of C.I.D. in Punjab. The personnel working in C.I.D. are taken

¹Ibid., c. 200.

from the Police Department and any other Department. He also said that they cannot go on further deputation because they are already on deputation from the Police or P.A.P.

When the hon. Minister used the word 'any other Department' he meant 'P.A.P.', which he himself clarified the next moment by saying 'they are already drawn from the Police or P.A.P.'.

On 26th February, 1974, he said that the personnel of P.A.P. and the Police are transferred to CID under the Police Act. I find that the Minister did not make any wrong statement. I, therefore, do not give my consent to the question of privilege being raised".

PROCEDURAL MATTERS

LOK SABHA*

Leave of Absence to Members: The Committee on Leave of Absence to Members of Lok Sabha in their Seventeenth Report (5LS), presented to the House on November 25, 1974 made the following recommendations in paragraphs 4—6 of the Report:—

- “4. The Committee noted that under article 101(4) of the Constitution, a member could remain absent continuously for a period of 59 days without the permission of the House. Therefore, so long as the present provisions of article 101(4) stand, absence for less than 60 days would not have any effect on the membership of a member even if the Committee refused to recommend granting of leave applied for by a member. In view of that the Committee recommend that the grounds on which leave could be granted to members might be as follows:—
- (1) Illness of self, including medical check-up.
 - (2) Illness, accident or mishap in the family.
 - (3) Death in the family.
 - (4) Marriage of self or marriage in family.
 - (5) Detention in jail.
 - (6) Pilgrimage or participation in religious celebrations.
 - (7) Visits abroad for—
 - (i) Participation in Conference and Delegations;
 - (ii) Study tour;
 - (iii) Lecturing;
 - (iv) Participation in Games and Sports.
 - (8) Relief work in natural calamities like floods, drought, fire or earthquake in the constituency or any part of the country.

*Contributed by Table Office, Lok Sabha Secretariat.

- (9) Work connected with delimitation of constituencies or preparation of electoral rolls.
- (10) Work connected with some Commission of Inquiry.
- (11) Celebrations like the following in the constituency in which the member has been assigned a prominent role—
 - (i) Martyr's Day;
 - (ii) Centenary celebrations;
 - (iii) Inauguration of a new Project, Assembly or State etc.
- (12) Elections or Bye-elections in the constituency.
- (13) Participation in party sessions or party meetings.
- (14) Agitations or disturbances in the constituency.
- (15) Breakdown of communications.

The Committee feel that some of the grounds mentioned above would not merit grant or leave for long durations and accordingly want to clarify that while granting leave not only the grounds but also the duration of leave would be a vital factor.

- "5. The Committee are of the view that the present practice of relying on the information given by the members should continue and members need not be required to produce certificates or evidence in support of the ground on which leave was applied for. The Committee also feel that where the grounds on which leave was applied for were not clear or needed elucidation, the members should be asked to clarify the grounds before leave was recommended.
- "6. The Committee further recommend that leave need NOT be granted on grounds like—
 - (i) Work in constituency other than those mentioned in paragraph 4 above.
 - (ii) Professional or business engagements.
 - (iii) Private affairs.
 - (iv) Domestic trouble other than those mentioned in paragraph 4 above."

When on December 3, 1974, the Chairman of the Committee, Shri Chandrika Prasad, moved a motion in the House for adoption of the
221 LS-5.

Committee's report, an amendment moved by a member, Shri Erasmo de Sequeria was adopted. The motion was then adopted in the following amended form:—

“That this House do agree with the Seventeenth Report of the Committee on Absence of Members from the Sittings of the House presented to the House on the 25th November, 1974 subject to the modification that in paragraph 6 of the Report, for the words ‘need NOT be granted’, the words ‘need not ordinarily be granted’, be substituted.’

Allegations against Minister: On December 2, 1974 during his reply to the debate on the Statutory Resolution moved by him for the disapproval of Sick Textile Undertakings (Nationalisation) Ordinance, Shri Madhu Limaye, who had given advance intimation, made certain allegations against Shri Uma Shankar Dikshit, Minister without portfolio (formerly Minister of Home Affairs) for having taken some money from the British India Corporation for party funds. Shri T.A. Pai, Minister of Industry and Civil Supplies stated that he had a letter from Shri Dikshit wherein he had denied the allegations very strongly. Shri Limaye then stated that only the member concerned, against whom the allegations were made, could refute them through a personal explanation. The Chairman, Shri D. C. Goswami, observed that when an allegation was made against a Minister or a member, it was for that Minister or member to take any course of action to refute the allegation.

On the next day, Shri Madhu Limaye again raised the matter and stated that Shri Dikshit should himself make personal explanation. Shri Uma Shankar Dikshit made explanation on December 5, 1974 and refuted the allegation made against him.

Release of Presidential Order to Press and Radio: On November 18, 1974, immediately after Question Hour several members raised points of order that the Government had released the contents of the Presidential Order, issued on November 16, 1974 under article 359 of the Constitution, to the Press and Radio before the same was laid on the Table of the House. Members contended that the Government had violated the constitutional provisions as also Direction 116 by the Speaker. The Minister of Home Affairs explained that the Order was issued on November 16, 1974 and there being no sitting of the House on that day and on the next day, being Saturday and Sunday respectively, Monday (November 18, 1974) was the earliest day on which Government could lay the Order on the Table of the House and for that he had sought the Speaker's permission. The Speaker, thereupon, observed that he had received

the Order just at that time. When the Government released that to the Press and Radio, it would have been much better if they had informed the Lok Sabha Secretariat or Secretary-General simultaneously. The Order was then laid on the Table of the House by the Minister of Home Affairs.

Discussion on Adjournment Motion: On November 11, 1974, the Speaker read out the names of members who had tabled notices of adjournment motion on happenings in Bihar and observed that he had, after going through various processes, decided to give his consent to the motion by Shri Shayamnandan Mishra regarding the alleged failure of the Government to prevent the assault by the Central Reserve Police and the Border Security Force on peaceful Satyagrahis including the Sarvodaya leader Shri Jayaprakash Narayan on November 4, 1974 at Patna, as he had come to the conclusion that that motion would be the most apt one.¹ More than 50 members having stood up in favour of leave being granted, the Speaker announced that leave was granted and the motion would be taken up at 15.00 hrs. on that day.

When the discussion continued till late hours, several members suggested that the discussion might be continued the following day and the House adjourned. The Minister of Parliamentary Affairs pointed out that the discussion on an adjournment motion should be concluded the same day as adjourning the House would mean that the motion was carried. The Chairman, Shri Ishaque Sambhali, agreed with the Minister of Parliamentary Affairs and observed that the discussion on an adjournment motion had to be concluded on the same day.

STATE LEGISLATURES*

BIHAR LEGISLATIVE ASSEMBLY

Discussion on Matters Sub-judice: On February 13, 1975, some members demanded a special debate on the death of late Shri Lalit Narayan Mishra, the then Railway Minister in the Samastipur bomb explosion, and on conditions obtaining thereafter. Two motions were received for it. The question which required consideration was whether there should be a debate in the House on the incident

¹At a meeting of leaders of all-parties held on November 11, 1974, it was also agreed that Shri Mishra's motion might be taken up.

*Contributed by the Research and Information Service, Lok Sabha Secretariat and based on the materials received from the respective State Legislature Secretariats.

and on the conditions obtaining thereafter, especially when a Committee and a Commission had been constituted to report on the very same incident, and if so, to what extent.

The Government of India had appointed a Commission of Enquiry under the Commissions of Inquiry Act, 1952, with Justice Shri K.K. Mathew of the Supreme Court of India as its sole member. The terms of reference and powers of the Mathew Commission were as follows:—

“The Commission will inquire into the background, the facts and circumstances pertaining to the explosion that occurred on January 2, 1975 at Samastipur railway station resulting in the death of Mr. L. N. Mishra, Mr. Suraj Narain Jha, M.L.C. and Mr. R.K.P.S. Kishore, Railway Clerk, and serious injuries to a number of persons and the subsequent explosion that occurred the same day in the house of Mr. Mahadeo Sahu.

It will go into the nature and adequacy of measures taken to afford necessary protection and security to the Union Minister of Railways while attending the Public function for inauguration of the Samastipur-Muzaffarpur broad-gauge line on January 2.

The Commission will also investigate whether the medical attention given to Mr. Mishra after he was injured in the explosion was adequate and other related circumstances taking into consideration the findings of the medical experts committee appointed by the Government of Bihar.

It will also inquire whether the steps taken for rendering medical and other assistance to persons injured as a result of the explosion were adequate. It will also consider any other matters of relevance and recommend measures for preventing the recurrence of such incidents. The commission has been appointed under section 3 of the Commissions of Inquiry Act, 1952, and all provisions of sub-sections 2, 3, 4 and 5 of section 5 of the Act have also been made applicable to it.”

Though the medical treatment given to Shri Mishra after the incident was also within the purview of the Mathew Commission, the Government of Bihar also constituted a committee of six persons headed by Air Marshal Ajit Nath, to examine if proper treatment was given to him or not. In his ruling on the motions, the Speaker,

Shri Harinath Mishra referring to this Committee observed, *inter alia*:

“This Committee is not under the Commissions of Inquiry Act, neither under any other statute, and therefore its functions or findings will not be judicial or quasi-judicial nor statutory. Hence it is not at all necessary to throw any light on this Committee in this ruling, and it is only the nature of Mathew Commission which will decide the issue.”

With regard to the Mathew Commission the Speaker observed:

“The Mathew Commission has been appointed under a statute, the Commissions of Inquiry Act, 1952, and therefore it is doubtless a statutory body. Keeping in view the special powers given to the Commission, and the manner in which it has to conduct its business, the nature of the Commission's functions cannot but be fully judicial. In the light of this finding, I would... invite your attention to Kaul and Shakdhar... wherein it has been said:—

‘A question relating to a matter pending before a court of law or a parliamentary committee or any statutory authority performing any judicial or quasi-judicial functions is inadmissible.’*

Inviting your attention to the complications that have arisen in Samastipur bomb explosion, I have grave doubts if the country would feel satisfied by anything short of an inquiry by a high-powered commission, and if a commission had to be appointed, it is difficult to conceive of a more responsible and respectable commission than the one appointed.”

The Speaker further observed:

“The Committee or Commission appointed under an Act passed by us should be taken to be one appointed by ourselves. The Presiding Officer of the Commission is a sitting Judge of the Supreme Court of India, and therefore the Commission is also entitled to the respect which legislature has been showing to judiciary. If after entrusting any enquiry to such a high-powered commission, the matter is debated upon in any parliamentary body, it will not only be tantamount to disrespect to the Commission, but would also hinder its functioning rather than facilitate it. Hence when such an important Commission has been appointed to enquire into all the aspects of the incident, it is only meet and proper to leave the entire matter to it.

...in U.K. there is a convention that on the report of a commission of inquiry, debate in the legislature is

*Kaul and Shakdhar, *Practice and Procedure of Parliament* 1st edition, pp. 746-47.

confined to only the follow-up action taken by the Government, and not on the findings of the commission. Since no such convention has been established so far in India, the Chief Justices' Conference in 1965 made a recommendation that whenever such a commission is presided over by a sitting or retired judge, then the findings should not be subjected to any debate in a legislature, and only the action taken by the Government thereon may be debated upon. This resolution of the Chief Justices came up for consideration before the Presiding Officers' Conference held in Shillong in November, 1974, and it was accepted after a full dress debate. In this view of the matter so long as the enquiry of the Commission is pending it is all the more necessary to restrict any debate on the matter pending before it.

The Advocate General of Bihar is also of the same view. It is thus amply clear that so long as the matter is pending investigation of the Mathew Commission, any debate on it in the House would be against all parliamentary rules and conventions.

In the light of the aforesaid reasons and circumstances, both the notices under consideration are hereby rejected."

TAMIL NADU LEGISLATIVE ASSEMBLY

Re-opening of non-official Business deemed withdrawn earlier: On December 19, 1974, the day allotted for the transaction of non-official business, the members belonging to some Opposition parties who had given notice of certain Bills and Resolutions and who had staged a walk-out earlier on some other issues were not present in the House at the time when those Bills and Resolutions were taken up for consideration. Hence, the Chair ruled that as the members who had given notice of those Bills and Resolutions were not in their seats, they were deemed to have been withdrawn.

On December 20, 1974, the Leader of an Opposition Group requested the Chair to take up those Bills and Resolutions for consideration. The Chair observed that the matter had to be placed before the Business Advisory Committee and its decision might be accepted, as the Chair by itself had no authority to re-open a matter on which a decision had already been taken. After some time on the same day, the Chair announced that the Business Advisory Committee had decided that the Non-official Bills and Resolutions which were deemed to have been withdrawn on December 19, 1974 might be taken up for consideration on December 21, 1974.

On December 21, 1974, a motion moved by the Leader of the House that "the Non-official Bills and Resolutions which were deemed to have been withdrawn on 19th December, 1974 due to the absence of the members who had given notice of the same, might again be taken into consideration that day" was adopted by the House unanimously, and accordingly the non-official Bills and Resolutions were taken up for consideration on that day.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

Cut in Demands for Grants: On July 25, 1974 when the Chief Minister was called upon to move the demand for grants listed for that day, the Leader of the Opposition, Shri Charan Singh, rising on a point of order, objected to the moving of the grant by the Chief Minister on the ground that since the Government had issued an order for 15 per cent cut in the grants before they had been passed by the House, the demands for grants as included in the budget had become unreal. The Chief Minister in his reply to the objection stated that there was no order for any cut in the grants, but orders had been issued for a 15 per cent reduction in the expenditure as a measure of economy. He also said that the voting of grants by the House did not mean that the whole amount must be spent and that the Government could not reduce the expenditure on administration as a measure of economy. The Speaker reserved his ruling in the matter.

On July 29, 1974, the Speaker disallowed the objection raised by the Leader of the Opposition mainly on the grounds that the House had before it the annual financial statement under article 202 and the motion for demand for grants presented to the House under article 203 in the form that a sum not exceeding such and such amount be granted for a particular service. Similarly, the Appropriation Bill passed under article 204, authorised the Government to appropriate from the Consolidated Fund of the State and to spend on the services in the particular year the sum not exceeding the amount mentioned therein. Accordingly, the Legislature through vote on grants and the Appropriation Act, fixed only the maximum within which the Government was authorised to spend on a particular service. It would not mean that the Government must spend the whole amount and had no right or authority to reduce or to economise its expenditure. The Speaker further observed that the Finance Minister, in his budget speech had mentioned that the people expected from the Government to effect economy in its expenditure as much as possible. The Speaker mentioned that the confusion

had arisen on account of the use of the word *Katauti* (cut) in the order issued by the Government in this regard, though, it was meant, as its context showed for economy in expenditure. He however, expressed his general agreement with the views of the Leader of the Opposition on the question of effective financial control by the House and its Committees and also the necessity for a realistic preparation of the budget with due attention and care.

Discussion on Central Ordinance: A notice of adjournment motion was given on July 9, 1974 to discuss the Ordinances promulgated by the President about the freezing of salary and allowances of employees and workers. This was disallowed by the Speaker. Another notice under rule 301 of the Rules of Procedure and Conduct of Business of the House was given on the same day by Shri Kashi Nath Mishra to discuss the impact of the said Ordinances and also inflation, rise in prices, etc. The Speaker expressed the view that the House could not discuss the Ordinances promulgated by the President on the advice of the Central Council of Ministers. The Leader of Opposition, however, drew the attention of the Speaker that there was no bar in the Rules of Procedure and Conduct of Business of the House for such a discussion. After hearing the Finance Minister also in the matter, the Speaker reserved his ruling.

Giving his ruling on July 10, 1974 the Speaker observed:

“The President promulgated the Ordinance under article 123 of the Constitution with the aid and advice of the Central Council of Ministers as required by article 74(1) of the Constitution and the Central Council of Ministers was collectively responsible to the Lok Sabha under article 75(3). The State Council of Ministers was likewise collectively responsible to the State Legislative Assembly for the executive acts which extended to the subjects on which the State Legislature had power to make laws. Hence, the Council of Ministers of the State could not be responsible and answerable to the State Legislature for any Ordinance promulgated by the President with the aid and advice of the Central Council of Ministers on the subjects falling under the Legislative powers of the Parliament.

The Rules of Procedure and Conduct of Business of the State Assembly, framed under article 208 of the Constitution are subject to the provisions of the Constitution and as such anything which could not be done under the Constitution, could not be done under the Rules of the Procedure of Vidhan Sabha as well even if there was no specific bar under those rules.”

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS*

(November 1, 1974 to January 31, 1975)

INDIA

DEVELOPMENTS AT THE CENTRE

Changes in the Council of Ministers: Some more changes were effected in the Council of Ministers which had been reshuffled by the Prime Minister in the beginning of October, 1974. Shri Nitiraj Singh Chaudhary, Minister of State for Law and Company Affairs, resigned from the Council of Ministers on October 16, 1974. On the following day, Shri H. N. Trivedi, a Member of Rajya Sabha, was appointed as Minister of State for Transport and Shipping, and Shri Prabhudas Patel as Deputy Minister in the Ministry of Agriculture and Irrigation, raising the strength of the Council to 61. Both the new Ministers hail from Gujarat which had no representation in the erstwhile Council of Ministers.

During the period under review, two vacancies occurred in the Cabinet following the resignation of Shri Durga Prasad Dhar, Minister of Planning, on December 31, 1974 and the death of the Railway Minister Shri L. N. Mishra, following a bomb explosion in Samastipur. Shri Dhar's portfolio was taken over by the Prime Minister, Shrimati Indira Gandhi, herself on January 2, 1975, alongwith the Department of Science and Technology. Shri T. A. Pai, Minister of Industries and Civil Supplies was holding temporary charge of this Department before this change was made. With the Prime Minister herself being the ex-officio Chairman of the Planning Commission, Shri P. N. Haksar, previously Secretary to the Prime Minister, was appointed on January 3, 1975 as Deputy Chairman of the Commission in succession to Shri Durga Prasad Dhar. Shri Haksar, has been given the status of a cabinet minister but he would not be a member of the Cabinet.

Increase in M.Ps' Travelling Allowance: Parliament adopted, on December 21, 1974, a Bill raising the travelling allowance of Members of Parliament from 32 paise to Re. 1 per kilometre.

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

The Minister of Parliamentary Affairs, Shri K. Raghuramaiah, also announced that the Government had accepted the recommendations of a Joint Committee that the number of free telephone calls allowed to MPs should be increased from 10,800 to 15,000 a year, and that they should be provided with better medical facilities.

BKD's Merger with Congress: The Bharatiya Kranti Dal led by Shri M. S. Oberoi, M.P., decided on December 18, 1974 to merge itself with the Congress. A decision to this effect was taken by the BKD National Executive which took note of the fact that "reactionary forces were out to destroy the Constitution and democracy".

At the time of merger, the BKD had four members in the Rajya Sabha, six MLAs in Uttar Pradesh and one MLA and MLC each in Maharashtra.

Suspension of Detenus' Fundamental Right: A Presidential Order issued on December 25, 1974 suspended for six months the fundamental right of those detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, to appeal to courts against their arrest. This Order replaced the earlier Presidential Order of November 16, 1974, which suspended for six months the rights of persons detained under the MISA Ordinance against smuggling. Now that the Ordinance has been replaced by the new measure, those arrested under the Ordinance were released and re-arrested under the new Act. The six-month period during which no courts could be moved by the detenus will now end on June 22, 1975 or till the end of emergency, whichever is earlier.

The new Order suspended Articles 14, 21 and clauses 4, 5, 6, and 7 of Article 22 of the Constitution. It barred the jurisdiction of courts in relation not only to arrests but also "any other action including the making of any declaration under section 9* (of the Act)"

Sikkim Bill Ratification: By the middle of February, 1975, more than half the States had ratified the Constitution (35th Amendment)

*Under Section 9 of the Act, a person might be detained for upto one year without obtaining the opinion of an Advisory Board, if a declaration was made by a senior Government officer stating that the person detained was likely to smuggle goods, abet smuggling or transport and keep smuggled goods in an area highly vulnerable to smuggling.

Bill conferring associate status on Sikkim and providing for its representation in the two Houses of Parliament. Twelve State Assemblies which had ratified the Bill were Andhra Pradesh, Assam, Bihar, Haryana, Karnataka, Maharashtra, Manipur, Meghalaya, Orissa, Punjab, Tripura and West Bengal.*

AROUND THE STATES

ANDHRA PRADESH

Election of new Speaker: Shri R. Dasaratharama Reddy a senior Congress M.L.A., was unanimously elected as the new Speaker of the State Legislative Assembly on January 28, 1975.

BIHAR

Election declared void: The election of Shri Durga Prasad Singh (Congress) to the Bihar Vidhan Sabha from the Jamatara Constituency in the last general elections was declared void by the Supreme Court on November 4, 1974 on the ground that the returning officer had "improperly" rejected the nomination papers of Shri Abdul Hamid. The papers were said to have been rejected as Shri Abdul Hamid had omitted to strike off the column in the nomination form relating to Scheduled Caste/Scheduled Tribe.

Allowing the election petition filed against the decision of the Patna High Court, the Supreme Court held that omission to strike off the column in the printed nomination form relating to castes did not amount to a defect in the eye of the law, much less was it a defect of a substantial character, warranting rejection of nomination papers, as held by the High Court.

HARYANA

Increased allowances for MLAs: The State Vidhan Sabha, on January 2, 1975, passed a Bill to replace the Punjab Act governing the allowances and amenities of the legislators. Some of the important features of the new Bill are:

- (i) A compensatory allowance of Rs. 500 per month to MLAs, provided a member attends 90 per cent of the meetings held in a month. Full allowance will be admissible for the month in which no meetings are held. The compensatory allowance shall not, however, be admissible to the members for the period they are under detention.

*The Bill received the President's assent on February 22, 1975. As a result of later developments Sikkim has become the twenty-second full-fledged State of the Indian Union. Details will be given in the next issue—Editor.

(ii) Halting allowance increased from Rs. 35 to Rs. 45 per day for meetings but the increased allowance will be payable only to those members who give an affidavit saying that they wanted to draw the increased amount. This will be paid for up to two days before and two days after the meetings.

(iii) Free telephone and Rs. 50 a month to meet the telephone expenditure.

(iv) Two free First Class travel passes for up to 16,000 km. annually by any railway in India.

(v) One free pass for travel in buses in Haryana, Chandigarh and Delhi.

(vi) Residential accommodation at concessional rates at the place of the Assembly meetings.

The Bill also provides for the payment of a monthly salary of Rs. 1,000 in addition to the compensatory allowance of Rs. 500 to the Leader of the Opposition. The income tax on his salary and allowance will be paid by the Government. The Leader of the Opposition will also be entitled to a furnished residence in the State Capital and will be provided with a peon.

Expulsion of Member: The Vidhan Sabha, on January 8, 1975, expelled one of its members, Shri Hardwari Lal (BLD), for breach of privilege and contempt of the House, and declared his seat vacant.

This unusual step was taken on the recommendation of the Privileges Committee which considered a motion by Shri Jagjit Singh Tikka and Shri Girish Chander Joshi (both Congress). It was contended that two booklets entitled "A Chief Minister Runs Amuck—Indian Democracy in Danger" and "Emergence of Rough and Corrupt Politics in India—Anatomy of a Chief Minister", written and published by Shri Hardwari Lal, allegedly cast aspersions on the office of the Speaker, the House and its members.

JAMMU AND KASHMIR

Reconstitution of Cabinet: The Jammu and Kashmir Council of Ministers was re-constituted on November 21, 1974 by the Chief Minister, Syed Mir Qasim. Out of the nine Ministers of Cabinet rank, five were from the Jammu region and four from the Kashmir region. Among the eleven Ministers of State four belonged to Jammu region, two to Ladakh and five to Kashmir region.

The re-constituted Cabinet and the portfolios were as follows:

Syed Mir Qasim (Chief Minister): *Home Affairs, Law and Order, Planning, Ladakh Affairs and Parliamentary Affairs*; Shri G. L. Dogra: *Finance and Industries*; Mufti Mohammed Sayeed: *Education, Employment and Transport*; Shri Ghulam Rasool Kar: *Public Works, Flood Control, Irrigation and Food and Civil Supplies*; Shri Mubarak Shah: *Agriculture, Housing and Urban Development*; Shri Mohammed Ayub Khan: *Revenue, Relief and Rehabilitation*; Bhagat Chajju Ram: *Power, Labour and Social Welfare*; Shri Randhir Singh: *Information and Tourism*; and Shri Rangil Singh: *Health and Family Planning, Medical Education*.

The Ministers of State were Sarvashri Mir Lasjan, Ghulam Mohammed, Sonam Wangyal, Abdul Aziz Zargar, Hans Raj Dogra, M. L. Fotedar, Parmanand, Abdul Qayoom, Kachu Mohammed Ali, Mian Basir Ahmed and Dharam Pal.*

KARNATAKA

Changes in Cabinet: Two new Cabinet Ministers and five Ministers of State were added to the State Council of Ministers which now has 15 Ministers of Cabinet rank and 10 Ministers of State.

The six new entrants are Shri Mohammed Ali; Cabinet Minister for Transport and Tourism, Minister of State Shrimati Manorama Modhwaraj (Women and Children Welfare), Shri R. Gundu Rao (Information and Youth Services), Shri K. Sriramulu (Labour), Shri Veerappa Moily (Small-scale Industries), and Shri Subhash Asture (Major and Medium Irrigation).

*Following the resignation of Syed Mir Qasim and his Cabinet, Sheikh Mohd. Abdullah took over as Chief Minister on February 25, 1975 and formed a new Cabinet.

Shrimati Eva Vaz, the Minister of State for Primary Education, has been elevated to the Cabinet rank and allotted the portfolio of Food and Civil Supplies.

MADHYA PRADESH

Sharad Yadav elected to Lok Sabha: A five-party Opposition alliance candidate Shri Sharad Yadav, was declared elected to Lok Sabha from the Jabalpur Constituency in Madhya Pradesh defeating his Congress rival by a margin of over 87,000 votes in a triangular contest. The by-election was caused by the death of the Congress M.P., Seth Govind Das.

MAHARASHTRA

Cabinet Reshuffle: The Chief Minister of Maharashtra, Shri V. P. Naik, announced on November 8, 1974, a reshuffle of his Council of Ministers whose strength was increased to 30 with the appointment of Shri Ramachandravithal Bhelose, MLA from Ratnagiri. In the re-allocation of portfolios, some of the existing portfolios were split, while new ones like Townships and Transport were created. The Chief Minister transferred the Planning portfolio held by him earlier, to the Finance Minister, Shri M. D. Choudhari.

MANIPUR

Resignation of the Shaiza Ministry: The five month-old Ministry headed by Mr. Y. Shaiza, which had been sworn in on July 10, 1974, resigned on December 5, 1974 following a ministerial crisis. The crisis had begun in September itself when two Congress legislators defeated and joined the Manipur Hills Union of Chief Minister. Later, on December 1, 1974, all the four Congress Ministers resigned from the Ministry. Immediately after the announcement of the resignations, the leader of the Congress Legislature Party, Shri R. K. Dorendra Singh, said his party had withdrawn support from the Progressive Democratic Front Government of Mr. Shaiza and formed an alliance with the Manipur People's Party under the name of Democratic Legislature Party.

On December 6, 1974, a two-member Ministry headed by the Congress-led Democratic Legislature Party leader, Shri Raj Kumar Dorendra Singh was sworn-in. The Governor, Shri L.P. Singh, administered the oath of office and secrecy to Shri Dorendra Singh and Shri Maibam Gauramani Singh (MP), as Minister of State.

On December 16, 1974 six more Cabinet Ministers and three Ministers of State were sworn-in raising the strength of the new Ministry to eleven. They are: Shri Rishang Keishing, Shri Raj Kumar Ranbir Singh and Shri T. P. Kiuengpao—all belonging to Congress. Dr. L. Chandramani Singh, Shri Y. Yaima Singh and Shri Khwairakpan Chaoba came from the other partner of the coalition, the United Legislature Party. The Ministers of State are: Shri O. Joy Singh and Shri Mohd. Alauddin of the ULP and Shri Hokhomang Haokip (Congress).

New Speaker: Mr. Mohammed Alimuddin, a former Chief Minister, was unanimously elected Speaker of the State Legislative Assembly.

NAGALAND

High Court Order Stayed: On January 9, 1975 the Supreme Court stayed the operation of the decision of the Nagaland bench of the High Court unseating Shri Malhupra Vero, Nagaland Nationalist Organization (NNO) member of the State Legislative Assembly, and declaring Shri Zalhuzu Vasa, an Opposition United Front candidate as duly elected member of the Legislature in his place.

It was contended before a division bench of the Supreme Court that since the election of Shri Vero had not been set aside for any corrupt practice under the Representation of People Act, the High Court had erred in unseating him and also declaring Shri Vasa elected in his place. It will be recalled that the High Court, in its order of December 11, 1974 had stated that at no stage of proceedings in the election petition any allegation of corrupt practice or dishonesty was made against the returned candidate.

ORISSA

Changes in Party Position: There have been some changes in the party position in the State Legislative Assembly. A member belonging to Orissa Pragati Legislature Party, whose original strength was 57, joined the Congress Party raising its strength to 70. The lone member of the Jana Congress Party joined the Congress (O).

The Leader of the Orissa Pragati Legislature Party who is also the Leader of the Opposition, intimated to the Speaker that the Party shall hereafter be re-named as the Bharatiya Lok Dal Legislature Party, Orissa, and the Leader and the office-bearers of the

P.L.P. shall continue as the leader and office-bearers of B.L.D. legislature Party. The Party thus re-named was given recognition and its leader continued to be recognised as the Leader of the Opposition.

These changes in the party position were announced in the House on the 10th December, 1974.

New Governor takes over: Shri Akbar Ali Khan, erstwhile Governor of Uttar Pradesh, took over as the new Governor of Orissa on October 25, 1974 in the vacancy caused by the election of Shri B. D. Jatti, as the Vice-President of India.

UTTAR PRADESH

Dr. Reddy takes over as Governor: Dr. M. Chenna Reddy took over as the new Governor of Uttar Pradesh on October 25, 1974. He succeeds Shri Akbar Ali Khan. Dr. Reddy had been a Member of the Andhra Pradesh Cabinet in the sixties and later became a Minister at the Centre.

New Members of the Upper House: The State Governor, Dr. M. Chenna Reddy, has nominated Sarvashri Habibur Rehman Nomani, Ramashanker Tripathi, Sarvsukh Singh, A. C. Das and Rehman Raza as members of the Vidhan Parishad.

DEVELOPMENT ABROAD

BANGLADESH

Declaration of Emergency: A Presidential Order issued on December 28, 1974, under clause I of Article 141A of the Constitution, proclaimed a state of emergency in Bangladesh and suspended the fundamental rights conferred by certain articles in the Constitution. According to the proclamation, the President was "satisfied that a grave emergency exists in which the security and economic life of Bangladesh are threatened by internal disturbance."

Change-over to Presidential System: On January 25, 1975, Bangladesh switched over to the Presidential system of government following a major amendment of the country's Constitution carried out by Parliament. Under the new set-up, the President is to be directly elected. By a special provision in the amending Bill, Sheikh Mujibur Rehman was sworn in as the first executive President of the People's Republic of Bangladesh, immediately after the adoption of the amendment, "as if elected to that office". He will hold this office for a period of five years. The President will have a Vice-President and a Council of Ministers, headed by a Prime Minister,

to be appointed by the President. Syed Nazrul Islam, former Industries Minister and Deputy Leader in Parliament, has been appointed as the Vice-President.

Under the amended Constitution, the executive authority of the country shall vest in the President and shall be exercised by him either directly or through officers subordinate to him. The President will have the right to appoint anyone who was qualified to be a member of Parliament, as a Minister. The Ministers who will be appointed from outside Parliament will have the right to speak and participate in the proceedings of Parliament but will have no voting rights. The President and the Vice-President cannot be proceeded against in any Court of law. Provision has, however, been made for the impeachment of the President for grave misconduct or for removal on grounds of physical incapacity.

The life of the Parliament, which was elected in March, 1973, has also been extended upto five years from January 25, 1975. However, the President has been given the power to dissolve Parliament earlier.

The President has also been empowered to introduce one-party system in the country by launching a new party and banning all other existing parties. For taking such a decision, the President will have to be satisfied that it was necessary to give full effect to any fundamental principles of State Policy set out in Part Two of the Constitution. Once the President introduces the national party, the existing members of Parliament will have to become its members within a certain period of time that may be specified by the President, failing which they will lose their membership. No person will qualify for election as President or as a member of Parliament unless he is nominated as a candidate by the new party.

Explaining the reasons for the switch-over to the Presidential system, Sheikh Mujib said that it was aimed at bringing about an appropriate form of administration and to free the society from exploitation. The change, according to him, would ensure happiness to the masses as there will be no oppression.

Under the amended Constitution, the Supreme Court of Bangladesh has been stripped of the power to enforce the fundamental rights. The fundamental rights would now be enforced by a special court, tribunal or commission to be appointed by Parliament. The President has also been empowered to remove judges on grounds of misbehaviour and incapacity.

The institution of local government has also been abolished under the new system, including the provision for elected representatives.

President Sheikh Mujibur Rehman, has nominated a 26 member Council of Ministers headed by the Prime Minister, Mr. Mohammed Mansoor Ali, retaining all the members of the dissolved Council of Ministers and inducting six new aides. Sheikh Mujib retained for himself the portfolio of Defence and Cabinet Establishment Division.

Berubari Pact Endorsed: On November 23, 1974, the Bangla Desh Parliament passed the Constitution (Third) Amendment Bill by 261 votes to 7 to give effect to the Delhi Agreement reached in pursuance of the Supreme Court's ruling on a writ petition challenging the transfer of southern Berubari to India.

BOLIVIA

New Military government in Bolivia: On November 9, 1974, a new military government of "order, labour and discipline" took office in the country, with General Hugo Banzer, President for the past three years, continuing to remain the Head of State after leading military operations against an attempted insurrection in the eastern city of Santa Cruz two days earlier.

The first decree issued by a new military Cabinet, on November 10, placed all political parties in "indefinite recess" and announced that the Bolivian armed forces would take total control of the Government until 1980, thus cancelling elections scheduled for next year.

BRAZIL

General Elections: Elections were held on November 15, 1974, to the Senate, the Chamber of Deputies and the 21 State Assemblies, the results showing a victory for the ruling National Renewal Alliance (*Alianca Renovadora Nacional—ARENA*) but unprecedented gains for the Brazilian Democratic Movement (*Movimento Democratico Brasileiro—MDB* or *MODEBRAS*).

Only one-third (22) of the seats in the Senate were due for re-election*. The elections to the Chamber of Deputies produced an enlargement of its membership from 310 to 364, in accordance with the constitutional provisions introduced for the 1970 elections.

*Under the Brazilian Constitution, Senators serve eight-year terms, with elections taking place every four years for one-third and two-thirds of the seats alternately.

The results were as follows: ARENA 46 seats (59 previously); MDB 20 (7).

The elections to the State Assemblies, comprising a total of 787 seats (compared with 701 in 1970), resulted in majorities for the MDB in Rio Grande do Sul, Rio de Janeiro (including Guanabara), Parana, Acre and Amazonas. Previously, the MDB had a majority only in Guanabara (*i.e.*, the city of Rio de Janeiro), which was due to be merged with the State of Rio de Janeiro as from March 1975.

CENTRAL AFRICAN REPUBLIC

Reorganization of Cabinet under First Woman Premier: Under a decree of January 1, 1975, President Jean-Bedel Bokassa, Marshal of the Central African Republic, carried out a Cabinet reorganization involving *inter alia* the appointment of Mme. Elisabeth Domitien to the newly created post of Prime Minister.

Mme. Domitien had been Vice-President of the ruling Movement for the Social Evolution of Black Africa (MESAN) and had played an active part in politics for several years. Before her, no woman has ever held the post of Prime Minister in any African country.

In the Cabinet reshuffle, the President retained for himself the responsibility for National Defence, Military Aviation, the Civil Service and Social Security, and Mines.

CHINA

Constitutional changes: Under a new Constitution adopted by the fourth National People's Congress, the first in ten years, on January 17, 1975, the post of the President of the Peoples' Republic of China has been abolished in order to "strengthen the party's centralised leadership over the structure of the State". The Chairman of the Communist Party of China will now be the supreme commander of the armed forces and the National People's Congress will be the highest organ of State power, under the leadership of the Communist Party.

The new Constitution allows commune members to form some small plots for their personal needs as long as commune work is given first place, and allows workers to "engage in individual labour involving no exploitation of others while they are being guided toward socialist collectivisation".

The National People's Congress has reappointed Prime Minister Chou En-lai and named Yeh Chien-ying as the Defence Minister. Mr. Teng Hsiao-ping, formerly one of the 12 Deputy Prime Ministers, will be the first Deputy Prime Minister in the new Government.

CYPRUS

Archbishop Makarios forms Government: President Archbishop Makarios returned to Cyprus on December 7, 1974 and declared that he would not accept the partition of the island. He offered amnesty to the guerillas who had helped to oust him from Presidency on July 15, 1974 and peaceful co-existence to the Turkish community. The Archbishop rejected the Turkish plans to divide the island into separate Greek and Turkish regions loosely linked together in a federal state and said: "We shall never accept a *fait accompli* created through military operations". On January 14, 1974, the Archbishop announced the formation of a nine-man cabinet comprising of non-political technocrats. Five of the Ministers of the Cabinet ousted by last July's *coup* were reinstated.

DENMARK

General Elections: In the general elections held on January 9, 1975, the Liberal Democratic Party, which had ruled as a minority government under Hr. Poul Hartling since the last elections in December, 1973, nearly doubled its representation in the *Folketing* (Parliament) from 22 to 42. The gains made by the Liberal Democrats were, however, offset by the advance of the Social Democrats who opposed Hr. Hartling's economic policies.

With the turn-out in the elections being 88.2 per cent, compared with 88.7 per cent. in 1973, the results of the elections for the 175 seats in metropolitan Denmark were as follows:—

Social Democrats, 53; Socialist People's Party, 9; Communist, 7; Left Socialists, 4; Liberal Democrats, 42; Radical Liberals, 13; Christian People's Party, 9; Conservatives, 10; Centre Democrats, 4 and Progress Party, 24.

The elections thus failed to give to any party a parliamentary majority. At the first session of the new *Folketing* on January 23, 1975, Hr. Hartling expressed his intention of continuing in office at the head of a minority government, seeking "co-operation in practice" with other parties. He called upon all parties to co-operate with him in solving the country's economic problems and in the

fight against unemployment.

On January 28, 1975, however, Hr. Hartling's government was defeated by 86 votes to 85, with five abstentions, on a motion moved by the Social Democrats, calling on the Government to resign to enable a broad-based majority government to be formed. Hr. Hartling resigned the following day

EGYPT

Sayed Marei is new Speaker: Mr. Sayed Marei, Assistant to the UN Secretary-General for World Food Conference and Presidential Assistant, was elected Speaker of the People's Assembly on October 23, 1974, by 278 votes to 33.

ETHIOPIA

New Ethiopian Head of Government: Ethiopia's military Government, on November 28, 1974, chose Brig. Gen. Tefri Banti as the new Chairman. An announcement made by provisional military Administrative Council said that Gen. Banti was sworn in at the Grand Palace after being elected by a majority of the un-named 120-man ruling Committee.

GREECE

General Elections give New Democracy absolute majority—Parliament convened—Draft Constitution announced: The people of Greece went to the polls on November 17, 1974 in the first free election held in a decade. The election resulted in an overwhelming victory of the moderate Conservative Mr. Constantine Caramanlis whose New Democracy Party won over 56 per cent of the vote, thus bagging 210 out of 300 seats in Parliament. The new democratic Government headed by Mr. Caramanlis, whom the Greeks brought back to Athens in July last year after his seven-year exile in Paris, was sworn in on November 21, 1974. It replaced Mr. Caramanlis's caretaker cabinet which conducted the parliamentary elections.

In a referendum held on December 8, 1974, the Greeks rejected the monarchical system of Government for the third time in this century and voted for a republic. While there were 1,443,804 votes or 30.8 per cent in favour of monarchy, as many as 3,236,345 votes or 69.2 per cent. were in favour of the republic.

Parliament was convened on December 9, 1974, for the first time since the suspension of parliamentary rule in April 1967 following a

military coup. The new Parliament was entrusted with the task of revising the Constitution and to specify what form of Presidential rule the country would adopt.

On December 18, 1974, Parliament elected by 206 votes to 74 Professor Michael Stassinopoulos as interim President, pending the approval of the Republican Constitution. This followed the resignation of President Phaedon Gizkis two days earlier.

On December 23, 1974, the Greek Cabinet gave its approval to a draft constitution making the President a central figure in the country's political life and giving him some of the powers and prerogatives formerly enjoyed by Greek monarchs. The draft Constitution, when approved, would replace the 1952 Charter, and vest the new President with the power to appoint and dismiss the Prime Minister and the Cabinet. The future President will be elected by a two-thirds majority of the 300-seat Parliament. If Parliament fails to elect a President in three consecutive votes, it will be dissolved and general elections held for a new Parliament to choose the President.

The draft Constitution, however, limits the President's powers by providing that any decision to replace the Premier or dissolve Parliament must first win the approval of a Council of the republic, a new body to be made up of former democratically elected Presidents, former Prime Ministers, the leader of the largest opposition party in Parliament and the Ministers of foreign affairs and national defence.

The draft Constitution has to be approved by the Parliament within three months.

GUINEA

Re-election of President Sekou Toure: Presidential and legislative elections held on December 27, 1974, resulted in 99.84 per cent. of the registered voters, numbering 2,436,487, voting for the re-election of President Sekou Toure, the only candidate, for a further seven year term, and for the Legislative Assembly list of the ruling *Parti démocratique de Guinée* (PDG).

Under the constitutional changes announced by President Sekou Toure on December 14, 1974, the national Congress of the PDG had become the country's supreme national body"; the National Council for the Revolution "a policy-making body"; and the Legislative

Assembly enlarged from 75 to 150 members, as "the third legislative body".

IRAQ

Cabinet Reshuffle: Following a Cabinet reshuffle, eight new Ministers were appointed to the Cabinet, four were relieved of their posts, while others remained as Ministers of State. Under a Decree, Dr. Jawad Hashem, Minister of Planning, Mr. Amin Abdul Karim, Minister of Finance, and Dr. Nazar Al-Tabaqchali, Minister of Transport, were relieved of their posts.

IRISH REPUBLIC

Election of New President: Mr. Cearbhai O Dalaigh (63), a judge of the Court of Justice of the European Communities, was, on December 3, 1974, elected unopposed as the fifth President of the Irish Republic in succession to the late Mr. Erskine Childers. He was the agreed candidate of the three main parties in the Irish Parliament, his name having been first put forward by *Fianna Fail*.

A former Attorney General in *Fianna Fail* Government, Mr. O. Dalaigh was Irish Chief Justice from 1961 until his appointment to the European Court in 1973.

JAPAN

Tanaka resigns—Takeo Miki is new Prime Minister: Mr. Kakuei Tanaka, on November 26, 1974 announced his resignation from the Prime Ministership, following a magazine article that raised a series of questions about his personal financial dealings while in public office. In a statement, he, *inter alia*, said: "As a man in the supreme post of the nation's administration, I deeply feel that political and moral responsibility for the current political confusion which has resulted from by personal problems."

On December 4, 1974, Mr. Takeo Miki was approved as the new President of the ruling Liberal Democratic Party (LDP), a position that automatically made him Prime Minister.

At the opening of the special parliamentary session on December 9, 1974, Mr. Tanaka formally presented his resignation as Prime Minister and Mr. Miki was elected as his successor by a clear majority in both the Houses of the Diet. A 21-member Cabinet was also sworn in the same day. The new Prime Minister appointed Mr.

Takeo Fukuda as his Deputy Prime Minister and Director-General, Economic Planning Agency. Mr. Miki also appointed Mr. Michio Nagai, *Asahi Shimbun* editorial writer, as Education Minister—the first time in 17 years that a Cabinet Minister had been chosen from outside the party. The new Government's policies were set out by Mr. Miki in his addresses to both Houses of the Diet on December 14, 1974.

JORDAN

Amendments to Constitution and Governmental Changes: On November 9, 1974, the Jordanian Parliament approved amendments to the Constitution as a first step in King Hussein's re-organization of his Kingdom following his agreement at the recent Arab Summit Conference in Rabat to renounce Jordan's claim to the Israel-occupied West Bank in favour of the Palestine Liberation Organization, giving them the right to represent the people of the West Bank. The amendments gave the King the right to dissolve both Houses of Parliament and hold off new elections for a maximum period of a year.

Following this development, the Prime Minister, Mr. Zaid Rifai, submitted the resignation of his 18-month old Cabinet to King Hussein as a step towards reorganisation. On November 23, 1974, the King dissolved Parliament and reshuffled his Government to adjust himself to the Arab summit decision. The 60-member National Assembly, the 30-member House of Notables and the Cabinet used to have equal representation from the East and the West banks.

On November 24, 1974, the Prime Minister, Mr. Zaid Rifai, formed a new Government, in which he retained the Defence and Foreign Affairs portfolios for himself. The new Government included among its 20 members four representatives of the West Bank. Seven new Ministers added to the Cabinet are: Mr. Mahmoud Hawamded, Mr. Tharwat Talhouni, Mr. Rakan al-Jazi, Mr. Maji Husain Tarawneh, Dr. Trad al-Kadi, Dr. Muhammad al-Zaben, and Mr. Rajae-Mouasher.

MALAYSIA

1974 Election Results: With the completion of the staggered elections in Sarawak and the declaration of an outstanding result in

Sabha, the final outcome of the elections to Malaysia's Federal House of Representatives, held in September 1974, was as follows:

| | |
|---|-----------|
| National Front | 135 seats |
| Democratic Action Party | 9 seats |
| Sarawak National Party | 9 seats |
| Social Justice Party (<i>Pakemas</i>) | 1 seat |

Of the 24 Sarawak seats in the House of Representatives, 15 were won by the National Front—represented by the *Parti Pesaka Bumiputera Bersalu* (PPBB) and the Sarawak United People's Party (SUPP)—and the remaining nine by the opposition Sarawak National Party (SNAP). The election of the nine SNAP members (four more than in the previous Parliament) brought the total strength of the federal opposition to 19 (six less than in the previous Parliament), the outstanding Sabha seat having been won by the National Front Candidate.

MALTA

Adoption of Republican Constitution: On December 13, 1974, the Parliament passed, by 49 votes to six, the last of the three bills amending the Constitution under which the country had attained independence from the United Kingdom in 1964. The most important amendment made Malta a republic, thus replacing the British monarch as the head of State by an elected President of Maltese nationality.

Under the new legislation, Sir Anthony Mamo, who had become the country's First Maltese Governor-General in 1971, was on December 14, 1974, sworn in as the first President of Malta, to hold office until the next general election, after which a new President would be elected for a five-year term by the House of Representatives. The largely ceremonial functions allocated to the President under the republican constitution do not differ significantly from those previously performed by the Governor-General. Other amendments to the Constitution included the lowering of the voting age to 18 and the addition of further guarantees of human rights. The existing electoral system, based on proportional representation, was retained.

Malta became the 19th republic in the Commonwealth.

NEPAL

Reshuffle of Cabinet: On November 10, 1974, King Birendra replaced from his Council of Ministers three junior Ministers and promoted an Assistant Minister to the rank of Minister of State. Those dropped were Mr. Narayan Dutta Bhatta, Minister of State for Water, Power and Forests, Mr. Daya Bikram Shaha, Assistant Minister for Land Reforms and Mr. Bahadur Singh Aitwal, Assistant Minister for Forests. The three new entrants were Mr. Labru Rana Tharu, Mr. Hiralal Biswakama and Mr. Debhari Prasad Kalwar. Mr. Prakash Chand Mukhiya, Assistant Minister for Education, was promoted to the rank of Minister of State.

PORTUGAL

Transfer of power in Cape Verde: Following an agreement signed on December 30, 1974 by Major Pedro Pires of the African party for the Independence of Guinea and Cape Verde—PAIGC, and Dr. Fernando de Castro Fontes, Under-Secretary of State in the Portuguese Ministry of Inter-territorial Co-ordination, Portugal formally transferred power in the Cape Verde Islands to a transitional Government which was to rule until the island became independent on July 5, 1975.

The transitional Government is headed by Commodore Vicente Almeida d'Eca, who was also the newly-appointed Portuguese High Commissioner in the Islands. Five Ministers, two Portuguese and three from the PAIGC (African Party for the independence of Guinea-Bissau and Cape Verde Islands) were to be appointed to the new Government, which was to prepare for elections—to be held on June 30, 1975, by direct universal suffrage—to a People's Assembly, which would have sovereign and constituent powers and would be charged with formulating a constitution and proclaiming the independence of the State of Cape Verde.

Angolan Independence Accord Signed: The Portuguese Government and the three Angolan Liberation movements signed an agreement on January 15, 1975 making Angola independent from November 11, 1975. According to the agreement, the three Angolan liberation movements would head a transitional government until independence. The Portuguese Government will be represented in the transitional government by a High Commission. The Agreement recognises the three liberation movements as the only legitimate representatives of the Angolan people.

The Angolan transitional Government formally took up its duties on January 31, 1975 in keeping with the independence agreement.

SRI LANKA

Ministers and MPs to declare assets: A Bill requiring Ministers, members of Parliament, judges and officers of Government and public corporations to declare their assets and liabilities every five years was unanimously passed by the Sri Lanka National State Assembly on January 23, 1975. The declarations will be made by members of the National Assembly to the Speaker and by ministers to the President of the Republic.

SUDAN

Reorganization of Cabinet: President Nemery, on January 25, 1975, decreed a reorganization of the Sudanese Cabinet, resulting in the dropping of eleven ministers, including the Interior Minister Mr. Abdallah el Hassan; the Education Minister, Sirr el Khatim el Khalifa; the Local Government Minister Dr. Jaafer Mohammed Musa; and the Minister of Industry and Minister, Brig. Omar Haji Musa; and the Minister of Industry and Mines, Mr. Musa Awad Ballal. Dr. Mansur Khaled was relieved of his Foreign Affairs portfolio. In addition, Mr. Ibrahim Moneim Mansur was dismissed as Minister of Finance and the Economy and deprived of his membership of the Central Committee and the political bureau of the Sudanese Socialist Union.

President Namery has appointed Maj. Gen. (ret'd.) Mohd. el Bagaara Ahmed as the Minister of the Interior, Mr. Badr ad Din Suleima as the Minister of Industry, Mr. Ma'mum Bihairi as the Minister of Finance and National Economy and Dr. Mansur Khaled as the Minister of Education.

The President also decreed a major reorganization of the country's governmental structure by declaring several important Ministries and Departments as "Central ministries" and establishing a secretariat-general in his office, to be supervised by a Secretary-General with the status of a minister. The Council of Minister assumes the jurisdiction and duties of the Higher Planning Council established in May, 1973.

SWEDEN

New Constitution comes into force: The new Swedish Constitution, which had been approved by the Riksdag in June 1973 and

again in February 1974, formally came into force on January 1, 1975. Among the changes introduced was the ending of the practice whereby the King presided at weekly meetings of the Cabinet normally held each Friday. The last such "King-in-Council" meeting was held on December 30, 1974, and in future the Cabinet, which would not be attended by the King, would normally meet on each Thursday. At the same time, the minimum voting age was lowered from 20 to 18, the age of majority for other purposes having been similarly reduced with effect from July 1, 1974.

SWITZERLAND

Federal President for 1975: At a joint session of the two Houses of the Swiss Federal Parliament on December, 4, 1974, M. Pierre Graber (66) was elected to serve as Federal President for 1975 and Herr Rudolf Griagi (57) as Vice-President.

While M. Graber, a Social Democrat, was Federal Vice-President in 1974, Herr Griagi has served as Federal President in 1971.

TUNISIA

Bourguiba Re-elected President: Mr. Habib Bourguiba was re-elected President for a fourth consecutive five-year term in the first week of November, 1974. The re-election necessitated an amendment to the Constitution which at present allowed a Head of State only three consecutive terms in office.

In the Presidential election in which Mr. Bourguiba was the only candidate, there was a 96.75 per cent turnout and 99.98 per cent. of the votes cast were in support of the President.

TURKEY

Government defeated on No-Confidence Vote: The 12-day old interim Government led by Mr. Sadi Irmak resigned on November 29, 1974 following a no-confidence vote in the National Assembly. The Government failed, by 358 votes to 17, to win the National Assembly's approval for its programme.

It was the first time in the history of the Republic that a Government had lost its initial vote of confidence, which was also the heaviest defeat sustained by any administration.

UNITED KINGDOM

Select Committee on Stonehouse affair: The House of Commons approved on January, 29, 1975, by 237 votes to 30, a suggestion from Mr. Edward Short, Leader of the House, that a Select Committee be appointed to consider whether to expel the runaway M. P. John Stonehouse or take any other action against him.

It will be recalled that Mr. Stonehouse, a former Minister in the Labour Government, created a stir when he disappeared from a beach in Miami, Florida, and was presumed drowned. A month later, he was arrested by the Australian police carrying a false passport and living under an assumed name. He is said to have admitted to the police that he was John Stonehouse and that he had been travelling to Singapore, Denmark and elsewhere during his one month long disappearance using dead men's passports and false identity.

Mr. Stonehouse is said to have told Mr. Short in his letter that he did not intend to return to Britain. He is also reported to have told a news conference that he would formally resign from the House of Commons as soon as he received an assurance that he could live permanently in Australia. The reason for the delay in resigning his seat in the House of Commons is that under Australian law all Commonwealth MPs can enter Australia freely. He is afraid that if he gives up his Commons membership he is likely to be expelled as an illegal immigrant and is also liable to be charged.

Opposition parties to get subsidy: Opposition parties in the House of Commons are likely to receive financial assistance from the British Government out of the funds allocated to the House for carrying out their parliamentary business. The subsidy will be at the rate of £500 for each seat won by the party with an additional £1 for every 200 votes cast for it at the preceding general election.

A resolution for financing the Opposition parties has been tabled by the Government in Parliament. The resolution stipulates that to qualify for the subsidy, a party must have at least two of its members elected to the House of Commons, or, in the alternative, it should have one member and should have received at least 150,000 votes at the preceding general election.

The maximum amount proposed by way of State subsidy would be, £1,50,000 annually.

U.S.A.

Massive Victory for Democrats: In the mid-term elections to the US Congress held on November 6, 1974, the Democrats had a landslide victory wresting seats from the Republicans in the Senate and the House of Representatives and defeating several Republican Governors.

In the Senate, where 34 seats were at stake, the Democrats now have 61 seats and the Republicans 38, registering a gain of 3 for the former; one seat is undecided.

In the House of Representatives, out of the 435 seats contested, the Democrats have gained 291 and the Republicans 144, against 248 and 187, respectively, in the previous House meaning a loss of 43 for the Republicans.

So far as the Governorships are concerned, Democrats have captured 36 as against 13 by the Republicans. One Independent candidate has also been elected.

President Gerald Ford is now faced with a House of Representatives in which the Democrats have a two-thirds majority and a numerical strength to over-ride any Presidential veto.

Rockefeller/Sworn-in as Vice-President: Mr. Nelson Rockefeller was, on December 19, 1974, sworn-in as the 41st Vice-President of the United States having earlier the same day had his nomination confirmed by the House of Representatives by 287 votes to 128. The Senate had approved the nomination on December 10 by 53 votes to seven.

YEMEN (NORTH)

Prime Minister Replaced: Lt. Col. Ibrahim A-Hamdi, head of the Military Command Council of the Yemen Arab Republic (North Yemen) replaced Prime Minister Mohsen Al-Aini and his Government because he no longer enjoyed the confidence of the *Showre Majlis*—the country's Parliament. Major Abdal Aziz Abdel Ghani was named as the new Prime Minister, a week later.

SESSIONAL REVIEW

FIFTH LOK SABHA—TWELFTH SESSION*

A resume of some of the discussions held during the Twelfth Session of the Fifth Lok Sabha was published in the January-March, 1975 issue of the Journal 1. The House adjourned *sine die* on December 20, 1974. A resume of some other discussions² held and other business transacted during the period from December 1, 1974 onwards is given below:

A. DISCUSSIONS

Imports licence case: The imports licence case issue continued to dominate the proceedings of Lok Sabha during this period of the session as well. On December 2, the Speaker giving his ruling on a question of privilege said that privilege issue did not arise with respect to the Minister as there was no deliberate violation of the assurance. The House was free to discuss any motion relating to the conduct of Shri Tulmohan Ram, M.P., and the rule of *sub judice* did not come in the way. On December 3, 1974 Shri Morarji Desai demanded the laying of the C.B.I. report on the Table of the House. He asserted that if the Government persisted in refusing to table the report of the C.B.I., "then no other course was left to us except performing *satyagraha* in the House".

The Prime Minister, Shrimati Indira Gandhi, making a statement on December 9, 1974 said that the cause of democracy could not be served by bringing Parliament to a standstill. She beseeched the Opposition parties not to use any method which would undermine the very basis of the highest democratic institution in the country, namely Parliament. Let it not be said that the achievement of generations was wrecked in a moment of anger, she added.

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

1See J.P.I., Vol. XXI, No. 1 (January-March, 1975) p. 109.

2Other important subjects discussed during the session included Medals won by Indian Sportsmen in Teheran games (Dec. 2), shifting of Ratnagiri project from Maharashtra to Gujarat (Dec. 4), Report of Sugar Inquiry Commission (Dec. 19) and Report of Commission of Inquiry into the disappearance of Netaji Subhash Chandra Bose (Dec. 20).

Rejecting the demand of the Opposition for laying the CBI report on the Table, the Prime Minister observed:

“ . . . We have nothing to hide nor were we objecting to the placing of the report on merely technical grounds. . . It would run counter to the accepted principles of our judicial process to make public an investigating document at a time when trial against the accused is imminent. . . If this report were placed on the Table of the House, the ensuing debate would virtually amount to a concurrent trial which would not only defeat the ends of justice, by prejudicing the trial in court, but may also result in a conflict between the courts and Parliament. . . . For these reasons such a report has never been placed on the Table of the House in the long history of the CBI which has established a reputation both for integrity and impartiality.”

Agreeing to a suggestion regarding showing the CBI report and other allied documents to the Leaders of the Opposition, the Prime Minister said:

“ . . . While maintaining legal rectitude, Government is willing to accept your suggestion that Leaders of Opposition might see, in confidence and under oath of secrecy, the CBI report. . . Our hesitation to do so was merely to prevent situations in the future which would inhibit people from giving information. . . If they reject even this, it will be patent that Government has nothing to hide but that many of the Opposition parties are not at all interested in truth or justice, but in pursuing narrow partisan ends”.

In a statement on December 10, 1974, Shri Morarji Desai accepted the offer made by the Prime Minister for placing all the relevant papers before the Leaders along with the Speaker, without prejudicing their right, which flowed from Parliament, for any further probe or action which might arise after a perusal of those papers, consistently with observing necessary secrecy.

Declaration of assets by the elected representatives: Replying to an Half-an-Hour discussion raised by Professor Madhu Dandavate on December 13, 1974, the Minister of Home Affairs, Shri K. Brahmananda Reddy said that there was already a Code of Conduct for Ministers which provided for the disclosure by a Minister to the Prime Minister or the Chief Minister, as the case might be, of assets and liabilities and business interests of a Minister and members of his family and also for submission of an annual declaration

regarding his assets and liabilities. These were treated as confidential documents. No proposal was under consideration for requiring other elected members to furnish similar declaration. The question whether all elected representatives should be required to declare publicly their assets and liabilities had been considered on several occasions in the past. Most recently two Parliamentary Committees had gone into the matter, but they too did not make any recommendation to that effect. If declarations by elected representatives were to be insisted upon and made public, adequate safeguard against frivolous challenges would have to be devised.

ONGC's Offshore Drilling Platform—Sagar Samrat: Making a statement on December 3, 1974, the Minister of Petroleum and Chemicals, Shri K. D. Malaviya stated that the first stage production of oil from Bombay High Structure could be established by mid-1976 so as to yield about one million tonnes of oil per annum.

To accelerate the tempo of exploration of the Bombay High Structure, Government had authorised the ONGC to hire drilling vessel to begin with and simultaneously to acquire two more drillships, thus increasing its offshore drilling fleet to three.

✓ *Alleged charges of improprieties and malpractices against Shri L. N. Mishra:* Moving a motion that Shri L. N. Mishra be removed from the membership of the House for committing serious improprieties and malpractices as could be seen from the Report of the Commission of Enquiry into the affairs of Bharat Sevak Samaj on December 18, 1974, Shri Jyotirmoy Bosu sought a probe by a Parliamentary Committee into the whole matter.

Refuting the various charges levelled against him, the Minister of Railways, Shri L. N. Mishra said that the sum and substance of the allegation appeared to be that roughly a sum of Rs. 2.10 lakhs was withdrawn by him between 1959 and 1963 and that it had not been accounted for by him. That allegation was without any foundation whatsoever, as the accounts had been rendered and accepted. Pleading innocence, he said that an objective and careful reading of the Kapoor Commission report would show that the Commission had not given any adverse findings against him as contended by the mover.

The Minister of Planning, Shri D. P. Dhar who spoke on the motion also maintained that Shri Mishra had produced the accounts of disbursement of Rs. 2.10 lakhs which were entrusted to him as Treasurer. He denied that the Commission of Enquiry set up by

the State Government had been suspended by the Central Government. Shri Mishra did not take refuge under any privilege as far as deposing before the Commission was concerned, he added.

Grant of Dearness Allowance to Central Government Employees:
In a statement on December 20, 1974, the Minister of Finance, Shri C. Subramaniam said that the Government being fully conscious of the hardship caused to all sections of Government employees by the rise in prices had already initiated several measures in recent months to arrest the rising trend in prices. Those measures had already met with a measure of success. The Government were currently engaged in a detailed assessment of the resources. A decision on dearness allowance would be taken soon after that exercise was completed. He assured the House that the welfare of its employees, particularly the low paid employees, was of special concern to Government. The decisions of Government on dearness allowance would keep the genuine interests of the employees in view.

B. LEGISLATIVE BUSINESS

A brief resume of the discussions on some of the Bills passed* by the House during the session is given below:

Sick Textile Undertakings (Nationalisation) Bill, 1974: Moving the Bill for consideration of the House on November 25, 1974, the Minister of Industry and Civil Supplies, Shri B. P. Maurya said that future management pattern of the 103 textile undertakings had been worked out keeping in view the requirements of efficient and coordinated management on a uniform pattern throughout the country. The Government fully subscribed to the view that there should be a price policy whereby the National Textile Corporation could provide good quality cloth to the consumer at the lowest possible price and it would be the endeavour of the N.T.C. to further lower down the price by 25 to 30 per cent.

Earlier, moving a statutory resolution regarding disapproval of the Sick Textile Undertakings (Nationalisation) Ordinance, Shri Madhu Limaye, said that he was opposed to the promulgation of Ordinances in principle, because the Bills replacing the Ordinances had to be passed hastily without going through the process of Select Committees. He however, supported the taking over of all the 103 mills by one single organisation as that would help the Government in framing a uniform textile policy for the country. In his view,

*See Annexure, p. 268, post.

the State which had a large number of mills should be given representation on the Board of Directors of the Corporation.

Replying to the discussion on December 2, 1974, the Minister expressed the view that after nationalisation, the undertakings would be instrumental in achieving Government policy for augmentation of production and distribution of cloth for mass consumption. The Government, on the other hand, would be in a better position to provide the necessary financial inputs for their rehabilitation and modernisation. He expressed Government's inability to assume full responsibility towards liabilities in respect of employees' dues for the period before the Government took over the management of the Mills. He added that the matter regarding workers' participation in the management of the textile mills was being considered by Government at the highest level as a policy issue.

Participating in the discussion, the Minister of Industry and Civil Supplies, Shri T. A. Pai informed the House that the sick textile mills were being taken over primarily because a large number of employees were going to be thrown out of employment and the Government had to sustain that employment.

After discussion the statutory resolution was negatived and the Bill, as amended, was passed on December 11, 1974.

✓ *Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill, 1974:* Moving the Bill for consideration of the House on December 3, 1974, the Minister of Finance, Shri C. Subramaniam said that on account of the vast coast-line and long frontiers of the country, the legislative and administrative measures taken by the Government so far to check smuggling had proved inadequate. It was, therefore, desirable from all points of view to enact a self-contained measure, as the present Bill sought to do, dealing exclusively with them and to segregate their cases from those persons who were detained under the Maintenance of Internal Security Act for political and other reasons.

Earlier, moving the statutory resolution regarding "Disapproval of Maintenance of Internal Security (Amendment) Ordinance" and the motion regarding "Disapproval of Presidential Order", Shri Atal Bihari Vajpayee pointed out that the present legislation would not be able to achieve the objective of checking smuggling. The Government should bring forward comprehensive legislation to deal strictly with all types of economic offenders. He demanded setting up of a high-powered commission under the Chairmanship of a Supreme

Court Judge to enquire into the links of smugglers with political leaders and bureaucrats.

Replying to the debate, lasting for three days, on December 5, 1974, the Minister of Finance, Shri C. Subramaniam said that besides the present Bill which was only the first step in that direction, the Government had also taken a series of administrative as well as economic measures for preventing smuggling activities. He assured the House that the Act would not be used for political purposes to put down anybody behind the bar.

The statutory resolution and the motion were negatived and the Bill, as amended, was passed.

Representation of the People (Amendment) Bill, 1974: Moving the Bill for consideration of the House on December 12, 1974, the Minister of Law, Justice and Company Affairs Shri H. R. Gokhale said that the Government had not been unaware of the seriousness of the problem relating to election expenses and had in fact, endeavoured to place before the Joint Committee of Parliament the recommendations made by the Election Commission in regard to the legal provisions relating to election expenses, and the Committee after giving serious thought to the problem, came to the conclusion that due to various practical difficulties, it was not possible to require political parties to account for the expenses incurred by them for the election campaign of their candidates. The Committee, however, favoured the continuance of the existing legal provisions providing for restrictions on election expenses since in almost all countries of the world where representative form of Government prevailed, provisions as to election expenses had been made. The Government only wanted to ensure that candidates, who had contested elections and whose petitions might be pending in the various High Courts and the Supreme Court on the understanding of the provisions of the law as hitherto interpreted by the Courts, should not be made to suffer any undue hardship consequent upon a sudden departure in the judicial interpretation of the provision.

Earlier, moving a statutory resolution regarding "Disapproval of Representation of the People (Amendment) Ordinance", Shri Shyamnandan Mishra stated that the measure was most objectionable on both politico-moral and legal grounds. It was an attempt to pervert the present law. The top intellectuals of the country had pointed out that this Ordinance legitimised in effect the control that powerful financial and propertied interests had acquired over electoral processes. This whole thing was being done only for the

interest of the ruling party and in doing so, this party was destroying democracy in the country.

Replying to the discussion on December 16, 1974, the Minister stated that the Government was not averse to considering the proposal of meeting a part of the election expenses of candidates. The matter was in fact being examined by the Government. In view of the vast size of the country as well as of the electorate, it was a different matter whether the Government could go to the fullest extent in meeting the expenditure. He offered to discuss the suggestion with the Opposition to find out what could be done.

After discussion the statutory resolution was negatived and the Bill was passed.

C. THE QUESTION HOUR

During the Twelfth Session of the Fifth Lok Sabha, 16432 notices of questions (12,715 Starred, 3485 Unstarred and 232 Short Notice Questions) were received. Out of these, 578 Starred, 5497 Unstarred and 2 Short Notice Questions were admitted. After the Lists of Questions were printed, 13 Starred and 137 Unstarred Questions were deleted from the respective Lists on account of their being either withdrawn by the member concerned or transferred from one Ministry to another.

Daily Average of Questions: Each Starred List contained 20 questions except those of 21-11-74, 3-12-74, 5-12-74, 10-12-74, 11-12-74, 12-12-74, 16-12-74 and 20-12-74 which contained 21 questions each, those of 22-11-74 and 4-12-74 which contained 22 questions and those of 27-11-74 and 6-12-74 which contained 23 questions. On an average, 5 questions were orally answered on the floor of the House. On each day when there was Question Hour, the maximum number of questions orally answered was 8 on December 9 and 16, 1974 and the minimum number of questions orally answered was 2 on November 11, 1974. The average of questions in Unstarred List came to 196 as against the prescribed limit of 200 questions.

D. HALF-AN-HOUR DISCUSSIONS

Of the 440 notices of Half-an Hour Discussions received during the Session 9 were put down on the order paper and 6 were discussed on the floor of the House. One Half-an-Hour Discussion was withdrawn by the member and two Half-an-Hour Discussions which were postponed to subsequent dates could not be taken up as the

Business Advisory Committee at their sitting held on December 12, 1974 had decided that during the week commencing the 16th December, 1974, no Half-an-Hour Discussion need be put down.

D. OBITUARY REFERENCES

On December 2, 1974, the Speaker informed the House of the sudden and sad demise of Shrimati Sucheta Kripalani who had passed away on the previous day. She was a member of the Constituent Assembly, Provisional Parliament, First, Second and Fourth Lok Sabhas. A great patriot and well known parliamentarian, she took an active part in the freedom movement at a young age and suffered imprisonment and many hardships. She was also a member of the U.P. Legislative Assembly and the Minister of Labour, Community Development and Industry in the U.P. Government during 1960-63 and later became Chief Minister of U.P. She led the Indian Parliamentary Delegation to Turkey in 1954.

On December 12, 1974 the Speaker referred to the sad demise of Shri Gokulananda Mohanty, who was a member of the Third Lok Sabha.

The member stood in silence for a shortwhile as a mark of respect to the memory of the deceased.

ANNEXURE

BILLS PASSED BY THE FIFTH LOK SABHA DURING THE TWELFTH SESSION

1. The Navy (Amendment) Bill, 1973, *as passed by Rajya Sabha.*
2. The Indian Works of Defence (Amendment) Bill, 1973 *as passed by Rajya Sabha.*
3. The Reserve Bank of India (Amendment) Bill, 1974, *as passed by Rajya Sabha.*
4. The Indian Telegraph (Amendment) Bill, 1974, *as passed by Rajya Sabha.*
5. The Sick Textile Undertakings (Nationalisation) Bill, 1974.
6. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill, 1974.
7. The Small Coins (Offences) Amendment Bill, 1974, *as passed by Rajya Sabha.*

8. The Representation of the People (Amendment) Bill, 1974.
9. The Appropriation (No. 4) Bill, 1974.
10. The Punjab Municipal Chandigarh (Amendment) Bill, 1974, *as passed by Rajya Sabha.*
11. The Working Journalists (Conditions of Service) and Miscellaneous Provisions (Amendment) Bill, 1974, *as passed by Rajya Sabha.*
- *12. The Gujarat Appropriation (No. 4) Bill, 1974.
13. The East Punjab Urban Rent Restriction Act (Extension to Chandigarh) Bill, 1974, *as passed by Rajya Sabha.*
14. The Repealing and Amending Bill, 1974, *as passed by Rajya Sabha.*
15. The Parliament (Prevention of Disqualification) Amendment Bill, 1974.
16. The Delhi Municipal Corporation (Amendment) Bill, 1974, *as passed by Rajya Sabha.*
- **17. The Gujarat Appropriation (No. 5) Bill, 1974.
- @18. The Pondicherry Appropriation (No. 3) Bill, 1974.
19. The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1974.

*The title of the Bill was changed to the Gujarat Appropriation (No. 3) Bill, 1974.

**The title of the Bill was changed to the Gujarat Appropriation (No. 4) Bill, 1974.

@The title of the Bill was changed to the Pondicherry Appropriation (No. 2) Bill, 1974.

RAJYA SABHA—NINETIETH SESSION*

The Rajya Sabha met for its Ninetieth Session on November 11, 1974. Some of the important discussions held and other business transacted by the House during the period from December 1 to 21, 1974,¹ are briefly mentioned below.

A. DISCUSSIONS

Shortfall in milk production: On December 5, 1974, making a statement in response to a Calling Attention Notice by Shri Prakash Veer Shastri, regarding the shortfall in the production of milk in the country to the extent of 3.2 crore tonnes every year due to neglect in improving the breed of milch cattle Shri Annasaheb P. Shinde, Minister of State in the Ministry of Agriculture and Irrigation, said that milk production in the country had been progressively increasing over the last two decades though it was not keeping pace with the growing demand. The primary reason for the gradual shortfall was the existence of drought conditions in the last two years of the Fourth Plan, which adversely affected the prices and availability of fodder and food stuffs. The Government had undertaken several measures for improvement of the milk-yield, viz., cross-breeding of cattle through the use of the technique of artificial insemination, and progeny testing to identify and select high-performance bulls for breeding etc. Several projects for the upgrading of milch cattle were taken up in technical collaboration with some foreign countries and attention was being given to providing them with adequate health cover. Development of feed and fodder had also been receiving increasing attention and seven Regional Forage Development and Demonstration Stations had been set up in the country. The impact of these measures was now becoming visible in the form of milk-surpluses in several areas of Haryana, Maharashtra, Punjab and Gujarat and there was evidence that the country was on the threshold of a new break-through in milk production.

Dearness Allowance to Central Government employees: On December 9, 1974, Shri Virendra Kumar Sakhlecha called the attention of the Minister of Finance to the reported decision of the

*Contributed by the Research Unit, Rajya Sabha Secretariat.

¹For a review of the Session for the period from November 11 to 30, 1974, See J.P.I., Vol. XXI No. 1 (January—March, 1975), p. 114.

Government not to pay instalments of dearness allowance which had become payable to the Central Government employees. Making a statement in response thereto, Shri C. Subramaniam, Minister of Finance, said that according to the latest available figures which related to the end of September 1974, the 12-monthly average cost of living index stood at 285.25. In terms of the Third Pay Commission's recommendations, three additional instalments of D.A. had fallen due with effect from 1st June, 1974, July, 1974 and 1st September, 1974. Every instalment of dearness allowance entailed an additional expenditure to the Central Government of a little over Rs. 50 crores, in a full year. The Government hoped to be able to take a decision on dearness allowance payable to its employees in the light of all relevant considerations. The Minister denied that the Government had decided not to grant the instalments of dearness allowance that had fallen due.

Import Licences case: During the month of December 1974, repeated demands were made by the opposition members in the Rajya Sabha for placing the C.B.I. Report regarding issue of import licences to parties of Yenam and Mahe on the Table of the House. On December 3, 1974, Shri Niren Ghosh sought to raise a question of breach of privilege against Shri Uma Shanker Dikshit, who as Minister of Home Affairs, according to the Member, had assured the House that the C.B.I. Report would be placed before it. His contention was supported by Shri Rajnarain along with other members. The question was, however, disallowed by the Chairman. The matter was again raised on December 4 and 5, 1974. On the later date the Deputy Chairman suggested a way out, that Government should consider the possibility of calling a meeting of the leaders of all Opposition Groups and the C.B.I. Report might be given to the Chairman. All the leaders could then go through the report on an oath of secrecy. On December 9, 1974, the Prime Minister making a statement in response to the demand for the C.B.I. Report said that the Government was willing to accept the suggestion that leaders of opposition might see in confidence and under oath of secrecy, the C.B.I. Report, statements made by witnesses and documents seized during investigation, the report of the handwriting expert and even the case diaries which were not even shown to the accused. If the opposition rejected the offer it would be patent that Government had nothing to hide out that many of the opposition parties were not at all interested in truth or justice, but in pursuing narrow partisan ends. On December 11, 1974 the Chairman announced in the House that a meeting with opposition leaders had been

fixed and notices would be issued to all leaders of political parties without delay²

B. LEGISLATIVE BUSINESS

Some of the Bills passed³ by the Rajya Sabha during the period are as follows:—

The Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill, 1974: On December 10, 1974, Shri B. S. Shekhawat, moving the resolution seeking disapproval of the Maintenance of Internal Security (Amendment) Ordinance, 1974,⁴ said that by bringing forward the resolution it was not intended to show any sympathy for the smugglers. In fact, the most stringent action should be taken against the smugglers and also against the persons who were in league with them. Smuggling in India was not a new phenomenon. It had been allowed to spread its net over the whole economy of the country. The administrative machinery had miserably failed to check the menace of smuggling which was having protection of political leaders. There had been a number of instances showing clear collusion between various Ministers and the smugglers but the Government had no courage to touch the persons committing economic offences because it was leaders who had been giving protection to them.

Shri Pranab Mukerjee, Minister of State in the Ministry of Finance, moving the motion for consideration of the Bill⁵ said that prevention of smuggling and conservation of foreign exchange were of vital importance to the country. In order to frustrate the activities of those anti-social elements which sought to take advantage of the country's situation in order to enrich themselves, Government had, from time to time, taken various legislative and administrative measures. It was however, found that because of the vast coastline and long land frontiers of the country, the measures taken so far had not proved adequate. Experience had shown that the persons who had masterminded smuggling operations worked behind the scenes. In many cases, preventive and intelligence

²The C.B.I. Report was made available to the leaders of the opposition in the Chairman's Room from December 16, 1974 onwards and they continued to go through the Report till the House adjourned *sine die*.

³For a list of Bills passed by the Rajya Sabha during the Session, See Annexure, p. 225, *post*.

⁴Laid on the Table of the Rajya Sabha on November 11, 1974.

⁵The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on December 9, 1974.

agencies were in possession of reports indicating activities of these persons, but for lack of evidence acceptable in a court of law, they could not be brought within the scope of the existing law. The Law Commission appreciated the seriousness of the problem and remarked that since the offences against the regulations of foreign exchange and customs had an immense impact on the well-being of the entire nation, the Government should not be without power to detain preventively certain offenders against these laws. After discussion, the Resolution was negatived, the motion was adopted and the Bill was passed on December 11, 1974.

The Sick Textile Undertakings (Nationalisation) Bill, 1974: On December 16, 1974, Shri D. Thengari moving a resolution seeking disapproval of the Sick Textile Undertakings (Nationalisation) Ordinance, 1974,⁶ said that the textile workers had certain apprehensions, because their earlier experience of take-over was not a happy one as there was a large-scale retrenchment in such mills as were taken over. They had, however, hoped that the earlier mistake would be rectified and a foolproof Bill would be introduced in Parliament. There should be an assurance that even indirectly there would be no retrenchment. There was also no assurance about payment of the past dues or arrears to the workers. The Government should come out with an unequivocal assurance that every single paisa that was due would be paid by the Government. The Bill did not provide for agreements or awards for the workers of the textile industry, being made applicable to the workers of the sick mills too.

Shri B. P. Maurya, Minister of State in the Ministry of Industry and Civil Supplies, moving the motion for consideration of the Bill⁷ said that there were several reasons which promoted the decision to nationalise the sick textile undertakings. The private sector was not in a position to raise the necessary resources required for the rehabilitation and modernisation of these undertakings. Those managements were responsible for bringing these undertakings to a state of sickness by mismanagement and frittering away of resources. Under the Bill, the right, title and interest of the owners stood transferred to and vested in the Central Government. The future management pattern of these textile undertakings had been worked out and would be managed through 9 subsidiary corporations of the National Textile Corporation. As per provisional

⁶Laid on the Table of the Rajya Sabha on November 11, 1974.

⁷The Bill as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on December 13, 1974.

figures available the 96 mills under the management of the Government had generated a net profit of Rs. 9 crores during April—August, 1974. The National Textile Corporation had also undertaken a comprehensive programme of modernisation and rehabilitation of these sick textile mills.

After discussion, the Resolution was negatived, the motion was adopted and the Bill was passed on December 17, 1974.

The Representation of the People (Amendment) Bill, 1974: On December 18, 1974, Shri Lal K. Advani moving the resolution seeking disapproval of the Representation of the People (Amendment) Ordinance, 1974⁸ said that the promulgation of the Ordinance was retrograde and *mala fide* and it was designed deliberately to perpetuate the influence of big money and black money in the Indian elections. The Ordinance and the law that was proposed to be replaced would make a complete hash of the provisions of the law with regard to the ceiling on election expenses. The common man was not concerned with the judgment of the Supreme Court in the *Kanwar Lal* case which was supposed to have given urgency to the need to issue the Ordinance. In all other cases where the court judgment and judicial pronouncements were sought to be upset by any law framed either through an Ordinance or subsequently by Parliament, the objective was to remove social inequity. But in this case, the Government was trying not to remove social inequity, but to perpetuate it and also to perpetuate electoral inequity.

Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs, moving the motion for consideration of the Bill,⁹ said that in the Indian election law, the emphasis had always been on imposing a curb on the candidate or his election agent incurring expenditure in connection with his election in excess of the prescribed limit. This specific intention, underlying the provisions of section 77 of the parent Act, had generally found support in the judicial pronouncements during the last two decades. In other words, the expression "incurred or authorised" had not been constructed so as to bring within its purview the expenditure incurred by a political party. However, the Supreme Court in the recent case of *Kanwar Lal Gupta vs. Amar Nath Chawla and Others* had, by its observations, imported an element of doubt into the hitherto well-accepted and well-understood principle underlying section 77 of the 1951 Act. The judgment, by giving a wide meaning to the expression "incurred

⁸Laid on the Table of the Rajya Sabha on November 11, 1974.

⁹The Bill as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on December 17, 1974.

or authorised", had created a serious problem, particularly with reference to candidates against whom election petitions had been filed and were pending decision. To meet this situation, it had become necessary to make the intention underlying section 77 of the parent Act clear, namely that in computing the maximum amount under that section, any expenditure incurred or authorised by any other person or body of persons, or political parties, would not be taken into account.

After discussion the Resolution was negatived, the motion was adopted and the Bill was passed on December 19, 1974.

C. OBITUARY REFERENCES

The Chairman made references to the passing away of Sarvashri Tajamul Husain, V. K. Krishna Menon and Kanhaiyalal D. Vaidya, ex-Members. The House observed one minute's silence as a mark of respect to the memory of the deceased.

ANNEXURE

BILLS PASSED BY THE RAJYA SABHA DURING THE NINTIETH SESSION

1. The Delhi Municipal Corporation (Amendment) Bill, 1974.
2. The Tokyo Convention Bill, 1974.
3. The Telegraph Wireless (Unlawful Possession) Amendment Bill, 1974.
4. The East Punjab Urban Rent Restriction Act (Extension to Chandigarh) Bill, 1974.
5. The Indian Works of Defence (Amendment) Bill, 1974.
6. The Navy (Amendment) Bill, 1974.
7. The Repealing and Amending Bill, 1974.
8. The Working Journalists (Conditions of Service) and Miscellaneous Provisions (Amendment) Bill, 1974.
9. The Reserve Bank of India (Amendment) Bill, 1974.
10. The Small Coins (Offences) Amendment Bill, 1974.
11. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill, 1974.
12. The Sick Textile Undertakings (Nationalisation) Bill, 1974.
13. The Representation of the People (Amendment) Bill, 1974.
14. The Appropriation (No. 4) Bill, 1974.
15. The Gujarat Appropriation (No. 3) Bill, 1974.
16. The Gujarat Appropriation (No. 4) Bill, 1974.
17. The Pondicherry Appropriation (No. 2) Bill, 1974.
18. The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1974.

STATE LEGISLATURES*

HARYANA

Suspension of Member from service of the House: On December 3, 1974 a resolution seeking to suspend Shrimati Chandravati from the service of the House "for her misconduct by using abusive language, most irresponsible behaviour unbecoming of a member of this august House and her grossly disorderly conduct in the House" was moved in the Legislative Assembly by the Home Minister. After a motion for suspension of Rule 104 of the Rules of Procedure and Conduct of Business in the Assembly was passed by the House, the resolution regarding suspension of Shrimati Chandravati was put to vote and carried.

UTTAR PRADESH

Constitution of Committee on Public Undertakings: On June 7, 1974, the U.P. Legislative Assembly discussed and adopted the following resolution¹ moved by the Finance Minister:—

"This Legislative Assembly repeals the Resolution regarding constitution of a Joint Committee on Public undertakings and corporations of the U.P. Legislature passed by the Legislative Assembly on the 21st December, 1973 and which was pending consideration in the Legislative Council, and resolves that:—

1. A Joint Committee of both the Houses of the State Legislature, on Public undertakings and corporations, be constituted comprising of 35 Members out of which 25 shall be from the Legislative Assembly and 10 from the Legislative Council. These Members shall be elected from amongst the Members of each House according to the principle of proportional representation by means of single transferable vote.

2. The functions of the said Committee would be as follows:—

(a) to examine the statements showing the income and expenditure of public sector undertakings and corporations mentioned in the schedule and such other public sector undertakings and corporations for which the Speaker of the Legislative Assembly may issue directions from time to time

*Contributed by the Research and Information Service, Lok Sabha Secretariat and based on the materials received from the respective State Legislature Secretariats. For detailed statistical information about the activities of the State Legislatures, see, Appendix III.

¹Original in Hindi

in consultation with the Leader of the House, together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financial position of particular public sector undertakings or corporations and report of the Accountant General, Uttar Pradesh thereon, if any.

(b) To examine the proficiency of the said undertakings and corporations, keeping in view their autonomy, with a view to see whether their management is being carried on sound commercial principles and business methods.

(c) Such other functions relating to the said undertakings and corporations, which otherwise fall under the jurisdiction of the Public Accounts Committee and the Estimates Committee and are referred from time to time to this Committee by the Speaker of the Legislative Assembly, provided that the Committee shall not examine the following matters:—

(i) Main matters of Government policy which are different from the professional matters of the Public Undertakings.

(ii) Daily administrative matters.

3. Such matters which are to be dealt with under a procedure laid down by the Act governing the constitution of the concerned Public Undertaking corporation.

The said committee shall from time to time, submit its report to both the Houses of the Legislature on all or any of the abovementioned subjects.

4. The Chairman of the said Committee shall be appointed by the Speaker of the Legislative Assembly from amongst the members of the Committee. The quorum to constitute a sitting of the Committee shall be one-third of the total number of members of the Committee. The members of the first committee shall hold their offices during the term of the present Legislative Assembly and the tenure of the committee to be constituted thereafter shall be the financial year for which it shall be constituted but even after the expiry of its tenure it could exist and work until the new Committee is constituted.

In other respects, the provisions of Rules of procedure and Conduct of Business in Uttar Pradesh Legislative As-

sembly, 1958 pertaining to Committees shall apply with such amendments or additions as may be made by the Speaker.

5. From the date of constitution of the said committee all the functions relating to the Public undertakings corporations shall be outside the jurisdiction and functions of the Public Accounts Committee and Estimates Committee of the Legislative Assembly, and for this purpose action should be taken in accordance with the prescribed procedure for making necessary amendments in the Rules of Procedure and Conduct of Business in Uttar Pradesh Legislative Assembly, 1958.

6. Separate committees of the Legislative Assembly and the Legislative Council on this subject shall stand dissolved from the date of the Constitution of above Joint Committee under this Resolution.

7. This House recommends to the Legislative Council that if the Legislative Council agrees to this Resolution it may convey to this House the names of the members to be appointed by the Council for constituting the said Joint Committee.

Schedule

1. Uttar Pradesh State Electricity Board.
2. Uttar Pradesh Financial Corporation.
3. Uttar Pradesh Small Industries Corporation Limited.
4. Uttar Pradesh State Agro-Industrial Corporation Limited.
5. Uttar Pradesh State Cement Corporation Limited.
6. Uttar Pradesh Industries Corporation Limited.
7. Uttar Pradesh State Road Transport Corporation Limited.
8. Uttar Pradesh State Sugar Corporation Limited.
9. Uttar Pradesh Textile Corporation Limited.
10. Uttar Pradesh State Bridges Corporation Limited.
11. Uttar Pradesh State Warehousing Board.
12. Uttar Pradesh Export Promotion Corporation.
13. Hill Development Corporation Limited.
14. Pradeshiya Industrial and Investment Corporation of Uttar Pradesh Limited.
15. Indian Turpentine and Rasin Company Limited.
16. Uttar Pradesh State Handloom Corporation Limited.
17. Purvanchal (Eastern Region) Development Corporation Limited.
18. Bundelkhand Development Corporation Limited."

Council Members in Committees: On August 6, 1974 the Assembly adopted the following motion² moved by the Labour Minister:

“That in accordance with the practice prevalent in the Public Accounts Committee and the Committee on Subordinate legislation of the Legislative Assembly, 5 and 4 members respectively of the Legislative Council had been included as coopted members and for this purpose the Legislative Council is approached after the motion moved by the Chairman of the Committee concerned is passed by the Legislative Assembly every year.

And whereas the said procedure created certain difficulties in the past few years and the eye had been delay in the constitution of Committees,

Therefore, the Legislative Assembly decides that if the Legislative Council agrees, 5 members in the case of Public Accounts Committee and 4 members in the case of Committee on Subordinate Legislation can be sent at the beginning of each financial year after they are constituted by the Legislative Assembly to work as coopted members.”

The Water (Prevention and Control of Pollution) Act, 1974: On August 6, 1974, the Assembly adopted a resolution moved by the Labour Minister seeking adoption of the Water (Prevention and Control of Pollution) Act, 1974 as passed by Parliament in the State of Uttar Pradesh.

Committee on Welfare of S.C. and S.T.: On August 6, 1974, the Assembly adopted the following resolution³ moved by the Chief Minister:—

“This Assembly resolves as under, to constitute a Joint Committee of both Houses of U.P. Legislature to examine the implementation of Government policies and orders for the welfare and advancement of Scheduled Castes, Scheduled Tribes and Nomad communities:—

(1) A Joint Committee of both Houses of State Legislature, namely “Joint Committee on Scheduled Castes, Scheduled Tribes and Nomad Communities” be constituted, comprising of 25 Members, 21 from Legislative

²Original in Hindi.

³Ibid.

Assembly and 4 from Legislative Council. These Members would be elected from among the Members of each House according to the principle of proportional representation through single transferable vote.

(2) The functions of the Committee would be as follows:—

(i) To study the progress made in the implementation of the provisions contained in the Constitution, laws and regulations and various Government orders for reservation in the specified services and other facilities for the above mentioned castes.

(ii) To suggest ways and means and put forward suggestions to achieve the objectives of the policies formed by the Government and to improve the condition of these communities at the earliest.

(3) The Committee would submit reports from time to time to both Houses of the Legislature on any one or all of the above-mentioned subjects.

(4) The Chairman of the Committee would be appointed by the Speaker of the Legislative Assembly from amongst its Members. The quorum for the meeting of the Committee would be one-third of the total strength of the Members of the Committee.

The tenure of the Committee would be each financial year, but even after the expiry of such tenure the Committee would continue to exist till a new Committee is constituted.

In other matters, the provisions of Rules of Procedure and Conduct of Business in U.P. Legislative Assembly, 1958 relating to Committees would be in force with such changes and modifications, as are made by the Speaker."

WEST BENGAL

Central assistance to the State: On November 2, 1974 the Legislative Assembly discussed and adopted the following resolution moved by Shri Santosh Kumar Roy:

"Whereas the State of West Bengal is in the grip of acute and widespread distress, particularly because of severe drought in some parts of the State followed by heavy flood in other parts;

And whereas the State Government has already spent on relief operations sums very much in excess of what was provided for in the budget for the purpose and whereas the

State Government is still continuing to spend further sums on relief operations to alleviate the distress of the people;

Now, therefore, this Assembly, after taking into consideration all aspects of the matter, urges upon the Central Government to provide to the State Government substantial financial assistance to supplement the effort the State Government is making for providing relief to the distressed people”.

Indian Ocean as a zone of peace: On November 21, 1974, the Assembly discussed and adopted in an amended form a resolution* moved by Shri Biswanath Chakrabarti vehemently criticising the U.S. activity in establishing a naval base at Diego Garcia islands and supported the efforts of the Central Government towards declaring the Indian Ocean as a zone of peace.

Movement for dissolution of Bihar Assembly: On November 21, 1974, the House discussed and adopted the following motion moved by Shri Kumar Dipti Sen Gupta:

“This Assembly warns the people against the agitation of right reactionary forces, aided by some opportunistic elements and conducted under the leadership of Shri Jayaprakash Narayan to subvert democracy by seeking forcibly to dissolve the Bihar Legislative Assembly and to compel the M.L.As to resign and calls upon the people to oppose this dangerous and subversive agitation of right reaction. It congratulates the people of Bihar who are courageously and firmly opposing this agitation.”

*Original in Bengali.

BOOK REVIEWS

INDIA IN CRISIS. By Dr. J. D. Sethi. Delhi Vikas Publishing House Pvt. Ltd., 233 pages, Price Rs. 35.

The central theme of the book is that what India is passing through is not merely an unprecedented crisis, but that this is the death rattle in the throat of a dying system. The author tries to establish by so many illustrations that this crisis has not burst upon the people suddenly, but has developed slowly through the years. The trends of the tragedy which were in the process of development were completely neglected by the present leadership. Even now, instead of facing the realities of the situation, the elite is trying to divert the issue by political gimmicks. The potentially victorious elite has tried without success to sell to the nation the romantic vision of a poverty-free society. This dream has now been shattered and the nation has awakened to the grim realities of the situation, which is dark, dismal and disappointing.

The author argues that the present crisis is political and not economic, as most of the people seek to suggest. Unless the political functioning is rectified, all attempts to improve the economic situation are bound to fail. In 1971-72, the Congress party came into power with a massive mandate from the people. In spite of this, the party does not seem to deliver the goods, and instead of solving any economic problem has further complicated and aggravated it.

It is difficult not to agree with the analysis of the learned author, but his readers will be amused to find that he has adopted a negative and a pessimistic approach, that has naturally led him to announce doom and disaster at the end. I am afraid, no intelligent person can agree with this conclusion. The book appears to have been written more in anger than in reason. The situation obtaining in India is prevailing more or less, in a varying degree, in all other parts of the world. The capitalist, as well as the socialist system are equal sufferers. The very fact that the author has not been able to suggest any remedy to this malady shows that this attempt of his has been an exercise in utter futility. One does not become good simply by condemning, criticising and cursing people. It requires courage, persis-

tence and stamina to achieve anything worthwhile. It is wrong to say that India has not achieved anything during the last 27 years and has neglected the trends of the developing crisis that has engulfed the nation today. It is our planned effort that has sustained us in the face of the huge odds. Had there been no planning, no industrialisation and no laying of infra-structures for future development during the past years, India would not have existed as a free nation today. It is true that the present conditions are not at all praiseworthy and those in leadership have to bear the burnt of the criticism. But this is no way to go out of the woods. The present day problems are by-products of the population explosion. People are being compelled to live in limited space. This has led to the decline in the care and consideration for others, resulting in further deterioration of human values. All politics and economics depend on the volume of human beings in relation to space. Unless a balance is struck between the two all attempts to correct things will be reduced to naught.

In spite of the pessimistic approach, the book is worth reading and merits the attention of the so-called elite, and I thank the author for the pains he has undertaken to set the people thinking.

—*Bhola Paswan Shastri, M.P.*

RADICAL POLITICS IN SOUTH ASIA. Edited by Paul R. Brass and Marcus F. Franda. MIT Press, Cambridge, Massachusetts, and London, England, 1973, \$ 15.

It is not surprising that MIT, celebrated for reasons that have sometimes been found dubious, has turned its mind to close study of a subject, namely, the importance of South Asian countries in international affairs and specially the importance of regional politics within those countries, which till lately had never been thought worthy of sophisticated Western attention. One can hardly resist a smile when one notes that MIT's Centre for International Studies has brought out a score or more of books on 'Communism, Revisionism and Revolution'. Lest one fears a red blaze in Massachusetts, it should be remembered that these learned volumes are written not by 'Marxists' but by 'Marxologists', not, for example, by specialists in Soviet studies but by the so-called 'Sovietologists' a very different kettle of fish, indeed, and guaranteed against any ideological bias in favour of Communism or such like things. It all seems part of the confrontation-cum-convergence conspiracy against world socialism, in which many well-trained and assiduous researchers, in the main

American, have joined so that an intellectual crusade against subversive ideas can lend its assistance to other, less reputable, forces operating in defence of world reaction.

It is not easy of course, to discover the anti-communist wolf in the intellectual sheep's clothing. Marcus F. Franda, for instance, has worked long and hard to grasp the intricacies of the Bengali scene and the effort involved including learning the language never considered more than a *patois* and hobnobbing with usually messy and uncouth politicians, evoke admiration. Similar praise must go to Robert L. Hardgrave, Jr., who discourses on the Kerala scene on the basis, no doubt, of a lot of not very appetising field work. An Indian anti-communist zealot takes charge of Andhra and a Bangladeshi writes on radicalism in his emergent country. The editor himself deals with Bihar, where Communism has only recently made itself a force, and makes some perspicacious comparison of the CPI and the SSP, mainly to suggest that the socialists' 'populism' may prove fragile but the communists' ideological orientation and organisational flair notwithstanding, they could fail to merge into the national mainstream and so turn out ineffective. There is not much that is new to learn from Robert N. Kearney's survey of Sri Lanka's Marxist parties. Scholastic trappings apart, an overall impression is left on the reader that communism and radicalism of kindred sorts cannot sustain the meretricious attraction they might have had in certain apparently congenial circumstances.

The apparatus of scholarship indicated in copious footnotes, appears impressive, but there is no bibliography. A lot of reliance, according to the recent fashion in American research circles is placed on interviews with individuals, always a hazardous means of finding the truth of things. There is a good deal of information regarding the plethora of 'Left' groupings in Bengal, for instance, but little or no effort to relate such information to basic factors of life. Anecdote, of course, has its virtues and one finds some chatty pictorialisation of an A. K. Gopalan, for example, evolving into communist leadership. There appears much recondite worry about the reasons for communist influence growing in certain areas, for it is discovered that high rural population density and landlessness do not necessarily involve the foothold of communism, that great urban industrial conglomerations as in the Calcutta-Durgapur-Asansol sub-region in West Bengal seem congenial to communist campaigning, but conflict-ridden relationships in the economy do not always conduce to the advance of radical parties. It appears as if we have here a kind of

Namier-ist historiography, without, however, Namier's massive command over a rich variety of sources, perhaps difficult of access on account of the language barrier.

There is greater stress in this book on the electoral and parliamentary politics of the political parties, though there is reference also to the development of revolutionary violence in India and Sri Lanka. The Bangladesh chapter is little more than journalistic essay in a more ostentatious form. The writers generally are uninterested or unaware of the central contradiction of the social system in south Asia and wherever else the reign of capitalism extends, the conflict between growingly socialized processes of production and the unsocial character of the control which capitalist ownership exercises over that process. In the absence of this basic understanding, research brings about no more than an accumulation of somewhat unrelated facts. Thus one finds quite an amount of verbiage on Communists flourishing in some Indian regions on regionalist slogans—the truth of the matter is forgotten in the joyful discovery of inessential, though temporarily consequential, features in social evolution.

It is not possible to enter on a detailed discussion of the chapters which, basically deficient though they are, repay reading. One feels also that it is an irony that in our present conditions studies which should have been made by Indian scholars have become the province of well-endowed foreign, mostly American, researchers. The motivation of this book is clear from Marcus F. Franda's reference, hardly hiding a certain glee, to a West Bengal CPM member's being haunted by "the spectre of Indonesia"—it is not very likely of fruition, but many people in the neo-colonialist West must still nurse such hopes.

Written by different people with different backgrounds and perspectives, the book does have, as indicated earlier a certain coherence of theme and treatment. The information it conveys is substantial but the insight, if any, is sparse. One should not have greater expectations from people who strive, somewhat pathetically, to pass off as 'Marxologists' or at least 'near-Marxologists'.

—Hirendra Nath Mukherjee, M.P.

INFLATION IN INDIA. Edited by S. L. N. Simha, Bombay, Vora & Co. on behalf of Institute of Financial Management and Research, Madras, 1974.

This volume is a report of the Seminar on "Inflation in India" held under the auspices of the Institute of Financial Management

and Research, on December 14 and 15, 1973. The papers submitted at the Seminar and the discussions that took place resulted in a comprehensive study of the problem. The problem is stated fully by Professor C. N. Vakil in his inaugural address and elaborated further by Dr. S. L. N. Simha in his paper, "Inflation in India—An Overall View". Papers on different aspects of the problem discuss it with reference to fiscal and monetary policies, food shortages, black money, and wages and incomes policy. The impact of Budget deficits and Government borrowing is examined by Shri Machiraja and Dr. Simha respectively. The volume includes a paper by Dr. P. R. Brahmanand on "The Nature and Genesis of the Indian Stagflation and its control", and a critique of the same by Dr. S. L. N. Simha.

In a sense, inflation has been with us for many years. Only during the last three years it has assumed serious proportions. The wholesale price index went up by 19.2 per cent in 1973 as against an average increase of 7.8 per cent in 1972. During the first nine months of 1974, the price index rose by about 3 per cent every month. But since then it came down by about 4.5 per cent till December 1974. The fall may be partly seasonal, and partly due to the measures taken by Government to arrest the spiralling rise of prices, such as strict credit control by the Reserve Bank of India, the Dividend Ordinance, the Additional Emoluments Deposit Scheme and the steps taken against smugglers and tax evaders. This package of measures appears to have yielded some positive results.

How long this tendency of the wholesale price index to fall will continue is difficult to predict, but much will depend upon the 1975 rabi crop and the ability of the Government to avoid deficit financing. After all, it is the large development expenditures and budget deficits on the one hand and the failure of agricultural output to increase resulting in serious shortages, which are mainly responsible for the acute inflationary situation we have to face in this country.

The Seminar did not reach any definite conclusions or recommendations. As Dr. Simha says, its object was "to present all the facts of the problem and the different points of view. Apparently there was considerable divergence of views, in particular about the extent to which monetary expansion has been a contributory factor towards inflation. One view was that monetary expansion was not relevant at all; what was relevant was the expenditure pattern, in particular production of wage goods. This point was put forth

by Dr. Upadhyay. The other point of view, stated in very categorical and lucid terms, by Dr. S. B. Gupta, was that monetary expansion was a significant factor and that the entire blame for inflation should not be put on the supply influences, whether concerning wage goods or others." The truth lies between these two extremes, as was emphasised by Shri H. V. R. Iengar.

All the nations are economically inter-dependent. This has the inevitable consequence that inflation, especially in an economically powerful country, tends to be exported to other countries. Inflation in India was reinforced by rising prices in the West and especially America. The sudden four fold increase in the price of petrol and petroleum products made for another sharp increase in prices and has made the problem almost intractable. These aspects of the situation are not covered by any of the papers submitted at the Seminar. The oil crisis and its impact on the severity and intensity of inflation could not have been dealt with, obviously because the Seminar was held in December 1973, i.e., before the implications of the calamity became clear.

In his interesting paper, "Indian Statflation and its control" Dr. Brahmanand makes a powerful plea for a 30 per cent once-over cut in money supply, money incomes and money prices.

In view of the possible complications of such a difficult operation one is inclined to accept Dr. S. L. N. Simha's conclusion, that "While our price situation is undoubtedly serious, the proposed remedy is neither justified on economic grounds, nor feasible politically. It would only add to the confusion and chaos that exist in the country and lead to inequities no less serious than the inequities caused by inflation."

The book deserves to be carefully studied by all those who are interested in the political stability and economic progress of this country.

—Y. S. Mahajan, M.P.

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APPENDIX I

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

| | |
|--|-----|
| 1. Period of the Session—November 11 to December 20, 1974 | |
| 2. Number of meetings held | 27 |
| 3. Total number of sitting hours—189 hours and 5 minutes. | |
| 4. Number of divisions held | 8 |
| 5. <i>Government Bills</i> : | |
| (i) Pending at the commencement of the Session | 23 |
| (ii) Introduced | 10 |
| (iii) Laid on the Table as passed by the Rajya Sabha | 8 |
| (iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table | NIL |
| (v) Referred to Select Committee | NIL |
| (vi) Referred to Joint Committee | NIL |
| (vii) Reported by Select Committee | NIL |
| (viii) Reported by Joint Committee | NIL |
| (ix) Discussed | 19 |
| (x) Passed | 19 |
| (xi) Withdrawn | NIL |
| (xii) Negatived | NIL |
| (xiii) Part-discussed | NIL |
| (xiv) Discussion postponed | NIL |
| (xv) Returned by Rajya Sabha without any recommendation | 1 |
| (xvi) Motion for concurrence to refer the Bill to Joint Committee adopted | NIL |
| (xvii) Pending at the end of the Session | 22 |
| 6. <i>Private Members' Bills</i> : | |
| (i) Pending at the commencement of the Session | 194 |
| (ii) Introduced | 13 |
| (iii) Laid on the Table as passed by Rajya Sabha | NIL |
| (iv) Returned by Rajya Sabha with any amendment and laid on the Table | NIL |

| | |
|--|----------|
| (v) Reported by Select Committee. | NIL |
| (vi) Discussed | 3 |
| (vii) Passed | NIL |
| (viii) Withdrawn | 1 |
| (ix) Negatived | 1 |
| (x) Circulated for eliciting opinion | NIL |
| (xi) Part-discussed | 1 |
| (xii) Discussion postponed | NIL |
| (xiii) Motion for circulation of Bill negatived | NIL |
| (xiv) Referred to Select Committee | NIL |
| (xv) Removed from the Register of Pending Bills | 6 |
| (xvi) Pending at the end of the Session | 199 |
| 7. Number of Discussions held under Rule 193 : | |
| (Matters of Urgent Public Importance) | |
| (i) Notices received | 182 |
| (ii) Admitted | NIL |
| (iii) Discussion held | NIL |
| 8. Number of Statements made under Rule 197 : | |
| (Calling-attention to matters of urgent public importance) | |
| | 9 |
| 9. Half An-Hour Discussion Held | 6 |
| 10. Statutory Resolutions : | |
| (i) Notices received | 26 |
| (ii) Admitted | 3 |
| (iii) Moved | 3 |
| (iv) Adopted | NIL |
| (v) Negatived | 3 |
| (vi) Withdrawn | NIL |
| 11 Government Resolutions : | |
| (i) Notices received | 1 |
| (ii) Admitted | 1 |
| (iii) Moved | 1 |
| (iv) Adopted | 1 |

12. *Private Members' Resolutions:*

| | | | | | |
|-----------------------------|---|---|---|---|-----|
| (i) Received | . | . | . | . | 6 |
| (ii) Admitted | . | . | . | . | 6 |
| (iii) Discussed | . | . | . | . | 1 |
| (iv) Withdrawn | . | . | . | . | NIL |
| (v) Negatived | . | . | . | . | NIL |
| (vi) Adopted | . | . | . | . | NIL |
| (vii) Part-discussed | . | . | . | . | 1 |
| (viii) Discussion postponed | . | . | . | . | NIL |

13. *Government Motions :*

| | | | | | |
|----------------------|---|---|---|---|-----|
| (i) Notices Received | . | . | . | . | 6 |
| (ii) Admitted | . | . | . | . | 6 |
| (iii) Moved | . | . | . | . | NIL |
| (iv) Adopted | . | . | . | . | NIL |
| (v) Discussed | . | . | . | . | NIL |

14. *Private Members' Motions :*

| | | | | | | | | |
|----------------------|---|---|---|---|---|---|---|-----|
| (i) Received | . | . | . | . | . | . | . | 380 |
| (ii) Admitted | . | . | . | . | . | . | . | 221 |
| (iii) Moved | . | . | . | . | . | . | . | 5 |
| (iv) Adopted | . | . | . | . | . | . | . | NIL |
| (v) Discussed | . | . | . | . | . | . | . | 5 |
| (vi) Negatived | . | . | . | . | . | . | . | 2 |
| (vii) Part-discussed | . | . | . | . | . | . | . | 3 |
| (viii) Withdrawn | . | . | . | . | . | . | . | NIL |

15. *Motions Re: Modification of Statutory Rule :*

| | | | | | | | | |
|----------------------|---|---|---|---|---|---|---|-----|
| (i) Received | . | . | . | . | . | . | . | 2 |
| (ii) Admitted | . | . | . | . | . | . | . | 2 |
| (iii) Moved | . | . | . | . | . | . | . | NIL |
| (iv) Adopted | . | . | . | . | . | . | . | NIL |
| (v) Negatived | . | . | . | . | . | . | . | NIL |
| (vi) Withdrawn | . | . | . | . | . | . | . | NIL |
| (vii) Part-discussed | . | . | . | . | . | . | . | NIL |

Number of Parliamentary Committees created, if any, during the session

NIL

Total number of Visitors' Passes issued during the session

20,430

18. Maximum number of Visitors Passes issued on any single day, and date on which issued 1346 on 13-12-1974

19. Number of Adjournment Motions :

| | |
|---|-----|
| (i) Brought before the House | 44 |
| (ii) Admitted and discussed | 2 |
| (iii) Barred in view of a djournment Motion admitted on the subject | NIL |
| (iv) Consent withheld by Speaker in the House | 8 |
| (v) Consent withheld by Speaker outside the House | 64 |
| (vi) Consent given by Speaker but leave not granted by House | NIL |

20. Total Number of Questions admitted :

| | |
|---|------|
| (i) Starred | 574 |
| (ii) Unstarred (including Starred Questions converted as Unstarred Questions) | 5497 |
| (iii) Short-notice Questions | 2 |

21. Working of Parliamentary Committees :

| S.No. | Name of the Committee | No. of sittings held during the period 1-11-74 to 31-1-75 | No. of Reports presented during the Session |
|-------|---|---|---|
| 1 | 2 | 3 | 4 |
| 1. | Business Advisory Committee | 3 | 2 |
| 2. | Committee on Absence of Members from the Sittings of the House | 1 | 2 |
| 3. | Committee on Government Assurances | 3 | 1 |
| 4. | Committee on Petitions | 5 | 1 |
| 5. | Committee on Private Members' Bills and Resolutions | 4 | 4 |
| 6. | Committee on Privileges | 9 | 1 |
| 7. | Committee on Public Undertakings | 17 | .. |
| 8. | Committee on Subordinate Legislation | 5 | 1 |
| 9. | Committee on the Welfare of Scheduled Castes and Scheduled Tribes | 4 | 3 |

| 1 | 2 | 3 | 4 |
|--|---|----|----|
| 10. Estimates Committee | | 20 | 2 |
| 11. Public Accounts Committee | | 33 | 1 |
| 12. Railway Convention Committee | | 5 | 4 |
| 13. Rules Committee | | .. | .. |
| <i>Joint/Select Committees :</i> | | | |
| 1. Joint Committee on Offices of Profit | | 4 | |
| 2. Joint Committee on Salaries and Allowances of Members of Parliament | | 2 | .. |
| 3. Joint Committee on the Constitution (Thirty-Second Amendment) Bill, 1973 | | 4 | .. |
| 4. Joint Committee on the Public Financial Institution Laws (Amendment) Bill, 1973 | | 1 | .. |
| 5. Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1974 | | 15 | .. |
| 6. Select Committee on the Taxation Laws (Amendment) Bill, 1973 | | 7 | |
| 7. Select Committee on the Customs Tariff Bill, 1974 | | 6 | .. |
| 8. Select Committee on the Delhi Sales Tax Bill, 1973 | | 7 | .. |
| 22. Number of Members granted leave of absence | | | 2 |
| 23. Petitions presented | | .. | 1 |

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE NINETIETH SESSION OF RAJYA SABHA

| | | | |
|--|-------------------------------------|----|--------------------|
| 1. Period of Session | November 11 | to | December 21, 1974. |
| 2. Number of meetings held | 28 | | |
| 3. Total number of sitting hours | 148 Hrs. 24 mts. (excluding break). | | |
| 4. Number of divisions held | Three | | |
| 5. <i>Government Bills</i> : | | | |
| (i) Pending at the commencement of the Session | 8 | | |
| (ii) Introduced | 10 | | |
| (iii) Laid on the Table as passed by Lok Sabha | 12 | | |
| (iv) Returned by Lok Sabha with any amendment | 3 | | |
| (v) Referred to Select Committee by Rajya Sabha | .. | | |
| (vi) Referred to Joint Committee by Rajya Sabha | .. | | |
| (vii) Reported by Select Committee | .. | | |
| (viii) Reported by Joint Committee | .. | | |
| (ix) Discussed | 18 | | |
| (x) Passed | 18 | | |
| (xi) Withdrawn | .. | | |
| (xii) Negatived | .. | | |
| (xiii) Part-Discussed | .. | | |
| (xiv) Returned by Rajya Sabha without any recommendation | 4 | | |
| (xv) Discussion postponed | .. | | |
| (xvi) Pending at the end of the Session | 12 | | |
| 6. <i>Private Members' Bills</i> : | | | |
| (i) Pending at the commencement of the Session | 75 | | |
| (ii) Introduced | 10 | | |
| (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 | 4 |
| (vii) Withdrawn | 3 |
| (viii) Passed | |
| (ix) Negatived | .. |
| (x) Circulated for eliciting opinion | .. |
| (xi) Part-Discussed | 1 |
| (xii) Discussion postponed | |
| (xiii) Motion for circulation of Bill negatived | |
| (xiv) Referred to Select Committee | .. |
| (xv) Pending at the end of the Session | 82 |
| 7. Number of discussions held under Rule 176. | |
| (Matters of urgent Public Importance) | |
| (i) Notices received | 88 |
| (ii) Admitted | 5 |
| (iii) Discussion held | 5 |
| 8. Number of statements made under Rule 180 | |
| (Calling attention to matter of urgent public importance) | |
| 9. Hal of-an-hour discussion held | 3 |
| 10. Statutory Resolutions : | |
| (i) Notices received | 3 |
| (ii) Admitted | 3 |
| (iii) Moved | 3 |
| (iv) Adopted | Nil |
| (v) Negatived | 3 |
| (vi) Withdrawn | Nil |
| 11. Government Resolutions : | |
| (i) Notices received | 1 |
| (ii) Admitted | 1 |
| (iii) Moved | 1 |
| (iv) Adopted | 1 |

12. *Private Member Resolutions :*

| | |
|-----------------------------|-----|
| (i) Received | 12 |
| (ii) Admitted | 12 |
| (iii) Discussed | 1 |
| (iv) Withdrawn | } |
| (v) Negatived | |
| (vi) Adopted | |
| (vii) Part-discussed | |
| (viii) Discussion postponed | |
| | Nil |

13. *Government Motions :*

| | |
|----------------------|----|
| (i) Notices received | 3 |
| (ii) Admitted | 3 |
| (iii) Moved | 2 |
| (iv) Adopted | .. |
| (v) Part-discussed | .. |

14. *Private Members' Motions :*

| | |
|--------------------|-----|
| (i) Received | 55 |
| (ii) Admitted | 78 |
| (iii) Moved | } |
| (iv) Adopted | |
| (v) Part-discussed | |
| (vi) Negatived | |
| (vii) Withdrawn | |
| | Nil |

15. *Motions regarding modification of Statutory Rule :*

Nil

16. *Number of Parliamentary Committees created, if any, during the session*

Nil

17. *Total number of Visitors' Passes*

3417

18. *Maximum number of Visitors' Passes issued on any single day, and date on which issued.*

334 on December, 19, 1974.

19. *Number of motion for papers under Rule 175*

Nil

20. *Total number of questions admitted :*

| | |
|--|------|
| (i) Starred | 811 |
| (ii) Unstarred (including Starred Questions) | 1857 |

| | |
|---|-----|
| (iii) Short-notice Questions | I |
| 21. Discussion on the working of the Ministries | Nil |
| 22. Working of Parliamentary Committees | |

| Name of Committee | No. of meetings held during the period 1-11-74 to 31-1-75 | No. of Reports presented during the Session |
|---|---|---|
| (i) Committee on Subordinate Legislation | 3 | 1 |
| (ii) Committee on Petitions | 4 | .. |
| (iii) Committee on the Welfare of Scheduled Castes & Scheduled Tribes | .. | 5 |
| (iv) Committee of Privileges | 2 | .. |
| (v) Joint Committee on Offices of Profit | .. | 1 |
| (vi) Commission on Government Assurances | 2 | 1 |
| (vii) Joint Committee on the Plantations (Labour) Amendment Bill, 1973 | 6 | |
| (viii) Joint Committee on the Indian Penal Code (Amendment) Bill, 1973 | 6 | .. |
| (ix) Railway Convention Committee | .. | 4 |
| (x) Joint Committee on the Adoption of Children Bill, 1972 | 1 | |
| (xi) Joint Committee on the Foreign Contribution (Regulation) Bill, 1973 | 3 | .. |
| (xii) Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974 | 14 | |
| (xiii) Joint Committee on the Central and Other Societies (Regulation) Bill, 1974 | 5 | .. |
| 23. Number of Members granted leave of absence | 1 | .. |
| 24. Petitions presented | Nil | |

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD OCTOBER 1, 1974 TO DECEMBER 31, 1974

| Legislature | Duration | Sittings | Government Bills | Private Bills | Starred Questions | Unstarred Questions | Short Notice Questions |
|-------------------------|---------------------------|----------|------------------|---------------|-------------------|---------------------|------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| <i>States</i> | | | | | | | |
| Andhra Pradesh L. A. | .. | .. | .. | .. | 522 (168) | .. (163) (a) | .. |
| Andhra Pradesh L. C. | .. | .. | .. | .. | 190 (12) | .. (15) | .. |
| Assam L. A. | .. | .. | .. | .. | .. | .. | .. |
| Haryana L. A. | 26-11-74 to 3-12-74 | 5 | 16 (16) | .. | 499 (306) | 62 (53) | .. |
| Himachal Pradesh L. A. | .. | .. | .. | .. | .. | .. | .. |
| Jammu & Kashmir L. A. | .. | .. | .. | .. | .. | .. | .. |
| Jammu and Kashmir L. C. | 16-9-74 to 3-10-74 | 13 | 6 (21) | .. | 281 (251) | 75 (69) | .. |
| Karnataka L. A. | .. | .. | .. | .. | 310 (273) | 67 (65) | .. |
| Karnataka L. C. | .. | .. | .. | .. | 152 (133) | 13 (10) | .. |
| Kerala L. A. | 9-10-74 to 21-10-74 | 6 | 12 (12) | .. | 1410 (377) | 175 (175) | .. |
| Madhya Pradesh L. A. | 12-8-74 to 20-8-74 | 7 | 8 (18) | .. | 1059 (1037) | 444 (314) | 24 (6) |
| Manipur L. A. | 16-12-74 | 1 | .. | .. | .. | .. | .. |
| Meghalaya L. A. | .. | .. | .. | .. | .. | .. | .. |

| | | | | | | | | | |
|----------------------------|----|----------------------------|----|--------|----|-------------------|-----------------|------------------|----|
| Nagaland L. A. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Punjab L. A. | .. | .. | .. | .. | .. | 527 (254) | 128 (59) | 2 | .. |
| Rajasthan L. A. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Tamil Nadu L. A. | .. | 12-12-74 to 23-12-74 | 10 | 14(7) | 3 | 1073 (295) | 24 (24) | 17(2) | .. |
| Tamil Nadu L. C. | .. | 13-12-74 to 24-12-74 | 8 | (7) | .. | 46 (11) | .. | 1 (1) | .. |
| Tripura L. A. | .. | 4-10-74 to 11-10-74 | 6 | 1 | .. | 559 (319) | 143 (114)(d) | .. | .. |
| Uttar Pradesh L. A. (f) | .. | 6-6-74 to 22-8-74 | 45 | 26(31) | 4 | 4616(b) (2587) | 881 | 3360(c) (210) | .. |
| Uttar Pradesh L. C. (g) | .. | 10-6-74 to 23-8-74 | 27 | 6(5) | .. | 846 (748) | 4 (4) | 81 (26) | .. |
| West Bengal L. A. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| <i>Union Territories</i> | | | | | | | | | |
| Delhi Metropolitan Council | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Goa, Daman and Diu L. A. | .. | .. | .. | .. | .. | .. | .. | .. | .. |

Note : (1) Figures in Cols. 4 and 5 indicate number of Bills introduced followed by the number of Bills passed in brackets.
 (ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
 (a) Notices for Starred Questions admitted as Unstarred Questions.
 (b) Notices for both Starred and Unstarred Questions.
 (c) Refers to the period 1-7-74 to 31-12-74.
 (d) Includes 40 notices received for Starred Questions admitted as Unstarred Questions.
 (e) One of this, 1544 notices were admitted as Starred Questions and 350 as Unstarred Questions.
 (f) Refers to the period 1-4-74 to 30-9-74.
 (g) Refers to the period 1-7-74 to 31-12-74.

| | | | | | | | | | | | | | |
|---------------------------|-------|------|-----|------|------|----|-----|-----|-------|----|-------|-------|----------|
| Madhya Pradesh L. A. | 2(2) | 5(1) | 3 | 1(1) | 3(1) | 7 | 2 | 2 | 6 | 1 | 14(1) | 1 | (1) |
| Manipur L.A. | .. | .. | 1 | .. | .. | .. | 1 | .. | .. | .. | 1 | .. | .. |
| Meghalaya L.A. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Nagaland L.A. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Punjab L.A. | .. | 14 | 1 | .. | 14 | 10 | 9 | .. | 10 | 2 | 19 | 15 | 3 |
| Rajasthan L.A. | .. | 23 | 20 | 4 | 13 | 23 | 20 | (k) | 28 | 3 | 9 | 17 | 30 13(1) |
| Tamil Nadu L.A. | .. | 4 | .. | .. | 3 | 3 | .. | .. | 7 | 1 | .. | 6 | (m) |
| Tamil Nadu L.C. | .. | 1 | (1) | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Tripura L.A. (n) | 1 (2) | 6(2) | 7 | .. | 6(1) | .. | 3 | .. | 12(3) | 3 | 2 | 12(2) | 1 |
| Uttar Pradesh L.A. (p) | 13(8) | .. | .. | .. | .. | .. | (1) | .. | .. | .. | .. | .. | .. |
| Uttar Pradesh L.C. (q) | 8 | 6 | 4 | .. | 2 | 5 | .. | .. | .. | 4 | .. | .. | .. |
| West Bengal L. A. | .. | .. | 8 | .. | .. | 12 | 15 | .. | 13 | .. | .. | 13 | .. |
| <i>Union Territories.</i> | | | | | | | | | | | | | |
| Delhi | .. | .. | 3 | .. | .. | 6 | .. | 2 | .. | .. | .. | .. | 1 |
| Goa, Daman and Diu | .. | .. | 3 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| | | | | | | | | | | | | | 4 |

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

- (h) Select Committee on Andhra Pradesh Commercial Crops (Special Assessment) Bill, 1974—1; Select Committee on Andhra Pradesh Land Revenue (Additional Wet Assessment) Bill, 1974—2.
- (i) Joint Select Committee on Karnataka Municipal Corporations Bill, 1974—7; Joint Select Committee on the Lokayukta and Uplokayukta Bill, 1973-1.
- (j) Select Committee on M.P. Lok Ayukta and Uplokayukta Bill, 1974—7; Select Committee on M.P. School Shiksha Bill, 1974—7.
- (k) Committee on the Welfare of Scheduled Castes—25; Committee on the Welfare of Scheduled Tribes—20.
- (l) Sub-Committee of Rules Committee.
- (m) Joint Select Committee on the Tamil Nadu Societies Registration Bill, 1972—1(1); The Tamil Nadu Handloom Textiles (Production, Distribution and Sale) Bill, 1974-75 The Tamil Nadu Occupants Kudiyiruppu (Conferment of Ownership) Second Amendment Bill, 1974—3; The Tamil Nadu Cultivating Tenants (Right to Purchase Landowner's Rights) Bill, 1973-4; The Tamil Nadu Pan-chayats (Amendment and Validation) Bill, 1974—4; .
- (n) Committee on Absence of Members—3.
- (o) Select Committee on the Tripura Billings (Lease and Rent Control) Bill, 1974—1.
- (p) Refers to the period 1-4-74 to 30-9-74.
- (q) Also includes Committee on Administrative Details—9; Compilation of Rules—4; Committee on Cultural Affairs—6; Chitrakoot Committee—3; Agro-Industrial Corporation Enquiry Committee—8(1), Committee on Breach of Inter-Legislature Privileges—4.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1ST NOVEMBER, 1974 TO 31ST JANUARY, 1975

| Sl. No. | Title of the Bill | Date of Assent by the President |
|---------|---|---------------------------------|
| 1 | The Indian Telegraph (Amendment) Bill, 1974. | 30-11-74 |
| 2 | The Small Coins (Offences) Amendment Bill, 1974 | 10-12-74 |
| 3 | The Indian Works of Defence (Amendment) Bill, 1974 | 12-12-74 |
| *4 | The Reserve Bank of India (Amendment) Bill, 1974. | 13-12-74 |
| 5 | The Conservation of Foreign Exchange and Prevention of Smuggling Activities, Bill, 1974 | 13-12-74 |
| 6 | The Navy (Amendment) Bill, 1974 | 16-12-74 |
| 7 | The East Punjab Urban Rent Restriction Act (Extension to Chandigarh) Bill, 1974 | 20-12-74 |
| 8 | The Delhi Municipal Corporation (Amendment) Bill, 1974. | 20-12-74 |
| 9 | The Repealing and Amending Bill, 1974 | 20-12-74 |
| 10 | The Sick Textile Undertakings (Nationalisation) Bill, 1974 | 21-12-74 |
| 11 | The Representation of the People (Amendment) Bill, 1974 | 21-12-74 |
| 12 | The Punjab Municipal (Chandigarh Amendment) Bill, 1974 | 21-12-74 |
| 13 | The Working Journalists (Conditions of Service) and Miscellaneous Provisions (Amendment) Bill, 1974 | 21-12-74 |
| 14 | The Appropriation (No. 4) Bill, 1974 | 21-12-74 |
| *15 | The Gujarat Appropriation (No. 3) Bill, 1974 | 26-12-74 |
| @16 | The Gujarat Appropriation (No. 4) Bill, 1974 | 26-12-74 |
| @@17 | The Pondicherry Appropriation (No. 2) Bill, 1974 | 26-12-74 |
| 18 | The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1974 | 27-12-74 |

*The Bill was introduced in Rajya Sabha as "The Reserve Bank of India (Second Amendment) Bill, 1973". The short title of the Bill was changed by Rajya Sabha through an amendment to clause 1.

**The Bill was introduced in Lok Sabha as "The Gujarat Appropriation (No. 4) Bill 1974." 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 Gujarat Appropriation (No. 5) Bill, 1974". 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 Pondicherry Appropriation (No. 3) 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 OCTOBER 1, 1974 TO DECEMBER 31, 1974.

BIHAR LEGISLATIVE COUNCIL*

1. Patna University (Amendment) Bill, 1973.
2. Waqf (Bihar Amendment) Bill, 1973.
3. Bihar State Universities (Bihar, Bhagalpur and Ranchi) (Amendment) Bill, 1973.
4. Bihar Money Lenders Bill, 1974.
5. Indian Electricity (Bihar Amendment) Bill, 1974.
6. Pataliputra Medical College (Taking over of Management) Bill, 1974.
7. Bihar Shops and Establishments (Amendment) Bill, 1974.
8. Bihar Tenancy Holdings (Maintenance of Records) Bill, 1974.
9. Bihar Legislature (Removal of Disqualification) (Amendment) Bill, 1974.
10. Bihar Scheduled Castes, Scheduled Tribes, Backward Classes (Annexure I) and De-notified Tribes Liquidation of Debts Bill, 1974.
11. Bihar Salaries and Allowances of Ministers (Amendment) Bill, 1974.
12. Bihar Salaries and Allowances of Deputy Ministers (Amendment) Bill, 1974.
13. Bihar Legislature (Salaries and Allowances of Officers) (Amendment) Bill, 1974.
14. Bihar Motor Vehicles Taxation (Amendment) Bill, 1974.
15. Bihar Motor Vehicles Taxation (Second Amendment) Bill, 1974.
16. Bihar State Laws (Authorised Hindi Text) Publication Bill, 1974.
17. Bihar Appropriation (No. 3) Bill, 1974.
18. Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) (Amendment) (Amending) Bill, 1974.

*Original in Hindi.

19. Bihar Development of Homoeopathic System of Medicines (Validation) Bill, 1974.
20. Bihar Cess (Amendment) Bill, 1974.
21. Bihar Kendu Leaf (Trade Control) (Amendment) Bill, 1974.
22. Bihar Flying Club (Taking over of Management Control) Bill, 1974

HARYANA VIDHAN SABHA

1. The Haryana Contingency Fund (Amendment) Bill, 1974.
2. The Punjab Homoeopathic Practitioners (Haryana Amendment) Bill, 1974.
3. The Haryana Public Wakfs (Extension of Limitation) Bill, 1974.
4. The Punjab Town Improvement (Haryana Second Amendment) Bill, 1974.
5. The Haryana Land Holdings Tax (Second Amendment) Bill, 1974.
6. The Haryana Mechanical Vehicles (Bridge Tolls) Bill, 1974.
7. The Punjab Land Revenue (Haryana Amendment) Bill, 1974.
8. The Haryana Essential Services Maintenance Bill, 1974.
9. The Haryana State Legislature (Prevention of Disqualification) Bill, 1974.
10. The Punjab Gram Panchayat (Haryana Third Amendment) Bill, 1974.
11. The Punjab New Mandi Townships (Development and Regulation) Haryana Amendment Bill, 1974.
12. The Haryana Housing Board (Amendment) Bill, 1974.
13. The Haryana Appropriation (No. 5) Bill, 1974.
14. The Punjab Panchayat Samitis (Haryana Validation) Bill, 1974.
15. The Haryana Municipal Common Lands (Regulation) Amendment Bill, 1974.
16. The Punjab Co-operative Societies (Haryana Second Amendment) Bill, 1974.

JAMMU AND KASHMIR LEGISLATIVE COUNCIL

1. The Jammu and Kashmir Government Servants' Prevention of Corruption (Commission) (Second Amendment) Bill, 1974.
2. Bill to amend the Sadiq University of Agriculture Act, 1974.
3. A Bill to amend certain Taxation Laws in the State.

4. A Bill to amend the Jammu and Kashmir Agrarian Reforms Act, 1972.
5. A Bill to amend the Jammu and Kashmir Public Security Act Samvat 2003, the Emergency Provisions (Continuance) Ordinance Samvat 2003 and the Jammu and Kashmir Preventive Detention Act, 1964.
6. A Bill to amend the Jammu and Kashmir Government Servants' Prevention of Corruption (Commission) Act, 1962.
7. A Bill to amend the Jammu and Kashmir Secondary Education Act, 1965.
8. A Bill to provide for the termination of certain Pregnancies by Registered Medical Practitioners and for Matters connected therewith or incidental thereto.
9. A Bill further to amend the Jammu and Kashmir Development Act, 1970.
10. A Bill to amend the Jammu and Kashmir Municipal Act Samvat 2008 and the Jammu and Kashmir Town Area Act Samvat, 2011.
11. A Bill to amend the Jammu and Kashmir Employees Provident Fund Act, 1961.
12. A Bill further to amend the Jammu and Kashmir State Evacuee's (Administration of Property) Act, Samvat, 2006.
13. The Kashmir and Jammu Universities (Amendment) Bill, 1974.
14. The Jammu and Kashmir Land Revenue (Second Amendment) Bill, 1974.
15. The Jammu and Kashmir Sikh Gurdwaras and Religious Endowment (Amendment) Bill, 1974.
16. The Jammu and Kashmir Transfer of Land Laws (Second Amendment) Bill, 1974.
17. The Jammu and Kashmir Muslim Wakfs (Amendment) Bill, 1974.
18. The Inspector General of Prisons (Change in Designation) Bill, 1974.

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala General Sales Tax (Second Amendment) Bill, 1974.
2. The Kerala General Sales Tax (Third Amendment) Bill, 1974.
3. The Kerala Land Reforms (Amendment) Bill, 1974.
4. The Travancore-Cochin Hindu Religious Institutions (Amendment) Bill, 1974.
5. The Kerala Municipal Councils (Extension of term of office of Councillors) Bill, 1974.

6. The Cochin University (Second Amendment) Bill, 1974.
7. The Public Wakfs (Extension of Limitation) Kerala Amendment Bill, 1974.
8. The Kerala Municipal Corporations (Amendment) Bill, 1974.
9. The Kerala Forest (Amendment) Bill, 1974.
10. The Travancore—Cochin Irrigation (Amendment) Bill, 1974.
11. The Kerala Cashew Factories (Acquisition) Bill, 1974.
12. The Kerala Appropriation (No. 3) Bill, 1974.

TAMIL NADU LEGISLATIVE COUNCIL

1. The Tamil Nadu Appropriation (No. 4) Bill, 1974.
- *2. The Madras City Police and Tamil Nadu Towns Nuisances (Amendment) Bill, 1974.
- *3. The Tamil Nadu Prohibition (Amendment) Bill, 1974.
- *4. The Tamil Nadu Local Authorities' Laws (Second Amendment) Bill, 1974.
- *5. The Tamil Nadu General Sales Tax (Fourth Amendment) Bill, 1974.
- *6. The Tamil Nadu Entertainments Tax (Amendment) Bill, 1974.
- *7. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1974.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The U.P. Excise (Amendment) Bill, 1974.
2. The U.P. Motor Vehicles Taxation (Amendment) Bill, 1974.
3. The U.P. (Nagar Kshetra) Bhumi aur Bhawan Kar (Nirsan) Vidheyak. 1974.
4. The U.P. Muslim Waqfs (Amendment) Bill, 1974.
5. The U.P. Sheera Niyantaran (Sanshodhan) Vidheyak, 1974.
6. The U.P. Sales Tax (Amendment) Bill, 1974.
7. The U.P. Legislative Assembly Speaker's Pension Bill, 1974.
8. The U.P. Sales of Motor Spirit and Diesel Oil Taxation (Amendment) Bill, 1974.
9. The Indian Stamp (U.P. Amendment) Bill, 1974.
10. Northern India Canal and Drainage (U.P. Amendment) Bill, 1974.

*Awaiting assent.

11. The Prevention of Food, Drugs and Cosmetics (U.P. Amendment) Bill, 1974.
 12. The Indian Tolls (U.P. Amendment) Bill, 1974.
 13. The U.P. Nagar Mahapalikas (Amendment) Bill, 1974.
 14. The U.P. State Public Services Commission (Regulation of Procedure and Conduct of Business) Bill, 1974.
 - *15. The U.P. State Legislature Proceedings (Protection of Publication) Bill, 1974.
 16. The U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Bill, 1974.
 17. The U.P. Laws (Expiration) Bill, 1973.
 18. The U.P. Entertainment and Betting Tax (Amendment) Bill, 1974.
 19. The Indian Partnership (U.P. Amendment) Bill, 1974.
 20. The Code of Criminal Procedure (U.P. Amendment) Bill, 1974.
 21. The U.P. Sugarcane (Purchase Tax) (Amendment) Bill, 1974.
 22. The U.P. Land Laws (Amendment) Bill, 1974.
 23. The U.P. Imposition of Ceiling and Land Holdings (Amendment) Bill, 1974.
 24. The U.P. Educational Institutions (Prevention of Dissipation of Assets) Bill, 1974.
 25. The U.P. Universities (Re-enactment and Amendment) Bill, 1974.
 26. The U.P. Pravidhik Shiksha (Sanshodhan) Vidheyak, 1974.
 27. The U.P. Appropriation Bill, 1974.
 28. The Electricity Laws (U.P. Amendment) Bill, 1974.
 29. The U.P. President's Acts (Re-Enactment with modification) Bill, 1974.
 30. The U.P. Sugarcane (Regulation of Supply and Purchase and Recovery of Purchase Tax) Amendment Bill, 1974.
 31. The U.P. Cinemas (Regulation Amendment) Bill, 1974.
- WEST BENGAL LEGISLATIVE ASSEMBLY
1. The Rice-Milling Industry (Regulation) (West Bengal Second Amendment) Bill, 1974.
 2. The Calcutta Tramways Company (Taking over of Management) (Amendment) Bill, 1974.
 3. The West Bengal Fire Services (Maintenance of Discipline) Bill, 1974.

*Awaiting assent.

4. **The West Bengal Payment of Subsistence Allowance (Amendment) Bill, 1974.**
5. **The West Bengal Mining Settlements (Health and Welfare) (Amendment) Bill, 1974.**
6. **The West Bengal Court-fees (Amendment) Bill, 1974.**
7. **The West Bengal Irrigation (Imposition of Water rate) Bill, 1974.**
8. **The North Bengal University (Amendment) Bill, 1974.**
9. **The Bengal Excise (Amendment) Bill, 1974.**
10. **The West Bengal Co-operative Societies (Amendment) Bill, 1974.**
11. **The Bidhan Chandra Krishi Viswa Vidyalaya Bill, 1974.**
12. **The Bengal Amusements Tax (Second Amendment) Bill, 1974.**
13. **The West Bengal State Tubewell and Lift Irrigation Bill, 1974.**
14. **The Commissions of Inquiry (West Bengal Amendment) Bill, 1974.**

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD NOVEMBER 1, 1974 TO JANUARY 31, 1975 AND STATE GOVERNMENTS DURING THE PERIOD OCTOBER, 1, 1974 TO DECEMBER 31, 1974

| Sl. No. | Title of Ordinance | Date of promulgation | Date on which laid before the House | Date of Cessation | Remarks |
|---------|--------------------|----------------------|-------------------------------------|-------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 |

CENTRAL

| | | | | | |
|---|--|----------|---------|--|--|
| 1 | The Press Council (Second Amendment) Ordinance, 1974 (No. 14 of 1974) | 27-12-74 | 18-2-75 | | |
| 2 | The Indian Tariff (Amendment) Ordinance, 1974 (No. 15 of 1974) | 28-12-74 | Do. | | |
| 3 | The Trust Laws (Amendment) Ordinance, 1975 (No. 1 of 1975) | 7-1-75 | Do. | | |
| 4 | The North-Eastern Areas (Reorganisation) Amendment Ordinance, 1975 (No. 2 of 1975) | 20-1-75 | Do. | | |
| 5 | The Air Force and Army Laws (Amendment) Ordinance (No. 3 of 1975) | 25-1-75 | Do. | | |

STATES

ANDHRA PRADESH

| | | | | | |
|---|---|---------|--|--|--|
| 1 | The Jawaharlal Nehru Technological University (Amendment) Ordinance, 1974 | 23-9-74 | | | |
| 2 | The Andhra Pradesh Recognised Private Educational Institutions (Control) Ordinance, 1974 | 5-10-74 | | | |
| 3 | The Andhra Pradesh Municipalities (Amendment) Ordinance 1974 | 1-11-74 | | | |
| 4 | The Andhra Pradesh (Telangana Area) Horse racing and Betting tax and Gaming (Amendment) Ordinance, 1974 | 2-11-74 | | | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|--------|--|----------|---------|---|--------------------------|
| 5 | The Andhra Pradesh Reserved Forests (Validation of Notification) Ordinance, 1974 | 10-12-74 | | | |
| 6 | The Andhra Pradesh (Krishna and Godavari Delta Area) Drainage Cess (Amendment) Ordinance, 1974 | 10-12-74 | | | |
| 7 | The Andhra Pradesh Entertainments (Second Amendment) Ordinance, 1974 | 10-12-74 | | | |
| 8 | The Andhra Pradesh Commercial Crops (Special Assessment) Ordinance, 1974 | 10-12-74 | | | |
| 9 | The Andhra Pradesh Land Revenue (Additional Assessment) Ordinance, 1974 | 10-12-74 | | | |
| BIHAR* | | | | | |
| 1 | Bihar Sugarcane (Regulation of Supply and Purchase) Third Ordinance, 1974 | 23-7-74 | 4-12-74 | | |
| 2 | Bihar State Housing Board Third Ordinance, 1974 | Do. | Do. | | |
| 3 | Bihar Cooperative Societies (Fifth Amendment) Ordinance, 1974. | Do. | Do. | | |
| 4 | Bihar Cooperative Flying Club (Taking over of Management Control) Third Ordinance, 1974 | Do. | Do. | | |
| 5 | Motor Vehicles (Bihar Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 6 | Bihar Motor Vehicles Taxation (Sixth Amendment) Ordinance, 1974 | Do. | Do. | | |
| 7 | Bihar Motor Vehicles Taxation (Seventh Amendment) Ordinance 1974 | Do. | Do. | | |
| 8 | Bihar Motor Vehicles Taxation (Eighth Amendment) Ordinance, 1974 | Do. | Do. | | |
| 9 | Indian Electricity (Bihar Third Amendment) Ordinance, 1974 | Do. | Do. | — | Repl. ced by legislation |

*Original Hindi

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|---|---------|----------|---|---|
| 10 | Bihar Agricultural Produce Market (Third Amendment) Ordinance, 1974. | 23-7-74 | 4-12-74 | — | |
| 11 | Rajendra Agricultural University (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 12 | Bihar Weights and Measures (Enforcement) (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 13 | Bihar Soil and Water Conservation and Land Development Third Ordinance, 1974. | Do. | Do. | — | |
| 14 | Bihar Gram Jan (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 15 | Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) (Second Amendment) (Amending) Ordinance 1974 | Do. | Do. | — | |
| 16 | Chhotanagpur Tenancy (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 17 | Bihar Tenancy (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 18 | Bihar Ceiling on Urban Property (Interim Restriction on Transfer) Third Ordinance, 1974. | Do. | Do. | — | |
| 19 | Bihar Municipalities (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 20 | Patna Municipal Corporation (Third Amendment) Ordinance, 1974. | Do. | Do. | — | |
| 21 | Bihar Institute of Medical Education (Regulation and Control) Fourth Ordinance, 1974. | Do. | Do. | — | |
| 22 | Bihar Health Cess Third Ordinance, 1974. | Do. | 11-12-74 | | |
| 23 | Bihar Irrigation and Lift Irrigation (Third Amendment) Ordinance, 1974. | Do. | 4-12-74 | | |
| 24 | Pataliputra Medical College (Taking over of Management) Third Ordinance, 1974. | Do. | Do. | | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|---|---------|---------|----|--------------------------|
| 25 | Bihar Hindu Religious Trusts (Third Amendment) Ordinance, 1974 | 23-7-74 | 4-12-74 | .. | |
| 26 | Bihar Industry Subsidy (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 27 | Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Third Amendment) Ordinance, 1974 | Do. | Do. | .. | |
| 28 | Bihar Premises and Vehicles (Acquisition) Third Ordinance, 1974 | Do. | Do. | .. | |
| 29 | Bihar State Laws (Authorised Hindi Text) Publication Third Ordinance, 1974 | Do. | Do. | .. | |
| 30 | Bihar Panchayat Raj (Third Amendment and Validation) Ordinance 1974 | Do. | Do. | .. | |
| 31 | Bihar Local Self Government (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 32 | Bihar District Boards and Local Boards (Control and Management) (Third Amendment) Ordinance, 1974 | Do. | Do. | .. | |
| 33 | Bihar Panchayat Raj (Validating) Third Ordinance, 1974 | Do. | Do. | .. | |
| 34 | Bihar Salaries and Allowances of Ministers (Third Amendment) Ordinance, 1974 | Do. | Do. | .. | |
| 35 | Bihar Salaries and Allowances of Deputy Ministers (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 36 | Bihar Legislature Salaries and Allowances of Officers (Third Amendment) Ordinance, 1974 | Do. | Do. | .. | |
| 37 | Bihar Legislature (Removal of Disqualification) (Second Amendment) Ordinance, 1974 | Do. | Do. | | Replaced by legislation. |
| 38 | Bihar Panchayat Samitis and District Parishads (Third Amending and Validating) Ordinance, 1974 | Do. | Do. | | |
| 39 | Bihar Secondary Education Board Second Ordinance, 1974 | Do. | Do. | .. | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|---|---------|---------|----|---|
| 40 | Bihar School Examination Board (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 41 | Bihar State Universities (Patna, Bihar, Bhagalpur, Ranchi and Magadh Universities) (Control and Management) Third Ordinance, 1974 | Do. | Do. | | |
| 42 | Bihar State University Laws and School Laws (Third Amendment and Repeal) Ordinance, 1974 | 23-7-74 | 4-12-74 | | |
| 43 | Mithila University, Third Ordinance, 1974 | Do. | Do. | | |
| 44 | Bihar State University Laws (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 45 | Patna University (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 46 | Bihar Primary Education (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 47 | Anugrah Narayan Sinha Institute of Social Studies (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 48 | Bihar Ancient Monuments and Archaeological Sites and Remains Third Ordinance, 1974 | Do. | Do. | | |
| 49 | Bihar Bricks Supply (Control) Third Ordinance, 1974 | Do. | Do. | | |
| 50 | Bihar Shops and Establishments (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 51 | Bihar Khadi and Village Industries (Third Amendment) Ordinance, 1974 | Do. | Do. | | |
| 52 | Bihar State Universities (Fourth Amendment) Ordinance, 1974 | 1-8-74 | Do. | | |
| 53 | Waqf (Bihar Amendment) Ordinance, 1974 | 16-8-74 | Do. | | |
| 54 | Bihar Irrigation Laws (Amendment) Ordinance, 1974 | 27-8-74 | Do. | .. | |
| 55 | Bihar Irrigation Area Channels (Amendment) Ordinance, 1974 | 29-8-74 | Do. | | |
| 56 | Bihar School Examination Board (Amendment) Ordinance, 1974 | 5-9-74 | Do. | .. | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|---|----------|---------|----|--------------------------|
| 57 | Land Acquisition (Bihar Validation) Ordinance, 1974 . | 5-9-74 | 4-12-74 | .. | |
| 58 | Bihar Cooperative Societies (Sixth Amendment) Ordinance, 1974 | 12-9-74 | Do. | | |
| 59 | Bihar Soil and Water Conservation and Land Development (Amendment) Ordinance, 1974 | 16-9-64 | Do. | | |
| 60 | Bihar Area Development Authority Ordinance, 1974 . | 19-9-74 | Do. | .. | Replaced by Legislation. |
| 61 | Bihar Cess (Amendment) Ordinance, 1974 | 10-10-64 | 4-12-74 | | |
| 62 | Bihar Health Cess Fourth Ordinance, 1974 | 1-10-74 | Do. | | |
| 63 | Bihar Primary Education (Fourth Amendment) Ordinance, 1974 | 1-10-74 | Do. | | |
| 64 | Bihar Development of Homeopathic System of Medicine, Validation Ordinance, 1974 . | 4-1-74 | Do. | | |
| 65 | Bihar Agricultural and Rural Area Development Agency, Ordinance, 1974 | 21-10-74 | Do. | .. | |
| 66 | Bihar Executive Magistrate (Interim Powers) Ordinance, 1974 | 1-10-74 | Do. | .. | |
| 67 | Bihar Scheduled Castes, Scheduled Tribes, Backward Classes (Annexure I) and De-Notified Tribes Liquidation of Debts Ordinance, 1974 | 12-11-74 | 5-12-74 | | Replaced by Legislation. |
| 68 | Chhotanagpur (Tenancy) (Fourth Amendment) Ordinance, 1974 | 14-11-74 | 4-12-74 | | |
| 69 | Industrial Disputes (Bihar Amendment) Ordinance, 1974 | Do. | Do. | .. | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------|---|----------|----------|----|--------------------------|
| 70 | Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Ordinance, 1974 | 28-11-74 | 5-12-74 | | |
| HARYANA | | | | | |
| 1 | The Haryana Land Holdings Tax (Second Amendment) Ordinance, 1974 | 30-8-74 | 26-11-74 | | Replaced by legislation. |
| 2 | The Punjab Homoeopathic Practitioners (Haryana Amendment) Ordinance, 1974 | 30-10-74 | Do. | | Do. |
| JAMMU AND KASHMIR | | | | | |
| 1 | The Jammu and Kashmir Preventive Law (Amendment) Ordinance, 1974 | 6-5-74 | 16-9-64 | | Replaced by legislation. |
| 2 | The Jammu and Kashmir Agrarian Reforms (Amendment) Ordinance, 1974 | 8-7-74 | Do. | .. | Do. |
| 3 | The Jammu and Kashmir Inspector General of Prisons (Change in Designation) Ordinance, 1974 | 31-7-74 | Do. | | Do. |
| 4 | The Jammu and Kashmir Government Servants Prevention of Corruption (Commission) (Amendment) Ordinance, 1974 | 9-7-74 | Do. | | Do. |
| KARNATAKA | | | | | |
| 1 | The Karnataka Legislature Salaries (Second Amendment) Ordinance, 1974 | 14-10-64 | | .. | .. |
| 2 | The Karnataka Slum Areas (Improvement and Clearance) (Repeal) Ordinance, 1974 | 29-10-74 | | | .. |
| 3 | The Karnataka Sales Tax (Amendment) Ordinance, 1974 | 16-11-74 | | | .. |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----|--|----------|---|---|----|
| 4 | The Mysore University (Extension of term of Office of the members of the Authorities) (Amendment) Ordinance, 1974 | 29-11-74 | | | |
| 5 | The Karnataka Contingency Fund (Temporary Amendment) Ordinance, 1974 | 29-11-74 | | | .. |
| 6 | The Karnataka Civil Services (Revision of Pay of certain categories of posts) Ordinance, 1974 | 11-12-74 | | | |
| 7 | The Mysore University (Extension of Term of Office of the Members of the Authorities) Ordinance (No. 2) 1974 | 12-12-74 | | | .. |
| 8 | The Karnataka Private Educational Institutions (Discipline and Control) Ordinance, 1974 | 24-12-74 | | | |
| 9 | The Karnataka Ministers Salaries and Allowances (Second Amendment) Ordinance, 1974 | 26-12-74 | | | |
| 10 | The Karnataka Civil Services (Classification and Scale of pay of Non-graduate Junior Engineers of the Public Works Department) Ordinance, 1974 | 31-12-74 | | | .. |

KERALA

| | | | | | |
|---|--|----------|----|----|----|
| 1 | The Calicut University Ordinance, 1974 | 18-11-74 | .. | .. | .. |
| 2 | The Kerala Building Tax Ordinance, 1974 | Do. | .. | .. | .. |
| 3 | The Kerala Agricultural University (Second Amendment) Ordinance 1974 | 24-11-74 | .. | .. | .. |
| 4 | The Cochin University (Third Amendment) Ordinance, 1974 | 16-12-74 | .. | .. | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-----------|--|----------|--------|---|----|
| 5 | The Kerala Municipal Councils (Extension of term of Office of Councillors) Ordinance, 1974 | 30-12-74 | | | .. |
| PUNJAB | | | | | |
| 1 | The Punjab Contingency Fund (Second Amendment) Or- dinance, 1974 | 7-12-74 | 8-1-75 | | .. |
| 2 | The Punjab Panchayat Samitis & Zila Parishads (Amend- ment) Ordinance, 1974 | 12-12-74 | 8-1-75 | | |
| RAJASTHAN | | | | | |
| 1 | The Rajasthan Urban Improve- ment (Amendment) Ordi- nance, 1974 | 10-11-74 | | | |
| 2 | The Rajasthan Taxation Laws (Second Amendment) Ordi- nance, 1974 | 5-11-74 | | | |
| 3 | The Rajasthan Passengers and Goods Taxation (Second Amendment) Ordinance, 1974 | 21-11-74 | | | |
| 4 | The Rajasthan Commercial Crops Cess Ordinance, 1974 | 25-11-74 | | | |
| 5 | The Rajasthan Khadi and Village Industries Board (Amendment) Ordinance, 1974 | 7-12-74 | | | |
| 6 | The Rajasthan Tenancy (Amendment) Ordinance, 1974 | 13-12-74 | | | |
| 7 | The Jodhpur University (Amendment) Ordinance, 1974 | 17-12-74 | | | |
| 8 | The Udaipur University (Amendment) Ordinance, 1974 | 17-12-74 | | | |
| 9 | The Rajasthan Agricultural Produce Markets (Amending and Validating Provisions) Ordinance, 1974 | 20-12-74 | | | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|---------------|---|----------|---------|----------|--------------------------|
| 10 | The Rajasthan Panchayat (Amendment) Ordinance, 1974 | 23-12-74 | | | |
| 11 | The Rajasthan Motor Vehicles Taxation (Amendment) Ordinance, 1974 | 24-12-74 | | | |
| UTTAR PRADESH | | | | | |
| 1 | U.P. Muslim Waqfs (Amendment) Ordinance, 1974 | 15-4-74 | 6-6-74 | 24-6-74 | Replaced by legislation. |
| 2 | U.P. Excise (Amendment) Ordinance, 1974 | 15-4-74 | 6-6-74 | 5-7-74 | Do. |
| 3 | U.P. Sales of Motor Spirit and Diesel Oil Taxation (Amendment) Ordinance, 1974 | 23-4-74 | 6-6-74 | 24-6-74 | Do. |
| 4 | The U.P. Sheera Niyantran (Sanshodhan) Adhyadesh, 1974 | 24-4-74 | 6-6-74 | 29-6-74 | Do. |
| 5 | The U.P. Sales Tax (Amendment) Ordinance, 1974 | 21-5-74 | 6-6-74 | 1-7-74 | Do. |
| 6 | Indian Stamp (U.P. Amendment) Ordinance, 1974 | 23-5-74 | 6-6-74 | 31-7-74 | Do. |
| 7 | The Northern Indian Canal and Drainage (U.P. Amendment) Ordinance, 1974 | 31-5-74 | 6-6-74 | 1-7-74 | Do. |
| WEST BENGAL | | | | | |
| 1 | The West Bengal Irrigation (Imposition of Water Rate) Ordinance, 1974 | 1-7-74 | 1-11-74 | 12-12-74 | Replaced by legislation |
| 2 | The Calcutta Tramways Company (Taking over of Management) (Amendment) Ordinance, 1974 | 18-7-74 | Do. | Do. | Do. |
| 3 | The West Bengal Court-fees (Amendment) Ordinance, 1974 | 29-7-74 | Do. | Do. | Do. |
| 4 | The Bidhan Chandra Krishi Viswa Vidyalaya Ordinance, 1974 | 14-8-74 | Do. | Do. | Do. |

*Refer to the period 1-7-74 to 30-9-74.

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|----------|---------|----------|----------------------------|
| 5 | The West Bengal Mining Settlements (Health and Welfare) (Amendment) Ordinance, 1974 | 27-8-74 | 1-11-74 | 12-12-74 | Replaced by legislaton. |
| 6 | The Bengal Amusements Tax (Amendment) Ordinance, 1974 | 13-9-74 | Do. | Do. | Do. |
| 7 | The West Bengal Fire Services (Maintenance of Discipline) Ordinance, 1974 | 21-10-74 | 1-11-74 | 13-12-74 | Do. |
| 8 | The Rice-Milling Industry (Regulation) (West Bengal Second Amendment) Ordinance, 1974 | 31-10-74 | 1-11-74 | 13-12-74 | Do. |
| 9 | The Bengal Municipal (Amendment) Ordinance, 1974 | 23-12-74 | | | .. |

APPENDIX VII
A. PARTY POSITION IN LOK SABHA
(As on March 1, 1975)

| Name of the State | Seats | Cong. | GPI(M) | CPI | J.S. | Other Parties | Total |
|---------------------------|-------|-------|--------|-----|------|---------------|---------------|
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| I | | | | | | | |
| Andhra Pradesh | 41 | 37 | 1 | 1 | .. | 2(a) | 41 |
| Assam | 14 | 13 | 1 | .. | .. | .. | 14 |
| Bihar | 53 | 36 | .. | 5 | 2 | 8(b) | 51 (2 Vacant) |
| Gujarat | 24 | 12 | .. | .. | .. | 10(c) | 23 (1 Vacant) |
| Harayana | 9 | 7 | .. | .. | 1 | 1 (d) | 9 |
| Himachal Pradesh | 4 | 3 | .. | .. | .. | .. | 3 (1 Vacant) |
| Jammu and Kashmir | 6 | 5 | .. | .. | .. | 1(e) | 6 |
| Karnataka | 27 | 27 | .. | .. | .. | .. | 27 |
| Kerala | 19 | 6 | .. | .. | .. | 7 (f) | 18 (1 Vacant) |
| Madhya Pradesh | 37 | 21 | 2 | 3 | 10 | 6 (g) | 37 |
| Maharashtra | 45 | 40 | .. | .. | .. | 4 (h) | 45 |
| Manipur | 2 | 2 | .. | .. | .. | .. | 2 |
| M-ghalaya | 2 | .. | .. | .. | .. | 2 (i) | 2 |
| Nagaland | 1 | .. | .. | .. | .. | 1 (j) | 1 |
| Orissa | 20 | 14 | .. | .. | .. | 5 (k) | 20 |
| Punjab | 13 | 9 | .. | 1 | .. | 1 (l) | 11 (1 Vacant) |
| Rajasthan | 23 | 15 | .. | .. | 3 | 5 (m) | 23 |
| Tamil Nadu | 39 | 9 | .. | 4 | .. | 26 (n) | 29 |
| Tripura | .. | .. | 2 | .. | .. | .. | 2 |
| Uttar Pradesh | 85 | 73 | .. | 5 | 4 | 3 (o) | 85 |
| West Bengal | 40 | 14 | 20 | 3 | .. | 2 (p) | 39 (1 Vacant) |
| <i>Union Territories</i> | | | | | | | |
| Andaman & Nicobar Islands | 1 | 1 | .. | .. | .. | .. | 1 |
| Chandigarh | 1 | 1 | .. | .. | .. | .. | 1 |
| Dadra and Nagar Haveli | 1 | 1 | .. | .. | .. | .. | 1 |
| Delhi | 7 | 6 | .. | .. | .. | 6 (1 Vacant) | 6 |

| | 524 | 358 | 26 | 24 | 20 | 88(t) | 515* (8Vacant) |
|-------------------------|------------|------------|-----------|-----------|-----------|--------------|-----------------------|
| Goa, Daman and Diu | | | | | | 1(q) | 2 |
| Lakshdweep | 2 | 1 | .. | .. | .. | .. | 1 |
| Mizoram | 1 | 1 | .. | .. | .. | .. | 1 |
| Pondicherry (Nominated) | 1 | .. | .. | .. | .. | 1(r) | 1 |
| Arunachal Pradesh | 1 | 1 | .. | .. | .. | .. | 1 |
| Anglo-Indian | 2 | .. | .. | .. | .. | 2(s) | 2 |
| TOTAL :— | 524 | 358 | 26 | 24 | 20 | 88(t) | 515* (8Vacant) |

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

- (a) Telengana Praja Samiti—2.
- (b) Congress (O)—3; Socialist Party—2; UIPG—2; BLD—1.
- (c) Congress (O)—8. BLD—2; Unattached—1.
- (d) Unattached.
- (e) Unattached.
- (f) Muslim League—2; Revolutionary Socialist Party—2; Kerala Congress—3.
- (g) B.L.D.—1.; UIPG—4, Socialist Party—1.
- (h) Socialist Party—1; Forward Block—1; Unattached—2.
- (i) Unattached—2.
- (j) UIPG—1.
- (k) B.L.D.—5.
- (l) Unattached.
- (m) B.L.D.—1; UIPG—2; Unattached—2.
- (n) D.M.K.—19, Muslim League—1; Forward Block—1; Congress(O)—1
Anna D.M.K.—4.
- (o) B.L.D.—2; Unattached—1.
- (p) Socialist Party—1; Revolutionary Socialist Party—1.
- (q) B.L.D.—1.
- (r) ADMK—1.
- (s) UIPG—2.
- (f) D.M.K.—19; B.L.D.—13; Congress(O)—12; U.I.P.G.—11;
Anna D.M.K.—5; Socialist Party—5; R.S.P.—3; Kerala Cong.—3;
Muslim League—3; Forward Block—2; Telengana Praja Samiti—2;
Unattached—11.

B. PARTY POSITION IN RAJYA SABHA
(As on March 1, 1975)

| States | No. of Seats | Congress | Cong.(O) | J.S. | CPI | B.L.D. | CPI(M) | Other Parties | IND |
|-----------------------------|-----------------|----------|----------|------|-----|--------|--------|------------------|-----|
| I | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Andhra Pradesh | 18 | 15 | .. | .. | .. | .. | .. | .. | 3 |
| Assam | 7 | 7 | .. | .. | .. | .. | .. | .. | .. |
| Bihar | 22 | 13 | 1 | 1 | 3 | 2 | .. | 1(a) | 1 |
| Gujarat | 11(b) | 7 | .. | 1 | .. | .. | .. | .. | .. |
| Haryana | 5 | 5 | .. | .. | .. | .. | .. | .. | .. |
| Himachal Pradesh | 3 | 3 | 8 | .. | .. | .. | .. | .. | .. |
| Jammu and Kashmir | 4(c) | 3 | .. | .. | .. | .. | .. | .. | .. |
| Kerala | 9 | 2 | .. | .. | 1 | .. | 3 | 3(d) | .. |
| Madhya Pradesh | 16 | 12 | .. | 4 | .. | .. | .. | .. | .. |
| Maharashtra | 19 | 13 | .. | .. | 1 | .. | .. | 4(e) | 1 |
| Manipur | 1 | 1 | .. | .. | .. | .. | .. | .. | .. |
| Meghalaya | 1 | .. | .. | .. | .. | .. | .. | 1(f) | .. |
| Karnataka | 12 | 8 | 2 | .. | .. | .. | .. | .. | 2 |
| Nagaland | 1 | .. | .. | .. | .. | .. | .. | 1(g) | .. |
| Orissa | 10 | 5 | .. | .. | 1 | 4 | .. | .. | .. |
| Punjab | 7 | 4 | .. | .. | 1 | .. | .. | 2(h) | .. |
| Rajasthan | 10 | 9 | .. | 1 | .. | .. | .. | .. | .. |

| | | | | | | | | | | | |
|-------------------|---------------|------------|----------|-----------|-----------|----------|----------|----------|--------------|-------|-----------|
| Tamil Nadu | 18 | 1 | .. | .. | .. | .. | .. | .. | .. | 16(i) | 1 |
| Tripura | 1 | .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. |
| Uttar Pradesh | 34 | 20 | 3 | 4 | 1 | 3 | .. | 3 | .. | 2(i) | 1 |
| West Bengal | 16 | 7 | .. | .. | 3 | .. | .. | 4 | .. | 1(k) | 1 |
| Arunachal Pradesh | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Delhi | 3 | 2 | 1 | .. | .. | .. | .. | .. | .. | .. | .. |
| Mizoram | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Pondicherry | 1 | .. | .. | .. | .. | .. | .. | .. | .. | 1(i) | .. |
| Nominated | 12 | 1 | .. | .. | .. | .. | .. | .. | .. | 11 | .. |
| TOTAL :- | 243(m) | 139 | 7 | 12 | 12 | 9 | 7 | 7 | 43(n) | | 10 |

(i) D.M.K.—11; Muslim League—3; ADMK—2.

(j) B.K.D.

(k) F.B. (M)

(l) DMK

(m) Vacancies—4.

(n) D.M.K.—12; M.L.—5; B.K.D.—3; Akali Dal—2; A.D.M.K.—2;
A.P.H.L.C.—1; F.B.(M)—1, U.D.F.—1; P.S.P.—1; Rep.—1;
P.W.P.—11; Nominated—11.

(a) PSP

(b) Vacancies—3.

(c) Vacancy—1.

(d) Muslim League—2; S.P.—1;

(e) B.K.D.—1; S.P.—1; REP—1; P.W.P.—11

(f) APHLC

(g) UDF

(h) Akali Dal

C. PARTY POSITION IN STATE LEGISLATIVE ASSEMBLIES

| States | Seats | Cong. | Cong. (O) | Swt. | JS | GPI | CPI(M) SP | Other Parties | Ind. | Nom. | Total | |
|-------------------------------------|-------|--------|-----------|------|----|-----|-----------|---------------|---------|--------|-------|---------|
| I | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Andhra Pradesh (as on 31-12-74) | 288 | 219 | .. | .. | .. | 8 | 1 | .. | 36(a) | 21 | 1 | 279(b) |
| Assam (as on 27-11-74) | 114 | 95 | .. | 1 | .. | 3 | .. | 4 | 5(c) | 6 | .. | 114 |
| Bihar (as on 12-7-74) | 319 | 178 | 23 | 1 | 1 | 35 | .. | .. | 21(d) | 23 | 1 | 319(e) |
| Haryana (as on 22-1-75) | 81 | 51(f) | 3(g) | .. | 2 | .. | .. | .. | 6(h) | 15(i) | .. | 80(i) |
| Himachal Pradesh (as on 20-11-74) | 68 | 53 | .. | .. | .. | .. | 1 | .. | 8(k) | 6 | .. | 67(l) |
| Jammu & Kashmir (as on 11-1-75) | 75 | 62 | .. | .. | 3 | .. | .. | .. | 5(m) | 4 | .. | 75(n) |
| Karnataka (as on 31-12-74) | 217 | 165 | 24 | .. | .. | 3 | 1 | 2 | 2(o) | 18 | .. | 216(p) |
| Kerala (as on 1-12-74) | 134 | 35 | 3 | .. | .. | 16 | 31 | 7 | 38(q) | 2 | .. | 133(r) |
| Madhya Pradesh (as on 11-2-75) | 297 | 228 | .. | .. | 46 | 4 | .. | 5 | .. | 9 | 1 | 294(s) |
| Manipur (as on 23-10-74) | 60 | 23 | .. | .. | .. | 6 | .. | .. | 23(t) | 8 | .. | 60 |
| Meghalaya (as on 11-7-74) | 60 | 12 | .. | .. | .. | .. | .. | .. | 47(u) | 1 | .. | 60 |
| Nagaland (as on 30-10-74) | 60 | .. | .. | .. | .. | .. | .. | .. | 59(v) | .. | .. | 60(w) |
| Orissa (as on 5-11-74) | 146 | 69 | .. | .. | .. | 7 | 3 | 2 | 57(x) | 8 | .. | 146(y) |
| Punjab (as on 24-1-75) | 104 | 66 | .. | .. | 1 | 10 | 1 | .. | 24(z) | .. | .. | 104(aa) |
| Rajasthan (as on 31-1-75) | 184 | 143 | 1 | 10 | 6 | 5 | 1 | 5 | .. | 14(bb) | .. | 184 |
| Tamil Nadu (as on 2-1-75) | 235 | 7 | 13 | 5 | .. | 5 | .. | .. | 201(cc) | 2 | 1 | 234(dd) |
| Tripura (as on 31-12-74) | 60 | 41 | .. | .. | .. | 1 | 16 | .. | .. | 2(ce) | .. | 60 |
| Uttar Pradesh (as on 17-1-75) | 426 | 216 | 10 | 1 | 61 | 16 | 2 | 5 | 109(ff) | 5 | 1 | 426 |
| West Bengal (as on 31-12-74) | 281 | 216 | 2 | .. | .. | 36 | 13 | .. | 8(gg) | 5(hh) | 1 | 281 |
| Delhi (as on 10-1-75) | 61 | 47 | 2 | .. | 7 | 3 | .. | .. | 1(ii) | 1 | .. | 61 |
| Goa, Daman and Diu (as on 31-12-74) | 30 | 1 | .. | .. | .. | .. | .. | .. | 28(jj) | 1(kk) | .. | 30 |
| Mizoram (as on 29-10-74) | 33 | 31(ll) | .. | .. | .. | .. | .. | .. | 2(mmm) | .. | .. | 33 |

* Refers to Delhi Metropolitan, Council.

(b) Vacant-2,

(a) Socialist democratic Front-11 Andhra Progressive Democrats-8 ;
Progressive Front-8 ; Peoples Democrats-6 ; Majlis Ittehad-ul-
Muslimeen-3, RPI-1.(c) Peoples Democratic Party-3 ; R. C. P. I.-1 ; Plains Tribal
Party-1.

- (d) Include All India Jharkhand-3 ; Huc Jharkhand-2 ; Progressive Hul Jharkhand-1 ; Jharkhand (N. E. Hora Group)-1, Hindustani Soshit Dal-2 ; Socialist Vidhayak Dal-2 ; S. S. P.-10.
- (e) Vacant-35 ; Includes Hon. Speaker.
- (f) Includes Hon. Speaker.
- (g) one member not entitled to vote.
- (h) Includes Vishal Haryana Party-3 ; B. L. D. -3.
- (i) One member not entitled to vote.
- (j) Vacant-4.
- (k) Lok Raj Party
- (l) Vacant-1.
- (m) Jamat Isami.
- (n) Vacant-1.
- (o) Janathapaksha
- (p) Vacant-1. Includes Hon. Speaker
- (q) Includes Kerala Congress-11 ; Muslim League-11, Revolutionary Socialist Party-6 ; Kerala Socialist Party-2 ; Karashak Tozhiali Party-2, P. S. P.-2 ; Kerala Congress (Original)-4.
- (r) Vacant-1 ; Includes Hon. Speaker.
- (s) Vacant 3, includes Hon. Speaker.
- (t) Includes M.P. P.-23 ; MHU13 ; K. N. A.-2.
- (u) Includes A. P. H. L. C.-39 ; H. S. P. D. P.-8.
- (v) Includes Nagaland Nationalist Organisation-21 ; United Democratic Front-38.

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

- (w) Vacant-1.
- (x) Includes Orissa Pragati Legislature party-57.
- (y) Excludes Hon. Speaker.
- (z) Shiramani Akali Dal.
- (aa) Vacant-2.
- (bb) Includes Hon. Speaker.
- (cc) D. M. K.-169 Tamil Arasu Kazhagam-1 ; Forward Bloc-7 ; Muslim League-6 ; Anna Dravida Munnetra Kazhagam-14 ; Tamil Nadu Communist-2 ; Thazhthapathor Munnetra Kazhagam-2.
- (dd) Includes Hon. Speaker.
- (ee) Independents supported by CPI (M).
- (ff) Includes B. K. D.-106 ; Muslim League-1 ; Hindu Sabha-1 ; Soshit Samaj Dal-1.
- (gg) Includes R. S. P.-3 ; Socialist Unity Centre-1 ; Workers party-1 ; Gorkha League-2 ; Muslim League-1 ;
- (hh) Supported by the U. F.-1 ; Others-4 (including Hon. Speaker.)
- (ii) Muslim League.
- (ij) Includes Maharashtrawadi Gomantak party-19 ; United Goans-9.
- (kk) Hon. Speaker.
- (ll) Includes 3 nominated members.
- (mm) Mizo Union