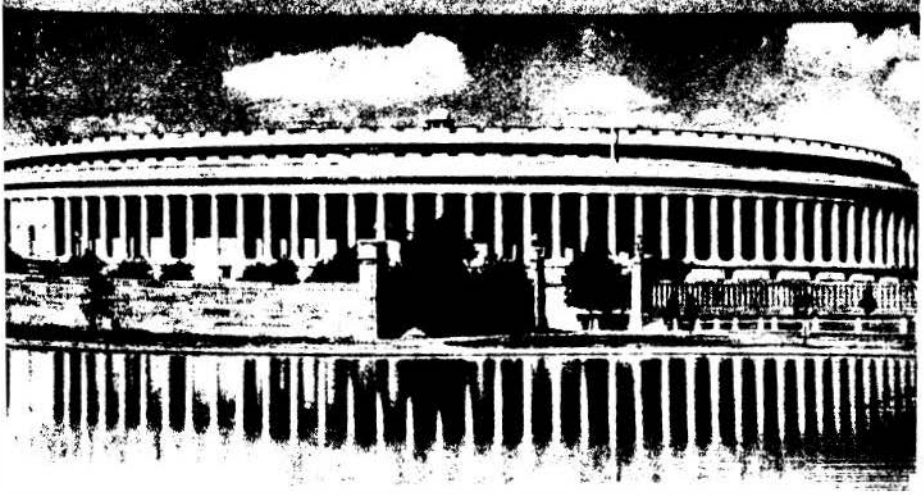


VOLUME XVII NO. 4
OCTOBER, 1971

The Journal Of Parliamentary Information



THE JOURNAL OF PARLIAMENTARY INFORMATION

Editor: S. L. SHAKDHER

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

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

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

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

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

Price per copy Rs. 3.00

Annual Subscription: Rs. 12.00

CONTENTS

PAGE

Addresses and Speeches

Financial Committees of Parliament— Proceedings of the Inaugural Function	1
Committee on Subordinate Legislation— Chairman's Address	6
Joint Committee on Offices of Profit— Chairman's Address	9

Articles

Machinery for the Implementation of the Constitutional Safeguards for Scheduled Castes and Scheduled Tribes-II by B. K. Mukherji	12
The Efficacy of Eloquence in Parliamentary Bodies by A. Shanker Reddy	48
The Implementation of Government Assurances in Uttar Pradesh by Dr. S. M. Sayeed	56
Impact of Financial Committees' Recommendations on Administration : PAC Report on the Border Roads Organisation by LRI Service, Lok Sabha Secretariat	65

Short Notes

A. Privilege Issues	81
B. Procedural Matters	90

Sessional Review

Lok Sabha--Second Session	98
Rajya Sabha--76th and 77th Sessions	139

	PAGE
Political and Constitutional Developments in States . . .	160
Book Reviews	
Parliament and Conscience <i>by</i> Peter G. Richards —A. D. Mani, M.P.	181
The Age of Protest <i>by</i> Norman F. Cantor —H. N. Mukherji, M.P.	184
The Challenge of World Poverty <i>by</i> Gunnar Myrdal —Chintamani Panigrahi, M.P.	187
The Growth of Parliamentary Scrutiny <i>by</i> Committees: A Symposium <i>by</i> Alfred Morris —P. Venkatasubbaiah, M.P.	190
Summaries of Books	
Poverty in India <i>by</i> V. M. Dandekar and Nilakantha Rath	192
Indian Entrepreneurs at the Cross Roads: A Study of Business Leadership <i>by</i> Tabe Noburu	195
Impact of Deficit Financing on Economic Growth in Under Developed Countries <i>by</i> J. N. Mongia	198
Recent Literature of Parliamentary Interest	204
Appendices	218
Index to Volume XVII	259

FINANCIAL COMMITTEES OF PARLIAMENT

PROCEEDINGS OF THE INAUGURAL FUNCTION

[The inaugural meeting of the three Financial Committees of Parliament—the Committee on Public Accounts, the Committee on Estimates and the Committee on Public Undertakings—constituted after the Fifth Lok Sabha came into being—was held on June 23, 1971 at Parliament House with the Speaker, Lok Sabha, Dr. G. S. Dhillon in the Chair. The Speaker and the members of the three Committees were welcomed by Shri K. N. Tewari, Chairman of the Estimates Committee and Shri M. B. Rana, Chairman of the Committee on Public Undertakings. After the inaugural address was delivered by Dr. Dhillon, a vote of thanks was proposed by Shri Era Sezhiyan, Chairman of the Public Accounts Committee.]

Reproduced below are the speeches made at the inaugural function.—Editor]

Shri K. N. Tewari (Chairman, Estimates Committee): It is my pleasure and privilege to welcome you at this inaugural meeting of the three Financial Committees of the Fifth Lok Sabha.

Sir, you have ample experience as Chairman of one of the Financial Committees of Lok Sabha, namely Committee on Public Undertakings, as Speaker of the erstwhile State of Punjab and as the Speaker of the Lok Sabha. Your worthy advice will, therefore, I am sure, provide sound guidelines for us to observe in the discharge of our functions.

The Estimates Committee, Sir, has been functioning since 1950 and in the course of the last 20 years it has presented a number of Reports on diverse subjects and aspects of the working of the Government of India. The Reports of the Committee have brought to light lacunae and failings of the Government in their working. They have also commended and thrown up to public gaze the brighter aspects of public policies and programmes undertaken by the various Government institutions. It is gratifying to observe that the recommendations of the Committee have received the highest consideration from the Government and to that extent, the Committee could be said

to have had a salutary impact on the working of the Government. A very notable feature of the Committee that I observe is that it does not work on party lines and that its decisions are based on a general consensus of opinion.

I assure you, Sir, that under your able guidance, the Estimates Committee will continue to fulfil the public purpose for which it has been constituted, with added zeal and vigour.

Shri M. B. Rama (Chairman, Committee on Public Undertakings): Mr. Speaker, Sir, on behalf of the Members of the Committee on Public Undertakings and on my own behalf, I have great pleasure in welcoming you at this inaugural meeting of the Financial Committees. We thank you also for having agreed to be in our midst today and give us valuable guidance.

Sir, the Committee on Public Undertakings, like other Financial Committees, does not function on party lines. It undertakes objective examination of the undertakings/ministries. The Public Sector Undertakings in India occupy key positions in the industrial development of our country. We have now as many as 99 public undertakings. Being my respected predecessor in this Committee, you know with what vigour this Committee is accustomed to function. I am pleased to inform you, Sir, that the recommendations of this Committee have received utmost consideration from the public undertakings/Government, which I feel had a good impact on the functioning of these undertakings/Government. I am sure, Sir, we shall be able to do full justice to our assignment with a view to ensuring effective control on behalf of the Parliament. I would like to offer my thanks to the Comptroller and Auditor General of India for the valuable assistance he has rendered to the Committee and also our staff which has put in real hard work into our efforts.

Mr. Speaker's Address

It gives me immense pleasure today to welcome the honourable Members who have been elected to the three Financial Committees of Parliament, namely the Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings.

As you are aware, the influence that Parliament exercises over the Executive stems from one basic principle: Parliament embodies the will of the people and it must, therefore, be able to oversee the manner in which public policy is carried out.

Now it is more than ever necessary for Parliament to ensure that the Executive functions in consonance with the aspirations of the people, particularly keeping in view the massive verdict given to the Government in the last General Elections. Due to the magnitude and complexity of State activity in the present day, Parliament, as a body can hardly scrutinise the actions of the Executive effectively. In fact, it has neither the time nor the expertise for a thorough scrutiny of the varied and complex details of a modern administration. Experience of Parliaments in all parts of the world has shown that the solution lies in the development of an integrated system of Committees of Parliament with adequate powers to scrutinise the working of the various departments of Government on a continuing basis.

Some of you have long experience of Parliamentary work and have also spent many years in Parliamentary Committees. For the information of those of you who were not members of any of the Financial Committees I would like to mention briefly the working of the three Committees and the important role played by them in exercising check over governmental expenditure. To take the Public Accounts Committee—the doyen of the Financial Committees—its main function is to ensure that money is not only spent in the manner intended by Parliament but it gives the highest return in terms of benefit to the people. The Committee has also to ensure that misuse or extravagance of public funds is strictly curbed and the Administration is imbued with a high sense of dedication as the custodian of public money. The Administration should at all times be conscious that there is a body which can call the Executive to account and thus act as a check against any tendency towards slackness, negligence or arbitrariness.

The functions of the Estimates Committee are to examine the various activities of the Government as set out in their estimates presented to the Parliament and to report what economies, improvements in organisation, efficiency and administrative reforms consistent with the policy underlying the estimates can be brought about. It can also suggest alternative policies in order to bring about efficiency and economy in the Administration. The Committee does not usually go into the policy approved by Parliament, but where it is established on evidence that a particular policy is not leading to the desired results, it can bring the defects to the notice of Parliament. The Reports of the Committee have rendered great service to the country and the public by highlighting areas in administration where improvement could be effected and economy achieved.

To come to the Committee on Public Undertakings with which I was also associated for some time as Chairman, the most important function of the Committee is to examine whether our public enterprises are being managed efficiently and in accordance with sound business principles and commercial practices. There has been a significant increase in the size of investment in the Public Sector during the last two decades. While the number of Public Sector enterprises has grown from 5 in 1951 to 90 in 1970 the total investment in such undertakings has risen to as much as Rs. 4,500 crores in 1970 from Rs. 29 crores in 1951. Further, during the current Plan period, an additional investment of Rs 3,400 crores is proposed to be made in the Public Sector. It now devolves on you to see that the Public Sector undertakings achieve the objective underlying their inception and act as instruments of development of our country and provide evergrowing opportunities for industrialisation and productive employment.

The Government have always shown great regard and respect for the Financial Committees' Reports, for they are unanimous, based on verified facts and contain objective appraisal of Departments and Ministries. The Financial Committees have a very high tradition of functioning as a single team where Members forgot all their party affiliations. I am sure that all the Members will preserve and enhance the high traditions maintained by these Committee, and will continue to judge all issues objectively and on merits, rising above party affiliations and political alignments.

With these words, I welcome you to the challenging task of studying the diverse departments of the Government and their multifarious activities including the Public Sector enterprises and suggesting improvements in their functioning. This is no doubt onerous but rewarding, and if I may say so, satisfying work.

The Committees have the good fortune to have Sarvashri Era Sezhiyan, K. N. Tewari and M. B. Rana as the Chairmen. Their long association with public life and vast experience as parliamentarians will prove to be an asset to these Committees. The record of working of the Public Accounts Committee during the Fourth Lok Sabha has proved that the convention of taking one of the Chairmen from the Opposition was fully justified and I am glad we have been able to preserve it in the Fifth Lok Sabha.

I must also here mention the pivotal role the Comptroller and Auditor General performs with reference to the Public Accounts Committee and the Committee on Public Undertakings. His Audit Reports provide factual and verified data for searching enquiries by these Committees. He is a friend, philosopher and guide of these Committees.

May I, in conclusion, wish you all a year of dedicated work and service in the interest of preserving public accountability of the Executive to the Parliament.

Sri Era Sezaiyan [Chairman (PAC)]: It has been my pleasant duty to propose a vote of thanks on behalf of the three Chairmen of the Committees and the hon. Members assembled here. In the House, as you know, we are now discussing the vote on various Demands for Grants, Cut Motions and sometimes the Divisions also take place. But here we have to work without any division, any cut motion, etc. I should express my deep thanks for the arrangement made by the Speaker in continuing the tradition and offering the Chairmanship of the Public Accounts Committee to the Opposition though the Party strength has changed inside the House. The Speaker, who is incharge of the House, has not been swayed by numbers in following what was thought as a very good augury in 1967.

Sir, we have here the Comptroller and Auditor General, whom our Hon'ble Speaker has referred to as our friend, philosopher and guide. In my Committee, as a friend, philosopher and guide, he has inspired us also. On behalf of my Committee I express our grateful thanks to him in advance for the guidance and help which he is to give us.

Sir, here I would also like to say one thing more; and that is, though we have a new Committee, there are a good number of Members from the Rajya Sabha and the Lok Sabha, who have served on this Committee for long years, and there are other senior Members whose experience would go a long way in assisting us in our deliberations. And also, though I have not been a Member of this Committee, I have heard from others, who have worked here, about the valuable and sincere help and work done by the Secretariat staff. I also thank all those colleagues and the Auditor General and the Secretariat. With these words, Sir, I once again offer my grateful thanks to the Hon'ble Speaker, the Deputy Speaker, the Comptroller and Auditor General and all the other friends and colleagues.

COMMITTEE ON SUBORDINATE LEGISLATION

Chairman's Address

[The first meeting of the Committee on Subordinate Legislation for 1971-72 was held on June 9, 1971. The meeting was addressed by the Chairman, Shri Vikram Mahajan, who outlined the important role and functions of the Committee in acting as a watchdog over the exercise of rule-making power by the Executive.]

Reproduced below is the text of the Chairman's address.—Editor]

It gives me great pleasure to welcome you to this first meeting of the Committee on Subordinate Legislation of the Fifth Lok Sabha.

In a Welfare State like ours, legislation that has to be undertaken by Parliament is so vast and varied that it is practically impossible for Parliament to lay down all the details. Apart from the pressure on Parliamentary time, the technicality of the subject matter, the need to meet unforeseen contingencies, the requirement of flexibility etc. compel the legislature of a modern Welfare State to leave details to be worked out by the Government.

As has been aptly observed, rules and regulations framed by the Executive provide, as it were, flesh and blood to the statutes. There is, however, a danger that the Executive might assume powers and exercise jurisdiction which might not have even been conferred on it. Therefore, the need for Parliament to provide safeguards against the risks inherent in subordinate legislation.

Parliamentary control over subordinate legislation is exercised in four ways. Firstly, Parliament has an opportunity of examining the power to make such legislation when it appears in a Bill. Secondly, many subordinate laws are required by the parent Act to be laid before Parliament and in certain cases made subject to Parliamentary procedure and Parliamentary sanction. Thirdly, subordinate laws may in other ways be questioned or debated by Parliament. Lastly, Parliament keeps a watch over such legislation through a scrutiny committee which reports to the House whether the powers to make subordinate laws are being

properly exercised. The most effective control that Parliament exercises over subordinate legislation is through this Committee in which we shall have the privilege to work.

We shall have to see whether the authority delegated by Parliament in the statutes has been properly exercised to the extent permissible and in the manner envisaged. We shall be making our reports to Lok Sabha from time to time.

The broad principles which are to govern the work of the Committee are enshrined in Rule 320. In addition, the Committee have over the years evolved some further guiding principles. To mention some of these:

- (i) The Committee not only see that the subordinate legislation does not transgress the limits laid down in the parent law but that it also conforms to the principles of natural justice.
- (ii) Sometimes, in pursuance of a public policy, wide discretionary powers have to be vested in the Executive. It is in such cases that the Committee have to be particularly on the guard against what Sir Cecil Carr termed as, the "germ of arbitrary administration." The Committee have insisted upon providing for, to the extent possible, built-in safeguards in rules.
- (iii) Sometimes, for ensuring compliance with the provisions of the law, the power of search and seizure has to be vested in the Executive. The Committee have desired that in all such cases, not only the minimum rank of the Government Officer empowered to exercise the power should be specified but that such safeguards as presence of witnesses, preparation of inventories and giving a copy thereof to the persons concerned should be provided for in the Rules.
- (iv) It is a well-known maxim that no fee can be levied under a rule unless the parent Act expressly authorises such a levy. However, the Committee have from time to time come across cases where fees had been levied under the rules without an express authorisation in the parent law. I am glad

to inform that in all these cases, on an objection from the Committee, necessary corrective action was taken by Government.

- (v) There is another well known maxim that a delegate cannot sub-delegate his legislative power unless there is an express authorisation to that effect in the parent law.

As we come across new problems, new solutions are to be found and new guide-lines evolved, and this is a continuous process.

Our objective is implementation of the will of Parliament and our efforts would be complementary. Sometimes in their eagerness to discharge their duties more expeditiously and effectively, the Executive may commit mistakes. This Committee act as a watchdog over the exercise of rule-making powers by the Executive.

Democracy demands discipline, tolerance and mutual regard. Freedom demands respect for the freedom of others. In a democracy changes are made by mutual discussion and persuasion and not by violent means.

—JAWAHARLAL NEHRU

JOINT COMMITTEE ON OFFICES OF PROFIT

Chairman's Address

[The inaugural meeting of the Joint Committee on Offices of Profit (Fifth Lok Sabha) was held in Parliament House, New Delhi, on July 26, 1971. In his opening address to the Members of the Committee, the Chairman, Shri D. Basumatari, explained the background and the origin of the Joint Committee and its role and functions.]

Reproduced below is the text of the Chairman's address to the Committee.—Editor]

It gives me great pleasure to welcome you all to this first meeting of the Joint Committee on Offices of Profit of the Fifth Lok Sabha.

Article 102(1)(a) of the Constitution reads as follows:—

“102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder.”

Connotation of the term 'office'.

The expression “holds any office of profit under the Government” occurring in the above Article has nowhere been defined precisely. Its scope has, therefore, to be gathered from the pronouncements on the subject made from time to time by the Courts, Election Tribunals, etc.

Bhargava Committee's Recommendations.

On the 21st August, 1954, Mr. Speaker Mavalankar, appointed a Committee on Offices of Profit under the Chairmanship of Pandit Thakurdas Bhargava to study various matters connected with disqualification of members and to make recommendations in order to enable the Government to consider the lines along which a comprehensive legislation should be brought before the House. In pursuance of the recommendations made by the Bhargava Committee, the Parliament

(Prevention of Disqualification) Act, 1959 was passed. This Act declares the offices of profit under the Government which do not disqualify the holders thereof for being chosen as, or for being Members of Parliament.

Salient features of the 'Act'

The following are some of the salient features of this Act:—

(1) Section 2 (a) of the Act defines 'Compensatory Allowance, as under:—

“Compensatory allowance means any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.”

(2) Section 3 of the Act enumerates the offices which will not disqualify the holders thereof for being chosen as, or for being, a Member of Parliament. However, under clause (i) thereof, (a) the office of Chairman of a statutory or non-statutory body specified in Part I of the Schedule and (b) the office of the Chairman or Secretary of a statutory or non-statutory body specified in Part II of the Schedule to the Act is not exempt from disqualification, even if the holder of such an office is not entitled to any remuneration other than 'compensatory allowance'.

Origin of the Committee

As recommended by the Joint Committee on Parliament (Prevention of Disqualification) Bill, 1957, a Parliamentary Joint Committee on Offices of Profit was constituted in August, 1959 for the duration of the remaining period of Second Lok Sabha. It was constituted again in 1962 for the duration of the Third Lok Sabha and in 1967 for the duration of the Fourth Lok Sabha. This Committee, unlike other Parliamentary Committees, is constituted for duration of the full term of Lok Sabha.

Functions of the Committee

The functions of the Committee are specified in the motion moved for the constitution of the Committee and adopted by Lok Sabha and concurred in by Rajya Sabha. These are:—

- (i) to examine the composition and character of all existing 'committees' and all 'committees' that may hereafter be constituted, membership of which may disqualify a person for being chosen as, and for being, a member of either House of Parliament under Article 102 of the Constitution;
- (ii) to recommend in relation to the 'Committees' examined by it what offices should disqualify and what offices should not disqualify; and
- (iii) to scrutinise from time to time the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 and to recommend any amendments in the said Schedule, whether by way of addition, omission or otherwise.

The Joint Committee examine the detailed particulars regarding the composition and character etc. of the 'committees' constituted by the Ministries/Departments of the Central Government as well as by the State Governments. The Joint Committee do not examine the composition and character of 'committees' which consist wholly of officials or which are constituted for *ad hoc* purposes. Further, the Joint Committee on Offices of Profit (Third Lok Sabha) decided that the composition and character etc. of the bodies registered under the Societies Registration Act need not generally be examined by them unless any particular case merits consideration by them.

Before I conclude, I might also mention to you that with a view to implement the recommendations made by the Joint Committee on Offices of Profit in their various Reports presented during the Second, Third and Fourth Lok Sabha, Government propose to bring forward a Bill to amend the Parliament (Prevention of Disqualification) Act, 1959. This item has been included in the tentative list of Government Legislative Business expected to be taken up during the current session of Lok Sabha.

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

B. K. Mukherji

Deputy Secretary, Lok Sabha Secretariat

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

The first instalment of the study, which was published in Vol. XVII No. 3 (July 1971) of this Journal carried the first two Chapters: I. Introduction, and II. Role of the Special Officers. The present instalment carries the remaining two chapters, i.e., III. Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and IV. High Powered Committee.—Editor]

PARLIAMENTARY COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

During the course of discussion on the Fourteenth and Fifteenth Reports of the Commissioner of Scheduled Castes and Scheduled Tribes in August, 1967 in Lok Sabha, suggestions were made by several Members that a Standing Parliamentary Committee be set up with full investigating powers to look after the safeguards for Scheduled Castes and Scheduled Tribes and other Backward classes.

SHRI P. R. Thakur stated the course of the debate:

“Even in the case of Estimates Committee or Public Accounts Committee Reports, there is regular follow-up in the shape of 'Action Taken Reports' thereon; but in regard to the Commissioner's report constitutionally placed before Parliament there is

not even that check. This is a highly undesirable procedure that must be changed. The Parliament will have to take its decisions on the Commissioner's annual reports in the form of a substantive resolution, and the Government will have no other discretion but to fully implement them."¹

Shri S. M. Solanki demanded that "there should be a Parliamentary Committee, like the Estimates Committee, at the Centre also to look after the welfare of these people."²

Shri Suraj Bhan, Shri P. C. Adichan, Shri R. D. Bhandare, and Shri Molahu Prasad supported the demand for the constitution of a Parliamentary Committee.

Shri M. R. Krishna was not satisfied with the implementation of the recommendations contained in the Commissioner's Reports. He wanted that a Committee should be constituted by the President to advise him on the findings of Scheduled Castes and Scheduled Tribes Commissioner.

Shri Lakhan Lal Kapur suggested that a Committee of Members of Parliament be set up by the Government to examine the working of the Department.

Shri Vidyarthi wanted a Committee of Parliament whose duty would be to see whether the recommendations of the Commissioner were implemented or not.

Shri Kartik Oraon suggested that a Standing Parliamentary Commission or Committee should be set up on a statutory footing having *inter alia*, the following functions:

"To examine every year thoroughly the action taken or proposed to be taken as well as the various replies or explanations given by the Government on the recommendations and suggestions contained for Scheduled Castes and Scheduled Tribes and to prepare a report thereon to be presented to Parliament for approval and action."³

Shri Siddayya, a member from Mysore, criticised the helplessness of the Central Government to get the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes implemented on account of the intransigence of the State Governments. He stated:

"I have gone through all the Reports of the Commissioner and

¹ L.S. Deb., 2-8-67, c. 16595.

² Ibid., 3-8-67, c. 16903.

³ Ibid., 7-8-1967, c. 17645.

I find that from the very inception of his office, he has been complaining that States are not sending reports in time and even where they do the reports are incomplete. This is the handicap under which he has been working all these years and I do not think the Government has in any way helped him. Coming to the implementation of the recommendations, if you go through the statement of action taken on reports, you will find that some States have not replied at all, some have given vague replies, some have just said 'noted', 'under consideration' 'may be considered', 'kept in view', 'agreed in principle' etc. This is the way these recommendations have been treated by State Governments. So you find that among the State Governments some are good, some bad and some very indifferent also.

The point now is how to get the recommendation implemented. The State Governments are not implementing it nor is the Central Government. The Constitution-makers were very wise in making a provision that this report should be placed on the Table of the House each year. The object of making such a provision is to make Parliament responsible for implementing it. Since the whole House cannot do it, it should appoint a parliamentary committee which the Commissioner has also recommended. Therefore, my amendment for the appointment of a parliamentary committee is very important and I hope the Government will accept that amendment and that the whole House would support the appointment of this Committee."⁴

While replying to the debate, the Minister of Law and Social Welfare assured the House that he would ensure that the reports of the Commissioner for Scheduled Castes and Scheduled Tribes were submitted to the House regularly and that a statement showing the action taken on the recommendations contained in the Reports was also made available to the members in time. He welcomed the suggestion for the constitution of "a small compact committee which should look into the recommendations made by the Commissioner and generally advise and guide the Department of Social Welfare." He undertook to discuss with the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha as to the exact shape of the Committee and the nature and character of its functions.

The Prime Minister, while intervening in the debate in the Rajya Sabha on the reports of the Commissioner for Scheduled Castes and Scheduled Tribes, on the 12th August, 1967, stated: "There was a suggestion that a Committee of Members of Parliament should go into the question and make recommendations. I was happy that my colleague, Shri Ashok Mehta, accepted the suggestion in the other House to set up a Parliamentary Committee in the near future."

⁴ L.S. Deb., 8-8-1967, cc. 17980-64.

A meeting of 26 Members of Parliament with the Minister of Law and Social Welfare was held on the 7th September, 1967 to discuss the composition, terms of reference, functions etc. of the committee.

The Minutes of the meeting with Members of Parliament stated that divergent views on the subject were expressed. Some Members desired a Parliamentary Committee whereas others felt that a broad-based committee would be more suitable for the purpose, particularly as implementation of schemes of welfare of Scheduled Castes and Scheduled Tribes was the responsibility of the State Governments. The matter was also discussed by the Minister of Law and Social Welfare with the State Ministers-in-charge of the Backward Classes Welfare on the 17th and 18th November, 1967. The record of opinions expressed by the Conference of State Ministers indicates that while some of the State Governments did not accept the need for a Committee, the general consensus was in favour of an *ad hoc* broad-based committee with room for representatives of State Governments. A proposal for the setting up of a National Council of Adivasis was then mooted. The Minister of Law and Social Welfare proposed to discuss the draft proposal, with the Members of Parliament who were exercised on this issue.

Subsequently, a memorandum dated the 21st December, 1967 signed by 32 Members of Parliament was forwarded to the Minister of Law and Social Welfare, urging upon the constitution of a Parliamentary Committee. The matter was reconsidered by the Government and a decision was taken to constitute a Committee of the type desired by the Members of Parliament.

Constitution of the Committee

A motion to constitute a Committee on the Welfare of Scheduled Castes and Scheduled Tribes was moved in the Lok Sabha on the 30th August, 1968 by the Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh) on behalf of Shri Govinda Menon, Union Minister of Law and Social Welfare. The motion⁵ reads as under:

- “(1) That a Joint Committee of the Houses, to be called the ‘Committee on the Welfare of Scheduled Castes and Scheduled Tribes’ be constituted, consisting of thirty members, twenty from Lok Sabha and ten from Rajya

⁵ L.S. Deb., 30-8-1968. cc. 3490-91.

Sabha, to be elected in accordance with the system of proportional representation by means of the single transferable vote; and the voting at such election shall be by secret ballot:

- (2) That the functions of the Committee shall be :
- (i) to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under article 338(2) of the Constitution before they are taken up for discussion by the Houses, and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government,
 - (ii) to report to both the Houses on the action taken by the Union Government on the measures proposed by the Committee,
 - (iii) to examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control having regard to the provision of article 335; and
 - (iv) to report to both the Houses on the working of the welfare programmes for the Scheduled Castes and Scheduled Tribes in the Union Territories;
- (3) That the members of the Committee shall hold office for a period of two years from the date of the first meeting of the Committee;
- (4) That in order to constitute a sitting of the Committee the quorum shall be ten;
- (5) That in all other respects the Rules of procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and
- (6) That this House do recommend to the Rajya Sabha that the Rajya Sabha do join in the Committee and communicate to this House the names of members elected from amongst the members of Rajya Sabha to the Committee as mentioned above."

During the course of discussion, Shri R. D. Bhandare said:

"When the Constitution came into existence, we were under the impression that the Commissioner for the Scheduled Castes and Scheduled Tribes will look after their interests. But I am really sorry to reflect that that position which we contemplated under the Constitution for the Commissioner has not been retained. His position has been devalued and therefore we thought that there

ought to be a high powered committee not only to go through the report of the Commissioner but also to get the suggestions made by the Commissioner implemented by the Government.

It is also contemplated under this Resolution that this Committee will make suggestions regarding policy and programme for the upliftment of these classes. At the same time, that policy and those programmes will be sought to be implemented by the Government. If they are not implemented, this Committee will look after its own suggested policy and programmes. These have been the aspirations."⁶

Another Member, Shri Siddayya Stated:

"Every year the Commissioner for Scheduled Castes and Scheduled Tribes is submitting a report to the House for consideration. All these years what was being done was just to discuss the report and pass a formal Resolution that this House considered the report of the Commissioner and be done away with it. That was all that was being done. And in some years even consideration was left out; the House used to take note of the recommendations; that is all. The House could not have any say on the implementation aspect of it. Most of the recommendations, whichever were made in the report of the Commissioner, were not being sincerely implemented either by the Central Government or by the State Governments. The Founding Fathers of our Constitution, when they envisaged that this report should be placed before the Parliament, actually meant that this report should be considered and decisions taken by the House. But that was not being done all these years. I was really happy that last year, because there was a demand from some members, the Minister of Social Welfare gave an assurance that a Parliamentary Committee would be set up. I am sorry, it took one long year for them to constitute a Committee, and now this has come after so much of turmoil.

This particular Parliamentary Committee that is being constituted will have jurisdiction only over matters relating to Central Government and Union Territories. Most of the schemes are executed by the State Governments. Therefore, unless such a Parliamentary Committee is constituted in the States also, the major portion of the work will not be done. Therefore, I appeal to the hon. Minister to advise the State Governments to have such committees. Shri Deorao Patil has given an amendment. I hope, the Hon. Minister will consider it and accept that."⁷

⁶ Ibid., c. 3499.

⁷ Ibid., cc. 3505-07. The amendment given notice of by Shri Deorao Patil read as under:

"That this House recommends that a similar committee on the welfare of the Scheduled Castes and Scheduled Tribes be constituted in every State for dealing with matters falling within the State field."

Shri B. Shaokaram said during the discussion:

"Time may be running out, but we do not care for. I want to warn this House of one thing. The Scheduled Castes and the Scheduled Tribes form one-fifth of the population of this country and the Scheduled Caste MPs form one-fifth of the strength of this House and you have to see the feelings of these people. The time has come when you cannot neglect these people any more. In the interests of the nation I would say that you cannot neglect these people. In the interests of the nation, the interests of these down-trodden and neglected and suppressed people should be taken into consideration.

"...We the Members of Parliament either on this side of this House or the other side of the House or of the other House belonging to the Scheduled Castes and Scheduled Tribes feel very much annoyed. The treatment given to them in the country is not happy at all. I do not want to go into details."*

The Minister of Law and Social Welfare (Shri P. Govinda Menon) accepted two amendments to the motion which, on adoption, read as under:

- "(1) (a) That a Committee of both the Houses, to be called the 'Committee on the Welfare of Scheduled Castes and Scheduled Tribes' be constituted, consisting of thirty members, twenty from Lok Sabha and ten from Rajya Sabha, to be elected in accordance with the system of proportional representation by means of the single transferable vote; and the voting at such election shall be by secret ballot;
- (b) That a Minister shall not be eligible for election as a Member of the Committee and that if a Member after his election to the Committee is appointed a Minister, he shall cease to be a Member thereof from the date of such appointment;
- (2) That the functions of the Committee shall be:—
- (i) to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under article 338(2) of the Constitution and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the Administrations of the Union territories;
- (ii) to report to both the Houses on the action taken by the Union Government and the Administrations of the Union territories on the measures proposed by the Committee;

* *Ibid.*, cc. 3530-31.

- (iii) to examine the measures taken by the Union Government to secure the representation of the Scheduled Castes and the Scheduled Tribes in services and posts under its control (including appointments in the public sector undertakings, statutory and semi-Government bodies and in the Union territories) having regard to the provisions of article 335;
 - (iv) to report to both the Houses on the working of the welfare programmes for the Scheduled Tribes in the Union territories;
 - (v) to consider generally and to report to both the Houses on all matters concerning the welfare of the Scheduled Castes and Scheduled Tribes which fall within the purview of the Union Government including the Administrations of the Union territories; and
 - (vi) to examine such of the matters as may seem fit to the Committee or are specifically referred to it by the House or the Speaker;
- (3) That the members of the Committee shall hold office for a period of two years from the date of the first meeting of the Committee;
 - (4) That in order to constitute a sitting of the Committee, the quorum shall be ten;
 - (5) That in all other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and
 - (6) That this House do recommend to the Rajya Sabha that the Rajya Sabha do join in the Committee and communicate to this House the names of members elected from amongst the members of the Rajya Sabha to the Committee as mentioned above."

The motion was adopted^p.

The following motion was moved in the Rajya Sabha on the 21st November, 1968:

"That this House concurs in the recommendation of Lok Sabha that a Committee of both the Houses to be called the 'Committee on the Welfare of Scheduled Castes and Scheduled Tribes' be constituted for the purposes set out in the motion adopted by the Lok Sabha, at its sitting held on the 30th August, 1968, and communicated to this House, and resolves that this House do join in the said Committee and proceed to elect, in accordance with the system of

^p *Ibid.*, c. 3542.

proportional representation by means of the single transferable vote and by secret ballot, ten members from among the members of the House to serve on the said Committee."¹⁰

While moving the motion, the Minister of Law and Social Welfare said:

"As you know, Madam, in the Constitution we have given some special importance and special safeguards to the Scheduled Castes and Scheduled Tribes. For example, there is article 335 of the Constitution which provides that the State Governments and the Central Government should give appointments to the members of these communities consistent with their efficiency, etc. Then article 338 provides for the appointment of a Special Officer called the Commissioner for the Scheduled Castes and the Scheduled Tribes who every year presents a Report regarding the activities of the Government in this respect. Now it is necessary—and that is the Government's feeling—that Parliament should be in a position to examine the activities of the Government in furtherance of the safeguards provided in the Constitution for the Scheduled Castes and the Scheduled Tribes, and that is the reason why we thought that a Committee of this type should be constituted. So, Parliament is enabled thereby to sit continuously in judgment over the activities of the Government with respect to the Scheduled Castes and Scheduled Tribes."¹¹

The discussion was continued on the 25th November, 1968.

Replying to the discussion on the motion on the 25th November, 1968, the Minister of Law and Social Welfare said:

"I am extremely happy to have got this opportunity of moving this particular motion before this House. I feel all the more happy—and it may be a coincidence—that this step is being taken by the Government in the centenary year of Gandhiji's birthday. All of us know that one individual who exerted himself most in India for the uplift of Scheduled Castes and Scheduled Tribes was Mahatma Gandhi. Now, when the Constitution was framed by the Constituent Assembly—I was one of the Members of the Constituent Assembly—it was very particular to see that provisions were incorporated in the Constitution for safeguarding the interests of Scheduled Castes and Scheduled Tribes and uplifting them. It was thought that this would be a light task. When the Constitution was framed it was provided that for a period of ten years there would be reservation of seats in the House of the People and in the Assemblies for the Scheduled Castes and Scheduled Tribes. It was found that the period had to be extended and so the period was extended. There are three or four positive provisions in the Constitution calculated to protect the interests of Scheduled Castes and

¹⁰ R. S. Deb., 21-11-1968, c. 826.

¹¹ *Ibid.*

Scheduled Tribes. There is, for example, article 17 in which it is provided that "untouchability is abolished and its practice in any form is forbidden."

There is then article 335, which says:

'The claims of the Members of Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State.'

Sir, there is, again, article 46 which comes under the directive principles and so far as the Government is concerned and Parliament is concerned, the provisions of the directive principles constitute fundamental duties. If part III of the Constitution gives us articles which give fundamental rights to individuals, according to me, Part IV of the Constitution, i.e., the directive principles of State Policy, lay down the fundamental duties of the administration and of Parliament.

Let me at this stage just remind the House that of the things with respect to the Scheduled Castes and the Scheduled Tribes are things which are within the executive power of the State Governments. The Central Government comes in only with respect to appointments in the Union Services and in the territories under the Union.

I claim, Sir, that in drafting these functions for the Committee we have tried to see that maximum power is vested with these Committees and they are just not intended to be *nam ke waste*, just to please somebody. They will be as powerful with respect to the transactions of the Government as the Public Accounts Committee or the Estimates Committee because they can criticise and comment upon Government activities.

I shall be very happy, Sir, and I shall feel gratified if this debate would have enabled us to have our conscience awakened once again in this year, the centenary year of Mahatmaji's birthday with respect to the condition of the Scheduled Castes and the Scheduled Tribes. I hope, Sir, the Resolution will be passed unanimously.¹²

Inaugural Meeting

As already stated earlier, the terms of office of the members of the Committee was for a period of two years from the date of the first meeting of the Committee. The first meeting of the Committee was held on the 18th December, 1968. The Committee functioned till the 17th December, 1970.

¹² *Ibid.*, 25-11-1968, cc. 1271-79.

At the inaugural meeting of the Committee held on the 18th December, 1968, the then Speaker of the Lok Sabha (Dr. N. Sanjiva Reddy) sated as under:—

"It will be one of the duties cast on your Committee to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the Administrations of the Union Territories. I am sure that your Committee will go deep into the major recommendations made by the Commissioner in his various reports and find out from the various Ministries of the Government of India and the Union Territories Administrations, how far these recommendations have been implemented.

The Commissioner for Scheduled Castes and Scheduled Tribes has been submitting useful reports which bring to the attention of the authorities concerned any waste and inefficiency noticed by him in the implementation of the welfare schemes for the Scheduled Castes and the Scheduled Tribes throughout the country. He comments on important occurrences which take place during the year under report relating to these people. However, Parliament could hardly spare time for necessary scrutiny in detail of the points raised in these reports. It will, therefore, be very useful to consider the report in both the Houses of Parliament after it has been examined by your Committee. What is important at the present moment is that the funds earmarked for the Scheduled Castes and Scheduled Tribes are wisely and economically expended and that waste should be avoided.

Before you record evidence from the various Ministries of the Government of India and officers of the Administrations of the Union Territories, it will be useful to hold discussions with the Commissioner for Scheduled Castes and Scheduled Tribes and decide the possible lines of inquiry. The Commissioner may also assist the Committee by clarifying points at your meeting with the various Secretaries of the Government of India and elicit information, useful to your Committee's work. There is inter-dependence between your work and that of the Commissioner for Scheduled Castes and Scheduled Tribes. The Committee may focus the attention of the Union Government to various questions of policy in dealing with the welfare of Scheduled Castes and Scheduled Tribes.

You may consider if by constituting Study Groups dealing with specific subjects, it will be possible to examine in depth the working of various welfare programmes for the Scheduled Castes and the Scheduled Tribes. The Constitution has defined the responsibilities of the Centre and the States with regard to many subjects and it will, therefore, be prudent on the part of your Committee to consider various recommendations made by the Commissioner

relating to education, land, agriculture, forests, and money lending etc. which are, under the Constitution, exclusively State subjects ensuring that the susceptibilities of the States are not injured."

One of the first tasks of the Committee was to draft the Rules of Procedure for its internal Working. The Draft Rules were adopted by the Committee on the 10th January, 1969. These Rules were approved by the Speaker on the 21st January, 1969, under Rule 282 of the Rules of Procedure and Conduct of Business in the Lok Sabha.

The Rules of Procedure of the Committee follow those relating to the Financial Committees of Parliament, namely Estimates Committee, Public Accounts Committee and the Public Undertakings Committee.

The Rules, *inter-alia*, provide for the following:

- (i) The Committee may appoint one or more Study Groups for carrying out detailed studies and examination of various subjects. The Committee will select from time to time, such subjects as it deems fit and as fall within the scope of its terms of reference.
- (ii) the Ministry/Department/Undertaking/Commissioner for Scheduled Castes and Scheduled Tribes concerned with the subjects to be examined by the Committee shall be asked in writing to furnish materials for the use of the members of the Committee.
- (iii) The Committee can examine witnesses, both officials and non-officials.
- (iv) The Committee may send for papers, persons and records in connection with the examination of the subjects.
- (v) The Committee will prepare its report and present it to Parliament.
- (vi) The Committee can call for statements showing action taken by the Government on the recommendations made by it in its reports.

Methodology of Work

Sub-Committee: Under Rule 263 of the Rules of Procedure, the Committee constituted a Sub-Committee to deal with the subject of

reorganisation of the office of the Commissioner for Scheduled Castes and Scheduled Tribes and the Director General, Backward Classes Welfare.

Study Groups: In terms of Rule 2 of the Internal Rules of Procedure, the Committee constituted four Study Groups for intensive study of the subjects concerning the welfare of Scheduled Castes and Scheduled Tribes. The following were the Study Groups constituted in 1969 and 1970:

Study Group I—(Land, Health, Housing Problems, including Rehabilitation).

Study Group II (Education, including Scholarships).

Study Group III (Public Services and Employment)

Study Group IV (Socio-economic problems, Administrative set-up and legislative measures to improve the social and economic conditions of the Scheduled Castes and Scheduled Tribes).

Study Group on Procedure: The Committee also decided on the 5th August, 1969, that a separate Study Group on Procedure be constituted consisting of the Chairman and Conveners of the four Study Groups mentioned above. The functions of the study Group on Procedure were to be as follows:

- (i) Consideration of procedural matters relating to
 - (a) Evidence;
 - (b) On-the-spot visits;
 - (c) Preparation of draft reports; and
 - (d) programme of sittings; etc,
- (ii) Co-ordination of work between the different Study Groups;
- (iii) Procedural points arising out of the evidence of officials and non-officials.

The Study Group on Procedure has proved to be an effective and useful instrument in conducting the work of the Committee on systematic lines, laying down procedures and in approving programmes and policies. Decisions taken by the Study Group on Procedure are circulated to the main Committee for their approval.

Study Group on Action Taken Reports: The Committee also decided that a Study Group on Action Taken Reports be constituted for examining the statements showing action taken by the Government on the various recommendations made by the Committee in their reports. It was also decided that the Action Taken Group should consist of the Chairman, Conveners of different Study Groups and in addition one member each from different Study Groups as nominated by the Chairman. In the Rules of Procedure (Internal Working) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, no time limit has been laid down within which Ministries/Departments should send replies showing action taken on the recommendations of the Committee.

After the first report of the Committee was presented to Lok Sabha on the 4th December 1969, it was felt that a decision should be taken with regard to fixing of the time limit within which the Ministries/Departments should send their replies on action taken by them on the various recommendations of the Committee. The matter was accordingly placed before the Study Group on Procedure for consideration. The Study Group on Procedure, at their sitting held on the 3rd December, 1969, decided that no formal amendment be made in the Rules of Procedure (Internal Working) of the Committee and the practice of giving a time of three months to the Ministries/Departments for submission of action taken statements might be followed as a convention.

Representations: Ever since the constitution of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, complaints/representations from the Scheduled Castes and Scheduled Tribes ventilating their grievances on matters pertaining to their welfare have been coming to the Committee. The complaints/representations received in the Secretariat were examined and in all apparently genuine cases, under orders of the Chairman, they were referred to the Ministries concerned for factual comments.

The question of procedure for dealing with such complaints was discussed by the main Committee at their sixth and seventh sittings held on the 7th May, 1969. The Committee decided "that the present procedure for dealing with such complaints/representations under the directions of the Chairman might continue. It was also decided that summaries of the representations/complaints received from Scheduled Tribes and Scheduled Castes, individuals/organisations together with the comments offered thereon by the Ministries/Departments concerned should be circulated to the Committee for their information from time to time."

The Study Group on Procedure at their sitting held on the 27th August, 1969, approved the following procedure for dealing with complaints|representations received from Scheduled Castes and Scheduled Tribes:

- (i) In all apparently genuine grievances regarding non-implementation or defective implementation of reservation orders for Scheduled Castes and Scheduled Tribes in the All India Services, Central Services and Services of the Union Territory Administrations and Central Government Public Undertakings, the complaints|representations may be forwarded to the concerned Ministry with the approval of the Chairman and their factual comments obtained thereon. Where the reply of the Ministry satisfactorily explains the position or redresses the grievance, the petitioner concerned may be apprised of the position with the approval of the Chairman. Where, however, a question of policy or principle is involved, the matter may be, with the approval of the Chairman, placed before the Study Group on Procedure for consideration and further directions.
- (ii) Complaints|representations on other matters falling within the purview of the Government of India, Union Territory Administrations and Central Government Public Undertakings, together with the facts obtained from the concerned Ministry, may be placed before the Study Group on procedure for consideration.
- (iii) Complaints|representations falling within the purview of the State Governments may be forwarded to the Chief Secretary to the State Government concerned for disposal and the petitioner may also be informed accordingly.
- (iv) Anonymous representations, couched in intemperate and indecorous language and on matters which are *sub judice* may be filed on receipt in the Secretariat.
- (v) Representations which made suggestions for improvement of the conditions of Scheduled Castes and Scheduled Tribes may be acknowledged on receipt and the suggestions made therein examined and necessary questions prepared for obtaining information from the Ministries concerned at the time of oral examination of the representatives of the Ministries.

The Study Group on Procedure at their sitting held on the 5th August, 1970, approved the pattern of the summaries of the representations/complaints received and disposed of by the Committee, which were being prepared by the Secretariat. They also approved the suggestion that a draft Report of the Committee might be prepared on the subject.

Selection of subjects: The Study Group on Procedure selects the subjects which are later approved by the main Committee. The Commissioner for Scheduled Castes and Scheduled Tribes is also informed about the subjects selected. During the years 1969 and 1970, the following subjects were selected by the Committee for examination:

- (i) Re-organisation of the Offices of the Commissioner for Scheduled Castes and Scheduled Tribes and Director General Backward Classes Welfare (Department of Social Welfare);
- (ii) Reservation for Scheduled Castes and Scheduled Tribes in Public Undertakings (Ministry of Finance|Bureau of Public Enterprises and Ministry of Home Affairs);
- (iii) Post-Matric Scholarship Scheme for Scheduled Castes and Scheduled Tribes Students for studies in India (Department of Social Welfare);
- (iv) Reservation for Scheduled Castes and Scheduled Tribes in Public services (Ministry of Home Affairs and Department of Social Welfare);
- (v) Employment of Scheduled Castes and Scheduled Tribes in Services (Ministry of Labour, Employment, Rehabilitation, Department of Labour and Employment; Director General Employment and Training);
- (vi) Housing Schemes;
- (vii) Health Problems, including supply of drinking water;
- (viii) Hostel facilities;
- (ix) Admission facilities in all educational institutions (both technical and non-technical);
- (x) Reservations for Scheduled Castes and Scheduled Tribes in Public Services (Ministry of Railways);

- (xi) Reservations for Scheduled Castes and Scheduled Tribes in Public Services—Defence (including attached and subordinate offices and Defence services);
- (xii) Reservations for Scheduled Castes and Scheduled Tribes in Indian Airlines;
- (xiii) Reservations for Scheduled Castes and Scheduled Tribes in Air India;
- (xiv) Tribal Development Blocks;
- (xv) Reservations for Scheduled Castes and Scheduled Tribes in Hindustan Steel Limited;
- (xvi) Reservations for Scheduled Castes and Scheduled Tribes in Rourkela Steel Plant;
- (xvii) Reservations for Scheduled Castes and Scheduled Tribes in Bhilai Steel Plant;
- (xviii) Reservation for Scheduled Castes and Scheduled Tribes in Durgapur Steel Plant;
- (xix) Reservation for Scheduled Castes and Scheduled Tribes in Heavy Engineering Corporation Ltd., Ranchi;
- (xx) Reservation for Scheduled Castes and Scheduled Tribes in Gauhati Oil Refinery.

The Study Group on Procedure as also the main Committee devoted considerable time to the selection of subjects. The Committee had before them the reports of the Commissioner for Scheduled Castes and Scheduled Tribes as well as the Reports of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes (Elayaperumal Committee— 1969) that had brought out the various disabilities which the Scheduled Castes were subjected to in the spheres of their education, services, housing etc. The Elayaperumal Committee had devoted a separate chapter to the set-up of the office of the Commissioner for Scheduled Castes and Scheduled Tribes wherein they had recommended that "the Commissioner's organisation must not only be given a really independent status with clearly defined and codified powers, responsibilities and jurisdiction of action, but his field organisation as existing before the 1967 reorganisation must also be immediately restored, further strengthened and systematised."¹³

¹³ *Report of the Committee on Untouchability, Economic and Educational Development of Scheduled Castes (1969)*, p. 400.

The Committee decided to examine the offices of the Commissioner for Scheduled Castes and Scheduled Tribes and the Director General of Backward Classes Welfare, and for this purpose constituted a Sub-Committee. In several Reports, the Commissioner for Scheduled Castes and Scheduled Tribes had pointed out that public sector undertakings were not providing reservations for Scheduled Castes and Scheduled Tribes in services under them and in those undertakings where their reservations existed, the intake of Scheduled Castes and Scheduled Tribes was extremely poor. Similar was the case with regard to the Government Departments. The Committee, therefore, decided to examine the Ministry of Home Affairs, which is the authority for all policy decisions in regard to reservations for Scheduled Castes and Scheduled Tribes in services in general and the Ministry of Finance (Bureau of Public Enterprises) which is responsible for policy decisions and co-ordination in regard to all public sector undertakings in the country.

The Committee also selected certain public undertakings and a few Ministries/Departments of the Government of India as case studies with a view to see to what extent the interests of Scheduled Castes and Scheduled Tribes were being protected.

The raison d'être for the selection of the subject of post-matric scholarships for Scheduled Castes and Scheduled Tribes was the decision of the Government to impose income restrictions as well as the restrictions of marks and age on the Scheduled Castes and Scheduled Tribes students for their eligibility for post-matric scholarships. Another factor which weighed with the Committee in selecting this subject was the decision of the Government to treat the expenditure on post-matric scholarships as 'committed expenditure' of the State Governments. The Committee considered it to be a retrograde step in the furtherance of education for Scheduled Castes and Scheduled Tribes.

Considering the handicaps of Scheduled Castes and Scheduled Tribes students in seeking admission in higher technological and technical institutions and in medical colleges and also in getting adequate hostel accommodation, the Committee decided that these two problems deserved a study in *extenso*.

On the socio-economic side, housing needs of the Scheduled Castes were paramount. Lack of housing facilities for Scheduled Castes and also been highlighted by the Elayaperumal Committee. The Committee, therefore, decided to examine the housing facilities for Scheduled Castes and Scheduled Tribes and the various housing schemes initiated by the Government of India.

The health and drinking water facilities for Scheduled Castes and Scheduled Tribes was another subject selected by the Committee for examination. The condition of the tribals had been studied at length by earlier Committees|Commissions viz., Dhebar Commission, Renuka Ray Study Team, Kaka Kalelkar Commission etc. But the Committee felt that the subject needed closer look. Consequent on the setting up of a large number of tribal development blocks throughout the country, the committee selected the Tribal Development Blocks as a subject for examination.

Realising the shortfall in the intake of Scheduled Castes and Scheduled Tribes in Government Offices and in public sector undertakings, the Committee also decided to examine the system of recruitment of Scheduled Castes and Scheduled Tribes through the agency of Employment Exchanges.

Collection of Material: After the subjects are selected, the Secretariat of the Committee writes to the Ministries|Departments concerned for the supply of preliminary material thereon. The material, on receipt, is circulated to the Committee as also to the Commissioner for Scheduled Castes and Scheduled Tribes. On the basis of the material received from the Ministries|Departments and also suggestions from the Members of the Committee and the Commissioner, questionnaires for elucidating further information from the Ministries|Departments are prepared. The recommendations of the Commissioner made in his report are taken note of while preparing questions. The suggestions made by the Commissioner are also considered. After replies from the Ministries|Departments are received, they are processed and questions for oral evidence of the representatives of the Ministries|Departments are framed. After approval by the Convener|Chairman, they are circulated to all the Members of the Committee, Ministries|Departments concerned and the Commissioner.

Evidence: Before taking official evidence, the Committee also examines non-official witnesses, if any. Questions for non-official witnesses are also prepared and approved by the Convener|Chairman. The evidence is held in private. No strangers are admitted. The Commissioner for Scheduled Castes and Scheduled Tribes is invited to the sittings of the Committee when evidence is taken. The Commissioner does not normally put any questions to the witnesses but he occasionally, with the permission of the Chairman, seeks clarification from the

witnesses or elucidates some point mentioned by him in his report. Questions to the witnesses are put by the Chairman or by the Convener of the particular Study Group who sits on the right hand side of the Chairman. The Commissioner takes his seat next to the Convener.

Proceedings and Minutes: When the Committee examines the witnesses, the proceedings are taken down verbatim. These are sent for correction to the concerned witnesses and members. The proceedings of the sittings of the Committee are confidential and these are not made public. Minutes of the sittings of the Committee are prepared and circulated to the members with the approval of the Chairman. The minutes of all the sittings are laid on the Table of the Lok Sabha/Rajya Sabha after the presentation of the Reports.

On-the-spot Study Groups: The Committee undertakes on-the-spot visits in connection with the subjects taken up for examination. The Committee divides itself into two or three Study Groups for purposes of tours and Convener of each Study Group is nominated by the Chairman from amongst the Conveners of the Subjects Study Groups. The Study Groups of the Committee have gone deep into the interior of the country and have visited remote areas where majority of the tribals lived. The Study Notes of the tours undertaken by the Study Groups are placed in the Parliament Library for the use of the Members.

Reports: During its two-year term, the Committee has presented 14 original reports and five action-taken reports to the Parliament. On account of paucity of time, the Committee could not complete examination of some of the subjects selected for examination.

Impact of the Committee's work on the Executive

One of the terms of reference of the Committee is "to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the administration of the Union Territories." In consonance with their terms of reference, the Committee have taken particular care to seek information or clarification from the Government as to the action taken on the recommendations made by the Commissioner with particular reference to the subjects selected by the Committee for examination. The Committee have not hesitated to take the Executive

to ask whenever there has been any failing on the part of the Government to implement any statutory recommendations of the Commissioner. An instance may be cited. In his report for the year 1963-64, the Commissioner had observed that the relevant records relating to complaints alleging breach of safeguards in service matters should be made available to him by the Ministries/Departments concerned. During the course of their examination, the Committee have found that this question was under correspondence between the Commissioner for Scheduled Castes and Scheduled Tribes, Ministry of Home Affairs and the Department of Social Welfare since 1967. In their Fourth Report on the Reservation for Scheduled Castes and Scheduled Tribes in Public Services, the Committee made the following observations/recommendations:

"The Committee regret to observe that it has taken more than seven years to arrive at a decision whether the Commissioner for Scheduled Castes and Scheduled Tribes could call for the records from the Ministries/Departments to investigate the complaints of the Scheduled Castes and Scheduled Tribes employees about the proper implementation of the various orders issued by the Government regarding representation of Scheduled Castes and Scheduled Tribes in Public Services. They also regret that the Department of Social Welfare has paid no attention towards this important issue even though the Commissioner for Scheduled Castes and Scheduled Tribes has issued several reminders to them in the matter. The Committee suggest that the Government should issue a directive to the various Ministries/Departments that they should invariably make available to the Commissioner for Scheduled Castes and Scheduled Tribes the necessary records for investigation of the complaint of the Scheduled Castes and Scheduled Tribes employees about the non-implementation of the orders of the Government of India."¹⁴

Similarly, the Committee have quoted in their Report the Commissioner's views about the advisability of providing for adequate representation to Scheduled Castes and Scheduled Tribes in the initial constitution of a service.¹⁵

In many cases the Committee have reiterated the recommendations of the Commissioner. For example, in their Third Report on

¹⁴ Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha), Fourth Report, p. 17.

¹⁵ *Ibid.*, p. 22.

Post-Matric Scholarships scheme for Scheduled Caste and Scheduled Tribe students for studies in India, the Committee have recommended thus:

"The Committee are constrained to observe that while the Commissioner for Scheduled Castes and Scheduled Tribes had in his 1962-63 Report made a specific suggestion to the Government for increasing the rate of post-matric Scholarships to meet the general rise in the cost of living, no positive action was taken by the Government in this direction, with the result that the Scheduled Caste and Scheduled Tribe students, who are economically backward, continue to undergo great hardships in prosecuting their studies. Although a period of seven years has elapsed since the Commissioner's Report, the question of enhancement of the rate of scholarships, has not yet been finalised. The Committee, however, feel encouraged by the assurance given by the Minister of Law and Social Welfare in Parliament that there would be 100 per cent increase in the rate of scholarships for those undergoing technical courses and 50 per cent in the case of those pursuing academic courses. The Committee hope that the Ministry of Finance would give early clearance to the scheme so that it could be implemented without avoidable delay."¹⁶

The Committee have not only pursued the recommendations of the Commissioner but have made their own suggestions for the amelioration of the conditions of Scheduled Castes and Scheduled Tribes. In the Committee, the Commissioner has found a strong champion whom the Executive cannot easily brush aside. The Committee from the very beginning have been conscious that the Commissioner as the special Officer of the President should have an independent status of his own. They have reported in their very first report how the Department of Social Welfare had in 1967 disbanded the field organisation¹⁷ of the Commissioner despite strong opposition of the then Commissioner for Scheduled Castes and Scheduled Tribes¹⁸.

The Committee have also noted that simultaneously with the disbandment of the Commissioner's organisation, the Department of Social Welfare upgraded the post of Director, Backward Classes Welfare to that of Director General, Backward Classes Welfare and

¹⁶*Ibid.*, Third Report, p. 25.

¹⁷There were 17 Regional Offices each under an Assistant Commissioner for SC & ST before reorganisation in 1967.

¹⁸Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha) First Report, p. 18.

placed under him five Zonal Directors (of the rank of Deputy Secretary) whose duty, *inter alia*, would be to furnish facts and figures to the Commissioner for his reports. The Committee in their First Report have observed:

"The Committee are firmly of the view that by abolishing the field organisation of the Commissioner, the Government have not only crippled the organisation of the Commissioner and deprived him of his 'eyes and ears' in the country but have also denigrated his office, his status, his authority and his capacity to discharge his constitutional obligations."¹⁹

The Committee have recommended that "the Commissioner should be provided with a field organisation of his own." They have also suggested that the Government should take "urgent action to enable the Commissioner to reconstruct and set up the field organisation at all necessary levels. The strength of the organisation as also the placement of officers and staff should be decided by the Commissioner himself."²⁰ There cannot be an greater indictment of Government's action and a proof positive of the Committee's concern for the independent status of the Commissioner.

In the same report, the Committee have also recommended that the tenure of the Commissioner should be fixed for five years and, in no circumstances, should this tenure be extended. The Commissioner should be a public man and not from the services.²¹

The Committee have suggested that the matters relating to powers, functions, status, tenure as also the organisation of the Commissioner should be laid down by an Act of Parliament.

The Committee have agreed with the views of the Commissioner for Scheduled Castes and Scheduled Tribes expressed in several reports that his annual report should also be discussed in State Legislatures. The Committee have expressed the hope that "an arrangement will be made, in consultation with the State Governments, for the presentation of the report of the Commissioner to State Legislatures. If necessary, this matter should be regulated by means of a constitutional amendment."

¹⁹Ibid., p. 23.

²⁰Ibid., p. 47.

²¹Ibid., p. 55.

²²Ibid., p. 58.

In their Sixth Report on action taken by Government on the recommendations contained in the First Report, the Committee have regretted that completely disregarding the views of the three previous Commissioners, Government have relied on the views of the present Commissioner in the matter of reorganisation of the Commissioner's field staff. The Committee have, therefore, reaffirmed in no uncertain terms that "Government have deprived the Commissioner of his 'eyes and ears' in the country by crippling his field organisation. The present Commissioner may hold a different view but it is on record that three previous Commissioners have strongly deprecated the action of the Government in abolishing the field organisation of the Commissioner."²³

Although Government have not agreed to restore the field organisation of the Commissioner, they have accepted the recommendation of the Committee that the Commissioner should be a public man and he should have a fixed tenure of five years. The Government have also accepted the recommendation of the Committee that the Ministry/Department duly concerned would make available to the Commissioner relevant files and records required by him for purposes of investigation.²⁴

Article 335 of the Constitution lays down that "the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of a State." This provision requires the Union as well as the State Governments to take steps to ensure that the claims of the members of the Scheduled Castes and Scheduled Tribes are duly considered in the making of appointments to services and posts under the Central as well as State Governments. How best can effect be given to this provision in the Constitution is a matter of detail to be decided by the Central or State Governments concerned. An indication is, however, given in Article 16 to one effective measure that can be adopted for this purpose. This article empowers that State to make provision for the reservation of appointment or posts in favour of any backward class citizens which, in the opinion of the State, is not adequately represented in the services under the State. Thus, the State (Union as well as the State Governments) may make a provision for the reservation of appointments

²³: Committee on the Welfare of Scheduled Castes and the Scheduled Tribes, Sixth Report, pp. 4-5.

²⁴: *ibid.*, p. 13.

or posts in favour of Scheduled Castes and such Backward Class citizens as also Scheduled Tribes. The Government can no doubt adopt other measures as well, to implement the provisions of Article 335 such as relaxation of age limits, reduction in examination fees for entry into government service, lowering down of educational and other qualifications, etc.

One of the terms of reference of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is "to examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control (including appointments in the public sector undertakings, statutory and semi-government bodies and in the Union Territories) having regard to the provisions of Article 335."

The orders providing for reservation for Scheduled Castes and Scheduled Tribes were in existence before the Constitution came into being in 1950. However, with the coming into being of the Constitution, the policy of the Government of India regarding special representation in services was reviewed and fresh orders issued from time to time to give effect to the relevant service safeguards provided in the Constitution.

The following reservations in favour of Scheduled Castes and Scheduled Tribes were in force before the 25th March, 1970:

	Scheduled Castes	Scheduled Tribes
(i) Direct recruitment on all All-India basis:		
(a) By open competition (i.e., through UPSC or by means of open competitive test by any other authority)	12 1/2%	5%
(b) Otherwise than at (a)	16-2/3%	5%
(ii) Direct recruitment to Class III and Class IV posts normally attracting candidates from a locality or a region	Generally in proportion to the population of SC & ST in the respective States/Union Territories.	

The appointment of a person, holding a post to which these rules do not apply, to a post to which these rules apply, is treated as direct recruitment.

If a post is to be filled by direct recruitment, the reservation order will apply even if a person already serving under Government is appointed to that post for which he has applied and has been selected as a direct recruit.

The reservations do not apply to:

- (i) vacancies filled by transfer;
- (ii) temporary appointments of less than 3 months' duration;
- (iii) purely temporary establishments such as work-charged staff including the daily rated and monthly-rated staff; and
- (iv) scientific and technical posts for conducting research or for organising, guiding and directing research which are specifically exempted from the purview of the reservation orders in accordance with the orders on the subject.

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes in their Fourth Report have taken note of the reservation orders which were prescribed by the Government in 1950 pending the determination of the figures of population at the Census of 1951. That Census showed the population of Scheduled Castes and Scheduled Tribes as 15.32 per cent and 6.23 per cent respectively of the total population. The Committee have felt that Government should have reviewed the figures of reservations in 1951, as contemplated. They have expressed their unhappiness that Government did not review these figures even after 1961 Census. The Committee have, therefore, observed that population should be considered as the main criterion for fixing the percentage of reservations in public services. They are in complete agreement with the suggestion of the Commissioner for Scheduled Castes and Scheduled Tribes made in his Seventeenth Report (1967-68) that the Scheduled Castes and Scheduled Tribes should be given representation in public services according to their present percentage in the total population of India. Consequent on this recommendation of the Committee, the Government have since issued orders enhancing the percentage of reservations for Scheduled Castes and Scheduled Tribes in services under the Government of India taking into account the population of these communities as shown in 1961 Census.

Revised reservations^{2*} for Scheduled Castes and Scheduled Tribes

¹Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha), Fourth Report, p. 20.

²Vide Ministry of Home Affairs Resolution No. 27/25/68-Est(SCT) dated the 25th March, 1970.

in posts and services under the Government of India which are filled by direct recruitment would now be as under:

Scheduled Castes: Instead of the existing reservation of 12½ per cent, there will be a reservation of 15 per cent of the vacancies in favour of Scheduled Castes, in posts filled by the direct recruitment on an all-India basis by open competition *i.e.* through the Union Public Service Commission or by means of open competitive tests held by any other authority. Where recruitment is made otherwise than by open competition, the existing reservation at 16.2½ per cent of the vacancies in favour of Scheduled Castes will continue.

Scheduled Tribes: Both in recruitment by open competition and in recruitment made otherwise than by open competition to posts filled by direct recruitment on an all India basis, the reservation in favour of Scheduled Tribes will be 7½ per cent as against the existing reservation of 5 per cent.

The Committee in their Eighteenth Report (Fourth Lok Sabha) have noted that the Government have accepted their salutary recommendation.

The Committee in their Fourth Report have recommended²⁷ that the orders of the Government dated the 24th September, 1962 which precluded the appointment of Scheduled Castes in the reserved vacancies left unfilled by Scheduled Tribes and *vice-versa* should be rescinded forthwith. They have further recommended that the recruiting authorities should make all possible efforts to find Scheduled Caste and Scheduled Tribe candidates for the posts reserved for them.

Indicating the action taken on this recommendation, the Ministry of Home Affairs have stated that "the matter has been examined further by Government and keeping in view the interests of both Scheduled Tribes and Scheduled Castes and in order to accelerate the induction of candidates belonging to both these communities in vacancies reserved for them, it has been decided by Government that the period for carrying forward of unfilled reserved vacancies should be increased from two to three subsequent recruitment years. It has

²⁷Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha), Fourth Report, p. 29.

also been decided that if in the last year of the period for which the vacancies are carried forward, candidates belonging to Scheduled Castes are not available for vacancies reserved for them, candidates belonging to Scheduled Tribes should be considered for appointment against such vacancies and likewise in the case of vacancies reserved for Scheduled Tribes. Orders have been issued in this regard in O.M. No. 27/25/68-Est (SCT) dated the 25th March, 1970.²⁸

With the setting up of a large number of public undertakings under the control of various Ministries and Departments of the Government of India and the employment of Scheduled Castes and Scheduled Tribes in those undertakings, the desirability of issuing suitable instructions to public undertakings for making adequate reservations for Scheduled Castes and Scheduled Tribes was keenly felt by the Government of India. It was held by the Government that the orders issued regarding reservation of Scheduled Castes and Scheduled Tribes in posts/services under Government in pursuance of the constitutional provisions did not automatically apply to the public sector undertakings. However, in March, 1964, Ministries administratively concerned with the public sector undertakings were requested by the Ministry of Home Affairs to issue instructions to the undertakings under their control to make reservations for Scheduled Castes and Scheduled Tribes in their services on the lines of the reservations in the Central Government services.

The Ministries were also requested in March, 1968 to issue specific instructions to the undertakings under them to follow exactly the same rules and procedures for recruitment of Scheduled Castes and Scheduled Tribes as are followed by them for posts under them.

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes which took up for examination the question of reservations for Scheduled Castes and Scheduled Tribes in Public Undertakings have in their Second Report made the following observation:

"3.15. The Committee are unhappy to learn from the statement made by the representative of the Ministry of Finance, quoting the opinion of the Ministry of Law that according to a Supreme Court judgment, the application of Article 16 and 335 of the Constitution in regard to services in the public undertakings was not mandatory. They are also unhappy that even after the opinion given by the Law Ministry no remedial measures were taken by the Government to rectify the position. On the other hand, the Ministry of Home

²⁸ *Ibid.*, Eighteenth Report, p. 22.

Affairs merely issued broad instructions for the public undertakings which in view of the opinion of the Ministry of Law are ineffective. The Committee, therefore, recommend that the Government should take some other steps such as a legislative enactment or a Constitutional amendment, if necessary, to remedy the situation.

3.16. The Committee regret to note that in spite of the instructions issued by the Ministry of Home Affairs in 1956, 1957, 1946 and 1968, only 39 public enterprises out of 74 (as on 31st March, 1966) had responded favourably to those instructions. The position in 1966 was not any better in-as-much as there was favourable response from only 67 out of 83 public enterprises (as on 31st March, 1966). Even in April, 1969, as stated by the Minister of State in the Ministry of Home Affairs in Lok Sabha, 17 out of 174 such bodies had yet to reply to the Government directives. The net result is that the Scheduled Castes and Scheduled Tribes have been deprived of the safeguards and benefits provided for them in the Constitution. The statistics quoted by the Commissioner for Scheduled Castes and Scheduled Tribes in his 17th Report are a pointer in this direction.

3.17. The Committee would like to stress that the Scheduled Castes and Scheduled Tribes should be given adequate representation in the services in public enterprises and necessary administrative measures should be taken so that there is no failure on the part of any public enterprises in this respect.

3.21. The Committee recommend that the Ministry of Finance (Bureau of Public Enterprises)/Ministry of Home Affairs should seriously consider the suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes in his 17th Report 'whether the procedure adopted in regard to dereservation of posts in the Central Government offices should not be, made applicable to the undertakings/bodies also'.....

3.22. The Committee further recommend that Government should consider whether the percentage of reservations for Scheduled Castes and Scheduled Tribes in the services of public undertakings should not be enhanced in order to give them more adequate representation."

While indicating the action taken on the recommendations of the Committee, the Government have stated that a directive to the companies has been finalised and forwarded to the Secretaries of all the Departments/Ministries concerned with the public enterprises. According to this directive, the enterprises are expected to take necessary measures in regard to reservations for Scheduled Castes and Scheduled Tribes in appointments to various posts under them. The Bureau of Public Enterprises has also instituted annual returns to be submitted by the enterprises showing in detail the position about recruitment, promotion etc., of Scheduled Castes and Scheduled Tribes

candidates in public enterprises, to the Ministry of Home Affairs, with copies to Cabinet Secretariat and Bureau of Public Enterprises. It has also been decided that the responsibility for implementing the directive should be fixed on the Head of the Department in a formal manner, both in the administrative Minister and public enterprises. For this purpose, the Ministries Departments have been advised to institute a system under which the Joint Secretary in-charge of the public enterprises under their administrative control is made responsible to keep a watch over the implementation of decisions regarding representation of scheduled Caste/Scheduled Tribes in the public enterprises under the control of that Ministry and also keep the Secretary informed of the progress. The Government have also accepted the recommendations of the Committee that the existing percentage of reservations for Scheduled Castes and Scheduled Tribes in services under public undertakings should be revised upward on the basis of the population figures of 1961 census as has been done by the Government of India in regard to services in the Government Departments. 29

In the socio-economic sphere, the Committee have made recommendations which are of far-reaching importance in so far as the welfare of Scheduled Castes and Scheduled Tribes is concerned. In their Fourteenth Report on Admission Facilities for Scheduled Castes and Scheduled Tribes in educational institutions (technical and non-technical), the Committee have noted that there is no uniform reservation for Scheduled Castes and Scheduled Tribes in the Medical Colleges of different States. Out of 95 medical colleges in the country as many as 17 do not provide any reservation of seats for Scheduled Castes and Scheduled Tribes. The Committee have therefore recommended that the Department of Health should take up with the State Governments concerned the question of providing a uniform reservation of seats for Scheduled Castes and Scheduled Tribes in the Medical colleges in the country.³⁰

In their Sixteenth Report, the Committee have expressed their unhappiness over the fact that a number of States had diverted funds allotted to them by the Central Government for the improvement of the Working and living conditions of sweepers and scavengers. The Committee have desired that the Central Government should find

²⁹ *Ibid.*, Seventh Report, pp. 2-3.

³⁰ *Ibid.*, Fourteenth Report, p. 12.

out ways and means to ensure that such diversion of funds did not take place in future.³¹

Noting that Housing Schemes of the Central/State Governments did not provide any specific quota for Scheduled Castes and Scheduled Tribes, the Committee have recommended that the Government should consider the feasibility of having a separate scheme for providing housing and house-sites to Scheduled Castes and Scheduled Tribes or earmarking a specific percentage out of the amount of Rs. 193.27 crores which has been provided in the Fourth Five Year Plan for general housing schemes for provision of housing/house-sites to Scheduled Castes and Scheduled Tribes. The Committee have also recommended that the housing subsidy payable to Scheduled Caste beneficiaries should be enhanced.³²

In their Seventeenth Report on the Hostel Facilities for Scheduled Caste and Scheduled Tribe students, the Committee have expressed their unhappiness over the fact that funds allotted for construction of hostels for Scheduled Caste and Scheduled Tribe students were often diverted by State Governments to other heads of expenditure and sometimes this was done with the approval of the Central Government. The Committee have recommended that the Government's administrative machinery should be geared up to ensure that benefits of hostels constructed and maintained at State expenditure for Scheduled Caste and Scheduled Tribe students were utilised primarily by students belonging to such communities.³³

Till the 30th November, 1970, the Committee had received 1248 complaints/representations/memoranda. Out of these, 683 pertained to matters falling within the purview of the Union Government, Union Territory Administrations or Central Government Public Undertakings, 496 pertained to matters falling within the purview of the State Governments and 69 memoranda/representations made general suggestions for the welfare and improvement of conditions of Scheduled Castes and Scheduled Tribes.

All the 683 complaints/representations on matters falling within the purview of the Union Government/Union Territory Administrations/Union Public Undertakings were taken up with the Ministries/Departments concerned and the final replies in respect of 500 of them were received.

³¹*Ibid.*, Sixteenth Report, p. 36.

³²*Ibid.*, p. 31.

³³*Ibid.*, Seventeenth Report, p. 25.

In their Nineteenth Report, the Committee have given brief summaries of some of the representative cases concerning complaints|representations received by them and the factual comments furnished by the concerned Ministries|Departments.

In this way, the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is also supplementing the work of the Commissioner for Scheduled Castes and Scheduled Tribes whose functions *inter alia*, are to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution.

Out of the 14 original reports presented by the Committee to the Lok Sabha|Rajya Sabha, one report did not contain any recommendation, *viz.*, Nineteenth Report on Complaints|Representations received by the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. Replies of the Government to the recommendations have been received only in respect of 5 original reports and replies are still to be received in respect of the remaining 8 reports.

An analysis of the action taken replies furnished by the Government shows that Government have accepted to the extent of 50 per cent of the recommendations made by the Committee. Statistics of recommendations made by the Committee and accepted by the Government in respect of the five reports are given below:—

Report	Total Number of Recommendations	Recommendations accepted by Government	Percentage
<i>First Report</i> (Reorganisation of the offices of the Commissioner for SC & ST and Director General, Backward Classes Welfare)	28	9	32%
<i>Second Report</i> Reservations for SC & ST in Public Undertakings	12	7	59%
<i>Third Report</i> Post-Matric Scholarship Scheme for SC & ST students for study in India	13	9	70%
<i>Fourth Report</i> Reservations for SC & ST in Public Services.	43	21	49%
<i>Fifth Report</i> Employment of SC & ST in Services	21	12	57%

In his address to the valedictory sitting of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes held on the 17th December, 1970, the Speaker (Dr. G. S. Dhillon) appreciated the valuable work done by the Committee in bringing out 14 original reports during its first term of two years. These reports, he said, have earned wide appreciation from the public and the press and have made great impact on various government organisation, both at the Centre and the State levels, as also on the public sector undertakings.

The Speaker expressed happiness over the functioning of the Committee in a non-partisan spirit and with an objective approach and hoped that new members would carry on the high traditions set by the Committee and continue to strengthen and consolidate its work.

HIGH POWERED COMMITTEE

On March 27, 1967, a deputation of 19 Members of Parliament met the Prime Minister and raised a number of points in regard to the progress of special programmes for the welfare of Scheduled Castes. The Minister of Home Affairs later discussed with the Minister of Planning and Social Welfare problems relating to the representation of Scheduled Castes in services, allotment of land for cultivation and other schemes. It was decided that two major points which should receive immediate attention for raising the Scheduled Castes to the level of the rest of the community were improving the recruitment of Scheduled Caste personnel in Government services at the Centre and in the States, and intensification of efforts for resettlement of Scheduled Caste landless labourers on such land as may be available for cultivation. The Ministers also agreed that a small working group headed by Shri M. R. Yardi, Additional Secretary of the Ministry of Home Affairs, should examine the progress made on these two aspects and suggest concrete measures for greater progress.

Constitution of the Committee

The Yardi Working Group in its report submitted to the Government *inter alia* recommended that "both at the Centre as well as in the States, it would be desirable to have a Committee to review the performance of Scheduled Castes in the different services."

In pursuance of the above recommendation, a Committee was set up on the 27th June, 1968, at the Centre under the chairmanship of

¹⁴Vide Ministry of Home Affairs Resolution No. 27/10/68-Est(C), dated 27-6-1968.

the Minister of Home Affairs, to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services'posts in or under the Government of India, Union Territories and public undertakings under the control of the Government of India.

This Committee was reconstituted on the 23rd November, 1970, vide Ministry of Home Affairs Resolution No. 27|9|70-Est(SCT), dated the 23rd November, 1970.

The composition of the reconstituted Committee is as under:—

- (1) Prime Minister (Chairman).
- (2) Minister of Law and Social Welfare.
- (3) Minister of Defence.
- (4) Minister of State in the Department of Personnel.
- (5) Minister of State for Social Welfare.
- (6) Deputy Minister in the Department of Personnel.
- (7) Secretary, Department of Social Welfare.
- (8) Additional Secretary, Department of Social Welfare.
- (9) Additional Secretary, Director General, Bureau of Public Enterprises.
- (10) Director General, Backward Classes Welfare, Department of Social Welfare.
- (11) Director of Employment Exchanges.
- (12) Director General of Employment & Training.

Functions

The Committee does not submit any report. The Deputy Minister of Home Affairs informed the Lok Sabha in reply to Starred Question No. 448 dated the 5th December, 1969, that two meetings of High Power Committee had been held till then. He has also laid on the Table of the House a statement showing the recommendations made by the High Power Committee and the action taken or proposed to be taken thereon by Government.

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes, which have examined the question of reservations for Scheduled Castes and Scheduled Tribes in the public services, in their Fourth Report have observed as under:—

"1.11. The Committee welcome the constitution of the Committee under the Chairmanship of the Minister of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the Services under the Government of India, Union Territories and Public Undertakings. The Committee hope that that Committee would meet at regular intervals, submit its reports on its findings, suggest ways and means to remedy the situation and ensure the speedy implementation of its recommendations.

1.12. The Committee also desire that the recommendations made by that Committee together with action taken thereon by Government should be laid on the Table of Lok Sabha and Rajya Sabha."

While intimating the action taken on the recommendations contained in the Committee's Fourth Report, the Ministry of Home Affairs in their reply dated the 21st August, 1970, have stated as follows:—

"The Committee set up under the chairmanship of the Minister of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services under the Government of India, Union Territories and Public Undertakings under the control of the Government of India meets at regular intervals. The Committee, however, does not submit any report. The Committee deliberates on the various aspects relating to the policy regarding reservations for Scheduled Castes and Scheduled Tribes in services. The important measures taken by the Government in regard to representation of Scheduled Castes and Scheduled Tribes in pursuance of the recommendations of the Committee are mentioned in the Annual Report of the Ministry of Home Affairs, copies of which are circulated to Members of Parliament. The Committee being in the nature of a Consultative Committee, it is not considered necessary that the Committee should submit any formal report or that such report with action taken thereon be placed on the Table of the Lok Sabha and Rajya Sabha."⁸⁵

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes was not satisfied with the reply furnished by the Govern-

⁸⁵Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha), Eighteenth Report, pp. 1-2.

ment and have made further observations|comments in their Eighteenth Report which read as under:—

“The Committee feel that the purpose of appointing the High Power Review Committee would be defeated if its findings and recommendations are not known to the authorities concerned and to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. It is not understood how such a Committee could be in the nature of a Consultative Committee. That was perhaps not the intention of the Yardy Working Group. The annual report of the Home Ministry cannot obviously contain much about even the most important findings and recommendations of this Committee. If the Government do not propose to lay the reports of the Committee together with action taken thereon on the Table of the two Houses, they should send a summary of discussions and decisions taken in each of the periodical meetings of the Committee to the Commissioner of SC & ST as well as to the Committee on the Welfare of SC & ST, for their information. An annual review of the action taken by the different Ministries/Departments on the Committee's recommendations may also be made available to them.”²⁷

²⁷*ibid.* p. 2.

THE EFFICACY OF ELOQUENCE IN PARLIAMENTARY BODIES

A. Shanker Reddy,

Secretary, Andhra Pradesh Legislature.

Democracy is a form of Government based on discussion and public opinion. All the major issues pertaining to a nation are debated by its Legislature, consisting of the elected representatives of the people, in accordance with the prescribed procedure. In such a body, those who have the gift of speech and oratory are at an advantage inasmuch as they will be in a better position to make their presence felt in the House and also play a more leading part even when they are in a microscopic minority. This talent helps them to give a good account of themselves to the electorate and successfully play the role expected of them by their constituency and party.

Efficacy of Eloquence

The contribution of an eloquent Parliamentarian to any debate is bound to be more effective. He can give a new dimension to any issue and a new turn to the course of any debate. He can put across even a very common idea in the most telling way and can successfully persuade the House to view the issue from a new angle. He is, therefore, heard with more attention. This is amply proved by several instances furnished by the history of parliamentary institutions in our country and elsewhere.

In 1928 the late Shri S. Satyamurti brought an adjournment motion before the Legislative Council of Madras to discuss about the seizure of the works of Subrahmanya Bharathi, patriot poet of Tamil Nadu. He and other nationalist Members came to the House armed with copies of the book of verses of the great bard. They not only denounced eloquently the action of the police but also quoted extensively from the works of the poet, which they actually sang in the House. The result was a miracle. Many members, including the nominated members, who usually supported the Government, ranged themselves that day on the side of the adjournment motion. What was even more surprising was the fact that two Ministers viz., the Minister for Education and the Minister for Health remained neutral to the embarrassment of the Government, with the result that Sir M. Krishnan Nair, the then Law

Member, was the solitary person to defend the action of the Government. The motion was put to vote and was carried seventy-six voting for, twelve against, while fifteen remained neutral. This indeed was a clear instance of the triumph of eloquence.

A few lines from Shri Satyamurti's memorable speech on that occasion, quoted below, indicate and illustrate abundantly the oratorical talents of that great parliamentarian. He paid a well-merited tribute to that great poet in the following words:

"Sir, the late Subrahmanya Bharathi was a man on whose tongue, to use the language of romance for half a minute, the Goddess Saraswathi can honestly be believed to have danced the dance of patriotism. If he had been born in any free country, why in any country of the world except India, that man would have been made the Poet-Laureate of that country, would have been given honours and titles by a Government which knows how to respond to the feelings of the people, and would have lived and died among the most honoured of the nation."

Referring to the implications of the Government's action on the financial condition of the family of the great poet, he said:

"Are you going to punish the widow and the daughters of Subrahmanya Bharathi, because he wrote patriotic songs, and punish them in this mean and despicable manner by depriving them of their livelihood? It is mean; it is contemptible; it is unworthy of any Government which wants to call itself civilized or self-respecting or honourable."

Pinpointing an anomalous situation resulting from the mutually conflicting views of Ministers and Executive Council Members in a diarchic form of Government, he roared:—

"My hon. friend the Chief Minister, a few months ago, in answer to questions on the floor of this House, said that his Government had no objection to the teaching or singing of Bharathi's songs in Government and aided schools in our Presidency. Look at the action of the hon. the Education Minister. He knows Tamil, he knows the songs, and the Council thanks him for his act of patriotism by which he allowed these songs to be sung in the schools provided by the Government. He sits there, he is still the Chief Minister and the most powerful Minister; he makes and unmakes ministries at his will; and yet with all his great powers of formation, destruction and reorganization, this great Minister is unable to influence his two colleagues who are now sitting to the right and left of him, the hon. the Home Member and the hon. the Law Member, who do not say a word to the Chief Minister but listen to the Burma Police directing the Madras Police to seize by warrant and forfeit to His Majesty those very books which the hon. the

Chief Minister thinks furnish the intellectual Pabulum to our young children and on which they could be reared as honourable citizens; but when it comes to the reserved half it is to be forfeited (laughter). I do not know whether it is a matter for laughter or tears."

Some may however wonder whether it is possible for a parliamentarian, however eloquent he may be, to carry the House with him, in modern Parliamentary Democracies, where Members are expected to vote according to party policy and party whip, irrespective of their own personal convictions. But Parliamentary history is replete with instances of stalwarts with erudition and eloquence commanding an influence in the House which was disproportionately high for the size of their following. Such gifted parliamentarians can even bring round governments and convert them to their own viewpoint.

In the old Legislatures in our country prior to 1937, national leaders who entered the Legislature had to fight with their back to the wall, because of their small number as well as the meagre powers of those bodies as against the enormous authority of the Governors and the Governor-General. Even in such discouraging circumstances, if personalities like Motilal Nehru, Bholabhai Desai and C. R. Das could remain undaunted, assert themselves and even elicit the encomiums of their political opponents, it was certainly due to their legal acumen and splendid capacity to put forward their case strongly, logically and eloquently. Even when their pleas turned out to be cries in the wilderness, they were not discouraged or disheartened.

In the history of the old Imperial Legislative Council, instances were many when the Government failed to respond to even reasonable pleas of the Indian legislators, of which two deserve special mention. On both the occasions, though they had lost their case in terms of votes, the nation's verdict was that the moral victory was theirs. Their speeches are remembered even to-day and any anthology of Indian eloquence would be incomplete without them. They remain permanently fresh in the memories of the nation as not only proofs of Indian eloquence but also as symbols of India's dignified protests against the misdeeds of the British Rulers.

The first was the speech made by Gopal Krishna Gokhale about whom no less a man than the then viceroy, Lord Minto said "there would hardly be a match to him even in British Parliament". The utterance made by that eminent patriot in 1912 on the Elementary Education Bill introduced by him, which the British Government was

not prepared to accept, was indeed memorable. An inspiring extract from that speech is quoted below:—

"This Bill thrown out to-day will come back again and again till on the stepping stones of its dead selves, a measure will ultimately rise which will spread the light of knowledge throughout the land. It may be that this anticipation will not come true. It may be that our efforts may not conduce even indirectly to the promotion of the great cause which we all have at heart and that may turn out after all to be nothing better than mere ploughing the sands of the sea-shore. But my Lord, whatever fate awaits our labour, one thing is clear. We shall be entitled to feel that we have done our duty and where the call of duty is clear it is better even to labour and fail than not to labour at all."

The wonderful command of language, the prophetic insight, the dignified emotional appeal and the brilliant presentation of the great Statesman are too obvious to require elucidation.

Seven years later, on the 7th of February 1919, it was the turn of his eminent disciple, Rt. Hon. V. S. Srinivasa Sastry to register the protest of the nation against another high handed action on the part of the British Rulers in bringing the obnoxious Rowlatt Bill, which was intended to give a new lease of life to all the repressive measures enacted during the first World War to curtail the rights of the Indian citizens.

The great orator observed:

"If our protests fall flat, if the Bill goes through, I don't believe there is any one here who would be doing his duty if he did not join the agitation. That is not a threat, I take leave to think. Anyhow, I am the best judge of my mind and I do not indulge in threats. I have yet borne no part in this agitation but if everything goes wrong, if we are face to face with this legislation, how it is possible for me with the views I hold, to abstain from agitation, I for ones cannot say."

Such a spirited utterance, coming as it did from a leader like Shri Shastri who was noted for his moderation, had an immediate impact on the nation. It is no surprise that after hearing another speech of this celebrated orator in the same House, the late Edwin Montague, the then Secretary of State wrote in his 'An Indian Diary': "I think the really good speech of the day was from Sastry—well delivered, well-phrased and very impressive."

Though the historic impeachment of Warren Hastings in the British House of Commons ultimately ended in the exoneration of that Governor-General, yet the speeches made in that connection by

Edmund Burke and Sheridan have become classics. No eye in the gathering was left dry as they heard the two orators. Some ladies even fainted as the misdeeds perpetrated by Warren Hastings were enumerated. A fabulous amount of fifty guineas was offered for a single seat in the Chamber to have the privilege of hearing them. Even the accused Governor-General in his heart of hearts for a while considered himself as the most culpable man on earth. It is, therefore, no surprise that extracts from these speeches form parts of the text-books in schools and colleges in India; they richly deserve this honour. A passage from the speech of Sheridan which was described by Macaulay as the greatest oration of the impeachment, is quoted below:—

"No, my lords. In the happy reverse of all this, I turn from the disgusting caricature to the real image! Justice I have now before me august and pure! The abstract idea of all that would be perfect in the spirits and the aspirings of men! —where the mind rises; where the heart expands; where the countenance is ever placid and benign; where her favourite attitude is to stoop to the unfortunate; to hear their cry and to help them; to rescue and relieve, to succour and save; majestic, from its mercy; venerable, from its utility; uplifted, without pride; firm, without obduracy; beneficent in each preference; lovely, though in her frown:

On that justice I rely — deliberate and sure, abstracted from all party purpose and political speculation; not on words, but on facts. You, my lords, will hear me, I conjure, by those rights which it is your best privilege to preserve; by that fame which it is your best pleasure to inherit; by all those feelings which refer to the first term in the series of existence, the original compact of our nature, our controlling rank in the creation".

A memorable passage from the brilliant peroration of Edmund Burke on the same occasion equally deserves mention:

"What is it that we want here to do, a great act of national justice? Do we want a cause, my lords? You have the cause of oppressed princes, of undone women of the first rank, of desolate provinces and of wasted kingdoms.

Do you want a criminal, my lords? When was there so much inequity ever laid to the charge of anyone? No, my lords, you must not look to punish any other such delinquent from India. Warren Hastings has not left substance enough in India to nourish such another delinquent.

My lords, is it a prosecutor you want? You have before you the Commons of Great Britain as prosecutors; and I believe, my lords, that the sun in his beneficent progress round the world, does not behold a more glorious sight than that of men, separated from a remote people by the material bonds and barriers of nature, united by the bond of a social and moral community; all the Commons of England resenting, as their own, the indignities and cruelties that are offered to all the people of India."

Eloquence as a source of Inspiration to the Nation

The speeches made on the floor of the Legislature are heard not only by the House and a few visitors present in the galleries at the time, but they also reach a wider audience through the press, radio and other agencies. The brilliant oratory of Churchill in the House of Commons during the Second World War helped a lot in preserving the morale of the British nation when the whole picture was very gloomy. Though somebody might have remarked cynically that Churchill was winning debate after debate but losing battle after battle, the faith of the nation in his leadership remained intact because of his eloquence.

In our country, students of political history are aware of the discouraging circumstances in which our Constituent Assembly met. In such a situation the speech made by Shri Jawaharlal Nehru introducing the Objectives Resolution, which was universally hailed as one of the greatest speeches in his political career, had a tonic effect not only on the House but also on the whole nation. The brilliant concluding sentence of that oration is reproduced below:—

“I would beg of this House to consider this Resolution in this mighty prospect of our past, of the turmoil of the present and of the great and unborn future that awaits us.”

Hallmarks of Parliamentary Eloquence

Having examined the impact of parliamentary eloquence, we may proceed to examine the characteristics of the same. Parliamentary eloquence has special features of its own which distinguish it from the eloquence required in a court and that needed in a public meeting. Forensic eloquence is essentially an appeal to the head. Logic is its life blood. Eloquence in a public meeting is based on a call to the heart. It is rooted in emotion. A successful parliamentary orator has to combine the emotional appeal of a leader with the skill of a lawyer and the capacity for exposition of a lecturer.

When compared with an orator speaking at a public meeting, a parliamentarian has both advantages as well as restrictions. The most valuable advantage is the immunity from legal consequences for anything he may speak in the House. This facility enables him to call a spade a spade without any fear or hesitation. The rationale of it was put in clear terms by the Supreme Court in the course of their judgment in *Tej Kiran Jain and others: vs. N. Sanjiva Reddy and others*.

"The Article [Article 105(2)] means what it says in language which could not be plainer. The Article confers immunity, *inter alia* in respect of anything said.....in Parliament. The word anything is of the widest import and is equivalent to everything. The only limitation arises from the words in Parliament which means during the sitting of Parliament and in the course of the business of Parliament. We are concerned only with speeches in Lok Sabha. Once it was proved that Parliament was sitting and its business was being transacted, anything said during the course of that business was immune from proceedings in any Court. This immunity is not only complete but is as it should be. It is of the essence of parliamentary system of Government that people's representatives should be free to express themselves without fear of legal consequences. What they say is only subject to the discipline of the rules of Parliament, the good sense of the Members and the control of proceedings by the Speaker. The Courts have no say in the matter and should really have none."¹

But within the House the restrictions on a parliamentary orator are many. He has to speak within the purview of his party's policy. Even if he catches the eye of the Chair, there will always be time-limit within which he has to put forth his case. Special consideration may, of course, be shown at times to Members with regard to time-limit. In 1936 the late Shri Satyamurthy made a speech for six hours spread over three non-official days introducing a non-official Bill for the repeal and amendment of certain laws. Shri T. Prakasam, when he was Revenue Minister of Madras, spoke for two days when he moved in 1939 for taking into consideration the report of the Select Committee appointed by the Legislature on the Madras Estates Land Bill, and his speech covers seventy-two pages in printed proceedings. But such exceptional cases are naturally few and far between.

Another characteristic of parliamentary eloquence is the strict insistence on relevancy. Only on two occasions a Member is permitted to deal with any issue of public interest, of which one is the general discussion on budget and the second is the discussion on the motion of thanks on the address of the Head of the State.

Last but not the least is the point whether great parliamentary orators are born or made. No definite answer to the point is possible. In 1781 when William Pitt made a brilliant maiden speech in the House of Commons, Edmund Burke was so much impressed with it that he exclaimed in admiration, "it is not a chip of the old block, but the old block itself" because Pitt's father Lord Chatham was also

¹(1971) 1 S. C. J. 492.

a great orator. But Sheridan was not so lucky with regard to his maiden speech. It so completely failed that his friends dissuaded him from trying a second time. But his self-confidence was so immense that he said: 'For by heaven it is in me and it shall come out'. He subsequently rose to be an eminent orator. Though Disraeli's maiden speech was equally unsuccessful, he said with the same self-confidence that the time would come when they would hear him. He kept up his prophecy. Sir Austen Chamberlain advised a new Member eager to make his maiden speech "Wait. Don't be in a hurry. Sit in the House and absorb the atmosphere, see the kind of thing that can be said and must not be said. And study procedure."

There is at least one instance of a parliamentarian in India which proves the truth of the saying "practice makes a man perfect". Finding his oratorical gifts unequal to the intensity of his desire to make his influence felt in the House, the eager parliamentarian used to proceed all the way to the ruins of Tughlakabad and start making speeches there. Sometimes he used to take along with him his wife and one or two colleagues, whom he would encourage to interrupt him and put questions so that he could train himself up for all eventualities. This produced the desired effect and he emerged as a reasonably good speaker and was heard with increasing attention.

Viscount Bryce rightly says "Democracy assumes not merely intelligence but an intelligence elevated by honour, purified by sympathy and stimulated by a sense of duty to the community." To these we may add a fourth requisite i.e., "fortified by eloquence" because without it a legislator is always at a disadvantage, whatever may be the wealth of his knowledge and however sparkling his intelligence may be.

THE IMPLEMENTATION OF GOVERNMENT ASSURANCES IN UTTAR PRADESH

Dr. S. M. Sayeed.

Lecture in Political Science, Lucknow University

The device of Parliamentary Questions is the most effective means to keep the administration under the continual surveillance of the legislature. In a parliamentary democracy, the legislators have the privilege of putting Questions to the Government on the floor of the House and the Ministers are expected to give reasonable replies to these questions except, of course, in cases where the Government deems it necessary to withhold information, the disclosure of which might endanger public interest or national security.

Questions put to Ministers cover the whole area of administration and turn a searchlight upon the multifarious activities of the Government. The main object of Questions is to obtain information on specific subjects; to draw the attention of the Government towards public grievances; to reveal official shortcomings, to suggest reforms in administration; to criticise policies of the Government and to press for action within the reach of the Government etc.

The effectiveness of Parliamentary Questions largely depends upon the attitude of the Government. It is obvious that in all the cases, a Minister, while replying to a Question in the House, cannot fulfil the demands of the Questioners forthwith. The Questioner too does not expect that the matter raised by him would be decided at once. Of course, he expects a reasonable response from the Government and an assurance for doing what ought to be done. Thus, it is a common practice for the Ministers to say in the House: "I shall look into the matter"; "the matter is under consideration"; "I shall see what can be done about it"; "I shall inform the honourable member" etc. The Questioner after getting such an assurance from the Minister, feels satisfied that he could engage the attention of the government to a certain matter and that his demand would be considered in the near future.

Though the device of Parliamentary Questions keeps the Government alert and the administrative officials on their guard, it cannot produce concrete results, unless there is some method to ensure that

the Government really takes appropriate action in the matters raised by the Members and implements its assurances given on the floor of the House. There is the possibility that a Minister, after giving an assurance, may forget what he had said in the House. On the other hand, it is very difficult for the Members to maintain a record of the Questions and scrutinise how far the assurances have been implemented by the Government. Thus, what is more important for the House is to keep an eye on the implementation of assurances given by the Government on the floor of the legislature. In this context, the Speaker of the Lok Sabha had once observed: ". . . . Government i.e. Ministers, give assurances, promises, undertakings etc., from time to time during the course of debates or other proceedings on the floor of the House in response to the suggestions, criticism or questions of members. But these by themselves are not and cannot be sufficient unless these assurances, promises etc., are fulfilled by the Government."¹

In order to ensure that the device of Parliamentary Questions may not lose its effectiveness and the control of the legislature over the administration may be strengthened, the Indian Parliament has devised a parliamentary machinery known as the Committee on Government Assurances, which was rightly been claimed to be an "innovation of the Indian Parliament."²

The Committee on Government Assurances

The Committee on Government Assurances was constituted for the first time on December 1, 1953, on the initiative of Shri G. V. Mavalankar, the then Speaker of the Lok Sabha,³ with a view to scrutinizing the assurances, promises, undertakings etc., given by the Ministers and to report to the House how far and within what time they were implemented by the Government.

Among the State Legislatures, the Uttar Pradesh Assembly was the first to have constituted such a Committee in October, 1955. When the question of the formation of the said Committee came up before the U.P. Assembly, the Rules of the House were under revision by a Rules Revising Committee. In view of the urgency of the matter, the Rules Revising Committee passed a resolution in August

¹ 1st Report of the Committee on Government Assurances (1st Lok Sabha), Speaker's Address, 6-4-1955.

² Morris Jones: Parliament in India, p. 314.

³ 1st Report of the Committee on Government Assurances, U.P., (1st Assembly), p. 1.

1955, empowering the Speaker of the Assembly to appoint a Committee on Government Assurances on the pattern of the Indian Parliament. In pursuance of this resolution, the Speaker of the U. P. Assembly appointed a Committee on Government Assurances on October 21, 1955.⁴

The revised Rules were adopted by the Assembly on December 12, 1958. They recognised the Committee on Government Assurances as one of the regular Committees of the House and made specific provisions for the organization and working of the Committee. The Rules of the Assembly were again revised in 1966, but they did not make any change in the structure and powers of this Committee.

Composition of the Committee

According to the present Rules of the U.P. Assembly, the Committee on Government Assurances consists of 15 members nominated by the Speaker from amongst the Members of the House.⁵ While making appointments on the Committee, the Speaker tries to give representation to almost all the political parties in proportion to their numerical strength in the Assembly. The appointment of Ministers on the Committee has been forbidden by the Rules.⁶ This enables the members of the Committee to discuss matters without fear or favour and keeps the Committee free from direct pressure of the Government.

The term of the Committee is one financial year.⁷ But, a member may be re-appointed on the Committee for as many terms as the Speaker deems fit. In order to equip the Committee with experienced hands, the Speaker re-nominates a considerable number of members on the Committee every year.

The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee. Usually, he is drawn from the members of the Opposition parties in the Assembly.

⁴1st Report of the Committee on Government Assurances, (1st Assembly), p. 1.

⁵Rule 283.

⁶*Ibid.*

⁷Rule 200 (1).

Functions of the Committee

The functions of the Committee are "to scrutinize the assurances, promises, undertakings etc., given by the Ministers from time to time, on the floor of the House and to report on (a) the extent to which such assurances, promises, undertakings have been implemented and (b) where implemented, whether such implementation has taken place within the minimum time necessary for the purpose."⁸ The functions assigned to the Committee show that the Committee, by keeping a vigilant eye on the implementation of the assurances, may help a lot in establishing an effective control of the legislature over the activities of the Government.

Procedure of the Committee

The first stage of the Committee's work is the culling out of assurances given by Ministers on the floor of the House, from the proceedings of the Assembly. The Committee on Government Assurances of the U. P. Assembly, at its meeting held on December 15, 1955, had approved a list of the form of assurances which are thirty-four in number.⁹ The Proceedings Department of the U.P. Assembly goes through the proceedings of the Assembly and culls out the assurances on the basis of the recognised forms of assurances. The assurances, thus culled out, are sent to the concerned Departments with the request that the Committee be informed within three months about the action taken in regard to the implementation of the assurances.

When a considerable number of replies have been received from the Departments concerned, the Committee meets to examine the replies and decides whether the action taken by the Government does actually constitute implementation of the assurances or some further action is still required for their implementation. If the Committee finds that the information furnished or action taken by the Department does not conform to the spirit or object of an assurance, it may refer it back to the Department concerned for further action.

If, in the opinion of the Committee, any assurance has not been fulfilled within a reasonable time, or any Department has failed to give satisfactory replies, the Committee invites the Secretary of the Department concerned to explain the position and give reasons for the delay in the matter.

⁸Rule 235

⁹1st Report of the Committee on Government Assurances, U.P. (1st Assembly), p. 118.

The Committee, after examining the replies of the Government, prepares a statement containing details of the assurances implemented and not implemented by the Government. This statement, called the 'Report of the Committee', is submitted to the House by the Chairman or any other member of the Committee authorised for the purpose. The un-implemented assurances are further pursued by the Committee till their implementation.

The Committee is empowered to call for papers, persons and records and also to undertake study tours in order to collect first-hand information regarding any matter under consideration. The Committee on Government Assurances has frequently used these powers and has been summoning the Secretaries and other officials of the administrative departments for explaining the matters under consideration before the Committee. The right to make on-the-spot enquiries enables the Committee to watch the execution of the policies of the Government and the actual performance of the various departments of administration.

Achievements of the Committee

The Committee on Government Assurances has submitted 31 general Reports dealing with the assurances given in the Assembly from October 21, 1955 to September, 1964. According to these Reports, 4,488 out of a total of 4,644 assurances had been implemented by the Government till the submission of the 31st Report of the Committee. A study of these Reports shows that a large number of assurances were implemented mainly as a result of constant pursuing by the Committees. Though in certain cases the implementation of assurances was inordinately delayed, the Committee did not lose heart and its incessant efforts continued till the satisfactory implementation of the assurances.

Besides getting a large number of assurances implemented, the Committee has brought to light certain revealing cases of administrative defaults and unimaginable slackness on the part of the officials. A few important cases are cited below which undoubtedly speak for the utility and effectiveness of the Committee.

On February 16, 1960, replying to a question relating to a petition of the residents of village Sirsa in District Faizabad, for the construction of a drainage, the then Irrigation Minister gave an assurance to

the House that "the matter is being considered and if the scheme is found worth implementing, the Gram-Panchayat would be advised to get the work completed through *Shramdan*."¹⁰

On December 1, 1960, the Irrigation Department informed the Committee that "the District Planning Officer, Faizabad, has been ordered for getting the work done."¹¹

On May 15, 1961, the Department requested the Committee that the assurance should be considered as implemented, as the District Planning Officer, Faizabad had been ordered to get the drain constructed through *Shramdan*. The Committee declared the assurance as implemented, as, apparently, there was no reason to doubt the completion of work, after the orders had been issued to the District Planning Officer. About one and a half years after the presentation of the said Report of the Committee, the Pradhan of Village Sirsa informed the Committee that no such drain had been constructed in the village and that the information furnished to the Committee by the Department was baseless. The Committee asked the Irrigation Department to clarify the position, but they did not reply at all. Ultimately, the Committee inspected the site in village Sirsa and it surprisingly found that there was nothing like a drain except that some soil was taken out for a few yards. Nobody could imagine the possibility of such an "administrative cheating" which was brought to light by the efforts of the Committee. The Committee strongly recommended that suitable action should be taken against the officials responsible for this case.

In other case, the Committee after visiting a particular place, discovered certain facts of slackness on the part of the administrative officials and showed how wrong and contradictory information is being supplied to the Government by its subordinates and to the House by the Government.

Replying to a question relating to the grant of compensation to the families affected by the Nanak Sagar Scheme, the then Irrigation Minister assured the House on September 6, 1960 that 238 out of 793 families affected by the Scheme had been granted compensation and the remaining cases were under the consideration of the Government.

¹⁰9th Report (III Assembly), page 102.

¹¹*Ibid.*

The Committee received several interim replies from the Department during September 1960 to October, 1963, but it was not satisfied with the action taken by the Government in the matter. The Committee, therefore, visited Nanak Sagar on January 17, 1964 and after thorough investigations, arrived at the conclusion that the information given to the House by the Irrigation Minister was not complete and correct.

The Committee strongly recommended for early finalisation of the cases of compensation. It also stressed upon the need for strict control of the Government over the administrative machinery. The Committee suggested that the officials responsible for giving incomplete and misleading information to the Government should be punished.¹²

In another case, the Committee acted as a mediator between the Administrative Departments, and its timely intervention saved a large number of farmers from victimization.

In regard to the grant of compensation to the Tharoo families of village Sisayya, whose property was acquired by the Government under the Sarada Sagar Bandh Scheme, the Minister for Irrigation informed the House on December 4, 1962 that some land had already been given to certain Tharoo families, affected by the above Scheme. For the remaining families, the Minister assured the House that "Correspondence is being done with the Forest Department for obtaining some land which would be distributed among the Tharoods who have preferred to get land near the forest." After about two years, on September 17, 1964, that "the Forest Department has been moved for the acquisition of land and it would be given to the farmers after it is obtained from the Department." Meanwhile, a dispute arose over the propriety of the land between the Forest and the Revenue Departments. The Assurances Committee met at Khatima and summoned a meeting of the local officers of both the Departments on 23rd and 24th November, 1964, but they could not reach an agreement. Then the Committee called a meeting of high officials of both the Departments at Lucknow, who reached an agreement to resolve the dispute by a joint survey of the land. At long last, due to the untiring efforts of the Committee, the deadlock came to an end and the

¹²Special Report of the Committee on Government Assurances on the Nanak Sagar Scheme.

proposed land was granted to the Tharoo cultivators.¹³ This was an exemplary work of the Committee which protected the interests of the Tharoo farmers from victimization, owing to the mutual conflict of the two Departments.

By another special report, the Committee drew the attention of the House and of the Government towards the loss which was sustained by the Government owing to the negligence of the administrative officials. In 1958 some flood shelters were constructed at Kharagpur Bazey and Adampur, District Moradabad, at a cost of Rs. 19,992 but they were badly damaged in the summer of 1958 due to a strong dust-storm. The tin sheets with which the shelters were covered were neither repaired nor removed from open air and were damaged due to rains. On September 18, 1962, Shri Sharafat Hussain Rizvi tabled a question about it and the Minister for Irrigation replied: "Enquiries are being made in the matter."¹⁴

On November 20, 1962 the Irrigation Department informed the Committee that "necessary information was called for from the Chief Engineer, Irrigation, U.P., and it would be furnished as and when it is received." The same reply was repeated by the Department on March 4, April 27, July 7, August 13 and October 9, 1963.¹⁵ On February 12, 1964, the Committee was informed that some more information was being collected from the District Magistrate, Moradabad, which was awaited.¹⁶

In view of this inordinate delay, the Assurances Committee decided to undertake a study tour and it met at Moradabad on 12th, 13th and 14th January, 1964, examined the authorities, and also visited the particular villages.

After making detailed investigations, the Committee arrived at the conclusion that the shelters were not properly constructed by the Irrigation Department. It was also observed by the Committee that there was some difference in the statements of the various officials about the time at which the shelters were completed. The Committee was of the view that the shelters were not completed at the time of the dust-storm. It expressed surprise over the slackness of the administration

¹³Special Report of the Committee. 1963.

¹⁴18th Report of the Committee (III Assembly), p. 110.

¹⁵Special Report of the Committee.

¹⁶*Ibid.*

on seeing that the tin sheets were lying in the open air since they were blown away and had not been removed to any safe place even after the expiry of about seven years' time.

The above-mentioned cases are enough to prove that the Committee, by way of scrutinizing the assurances, has considerably helped the Legislature in keeping strict control over the administration. It is true that in a good number of cases, despite the Committee's persistent efforts, the assurances were not implemented by the Government for years. But this does not reduce the importance of the Committee; instead it warrants the need for such a committee in so far as it may keep a vigilant eye on the fulfilment of the promises and assurances given by the Ministers on the floor of the House. The importance and necessity of the Committee can very well be realized in view of the inordinate delay in the implementation as well as the non-implementation of assurances by the Government. The non-implementation of a large number of assurances for years, even after continuous pursuing by the Committee, raises an important question: what would be the fate of assurances, if there is nobody to pursue the Government about its assurances? This is enough to justify the need for the Committee on Government Assurances.

The greatest contribution of the Assurances Committee is that it keeps the assurances alive and pursues them till a final decision is taken by the Government. It is obvious that the Committee, being an advisory body of the House, cannot force the Government to implement an assurance within a particular time. However, the existence of the Committee has ensured that the Government cannot escape the implementation of its assurances easily.

It is often complained that bureaucracy is thriving in the garb of democracy, because the Ministers, being amateurs in administration, are bound to be guided by the civil servants. The power of the Committee to examine the administrative officials has helped in curbing the influence of bureaucracy in the administration. The power of summoning the officials is such an effective right of the Committee that none in the administrative hierarchy can escape the investigations of the Committee. Thus, the Committee on Government Assurances of the U.P. Assembly has strengthened the responsibility of the Executive to the Legislature and has proved to be a useful agency of the Legislature to control the Government and the administration of the State.

IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION

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

Continuing the series, we are publishing in this issue an article based on the Reports of the Public Accounts Committee (Fourth Lok Sabha) on 'Border Roads Organisation'—Editor]

BORDER ROADS ORGANISATION (Ministry of Transport and Shipping)

Non-utilisation of Construction Plants and Machinery

On May 31, 1966, the Border Roads Organisation had 596 earth moving machines, 958 construction plants, 903 drilling equipment and 265 other tools and plants. The book value of 2,722 machines totalled Rs. 14.18 crores.

1,412 of the 2,722 machines had been acquired a year or more ago; the remaining 1,310 machines had been received during the year ended May 1966. A review of the utilisation of the 1,412 machines which were on hand throughout during the year June 1955—May 1966, disclosed that 375 machines (26 per cent) were not shown to have been utilised at all during the year. Of these, 289 machines had not been utilised ever since their purchase/receipt from workshops after overhaul. The remaining 86 machines were not shown to have been utilised throughout the year, although they had been used for some period during the preceding year(s).

According to the data furnished by the Ministry of Transport and Shipping to the Public Accounts Committee (1967-68), 103774 per cent) of the machines valued at Rs. 4.50 crores in the books, were

utilised to some extent during the year. A large majority of these were, however, shown to have been used for only a very short period as shown below:

Number of hours utilised during the year	Number of Machines		
	Earth moving and construction	Others	Total
Upto 100	31	16	47
101-250	62	38	100
251-500	96	44	140
501-1000	160	64	224
1001-1500	137	41	178
1501-2000	69	19	88
2001-2500	25	12	37
Over 2500	16	2	18
	596	236	832
No hour meters	39	92	131
Information not available	47	27	74
	682	355	1037

In their Eighteenth Report, the Public Accounts Committee (1967-68) observed that the statistics of utilisation of plants and machinery clearly established that the machines had been acquired by Government departments without critically examining whether it was essential to purchase them and whether these would be put to optimum use. The Committee were informed that Government had constituted a high powered Committee consisting of the Secretary, Ministry of Defence, the Chief of Army Staff and the Director-General, Border Roads to go into the matter. The Committee expressed the hope that this high-powered Committee would review critically the existing inventory of machinery available with the Border Roads Organisation and lay down guidelines to ensure optimum utilisation of the existing machinery and to avoid purchases of excess machinery in future.¹

¹P.A.C., 16th Report (1967-68), paras 1.48 to 1.66.

State of Repairs to Machinery and Vehicles

The Border Roads Development Board had informed the Public Accounts Committee in February, 1968 that completion of overhauls was delayed due to absence of a few spare parts which were not available from indigenous sources. The high percentage of the machines, etc., awaiting repairs was also attributed *inter alia* to the following factors:

- (i) Some of the machines and vehicles were beyond economical repairs but were still to be stripped and examined; and
- (ii) workshop equipment required for undertaking repairs was received during 1962-63 and overhauls of the machinery and vehicles could be taken up only from 1963-64.²

At the instance of the Public Accounts Committee (1968-69), Government furnished the following³ statements indicating details of machinery and equipment awaiting or under repairs:

(1) Statement Showing Holdlag of Equipment and Those Awaiting Repairs.

	Total number of machines/vehicles	Number under or awaiting repairs ²		Total	Percentage of vehicles awaiting repairs
		Under repairs in workshops	Awaiting evacuation from work sites		
Earthmoving and construction machines	1,999	256	304	460	23
Other machines	3,387	330	145	475	14
Vehicles	5,591	630	377	1,007	18

(2) Statement Showing Periods for which Equipment had been Awaiting Repairs.

	Number under repairs in workshops for				Total
	Over 3 years	Over 2 years	Over 1 year	Less than one year	
Earthmoving and construction machines	18	13	47	178	255
Other machines	16	20	69	225	330
Vehicles	13	13	107	497	630
TOTAL	47	46	223	900	1,216

²P.A.C., 42nd Report (1968-69), para 2.4.

³Ibid., para 2.6.

(3) Statement Showing Repair Functions Machinery-wise

	Total No. with the organisation	Number awaiting repairs in workshops for				Total at work sites	Percentage of machines under repairs
		over 3 years	Over 2 years	Over 1 year	less than 1 year		
Tractors	608	16	3	19	90	81	30
Motor Graders	50	..	..	2	6	11	36
Compressor	770	9	6	54	150	69	37
Trucks 15 cwt/1 ton	1,244	6	4	37	156	84	23
Tipovers/Dump Trucks	635	1	5	47	105	67	35

In the light of the facts placed before them, the Public Accounts Committee observed that the organisation had failed to tackle the problem of repairs in a business like manner. The Committee pointed out that 23 per cent of the earthmoving and construction machines and 14 per cent of other machines had been under repairs against the Department's normal allowance of 10 per cent.

In this connection the Committee suggested the following steps for putting the machinery back into use:

- (i) the performance of the workshops should be geared up to cope efficiently with the backlog of repair work;
- (ii) the Border Roads Organisation should also enlist the assistance of Army Base Workshops in carrying out the repairs;
- (iii) mobile workshop units in existence should be reinforced by temporarily seconding men from the Base Workshops to attend to repairs to machines at site which cannot be easily moved to the Base Workshops;
- (iv) Government should also examine whether local formations had made adequate use of the powers delegated to them for getting the repair work done where this was a more advantageous and expeditious alternative.⁴

⁴Ibid., paras 2.11 to 2.13 and 2.17.

Indicating the steps being taken or proposed to be taken, the Ministry stated that every effort had been made to make full use of the facilities in the Base Workshops. In order to reduce the arrears in overhaul, certain items of equipment were given to the Anny Base Workshops for repairs. In March 1968, Commanders of the two Base Workshops were delegated enhanced financial powers for local purchase of spare parts. It was expected, the Ministry added, that this would enable them to buy locally the vital spares, which might not be available in stock. On the recommendation of the Shankar-Kumaramangalam Committee, the Director-General, Border Roads, Chief Engineers and Commanders of the Base Workshops were also given powers to have repairs of equipment and vehicles executed through contract with trade.

The Committee were also informed that additional staff for the Base Workshops had been sanctioned. Arrangements were also being made for improving the position of spares. The feasibility of getting more equipment and vehicles overhauled by Anny Base Workshops and by private or State Workshops was also being examined.

The Ministry added that the suggestions made by the Committee for putting the machinery back into use were thus being implemented.

As regards the Committee's suggestion for reinforcing the mobile workshops units by seconding men from Base Workshops, the Ministry stated that the concept of having repairs done in the forward area, avoid unnecessary back loading of heavy equipment, was thought of in initial stages of the Organisation, *i.e.*, during 1960-64, but the scheme could not be implemented due to various practical difficulties.

The question of utilisation of machinery was again examined by the Public Accounts Committee (1969-70) in their Eighty-sixth Report. The Committee observed that the state of affairs in the two Base Workshops was far from a happy one. In this connection they drew attention to the observation of a Committee of Officers set up to review the two workshops of the Border Roads Organisation, who had pointed out that there was "a large backlog" of Class 'C' vehicles and equipment awaiting repairs, representing "over three times the total annual capacity of the workshops". The Public Accounts Committee, agreeing with the view that a backlog of this magnitude could not be cleared by following routine means, desired the Border Roads Organisation to give urgent and serious consideration to the question how this backlog should be cleared. The Committee expressed the view that apart from

stepping up the output of the workshops, sustained measures would have to be taken to have as much of the repair/overhaul work off-loaded to Army Workshops and trade as possible. They also expressed the hope that final action on the Report of the Committee of Officers would be taken expeditiously.⁵

Accumulation of Inventories

In their Eighteenth Report, the P.A.C. (1967-68), while dealing with non-utilisation of plants and machinery, had referred to the need for a critical review of the existing inventory of machinery available with the Border Roads Organisation. In that context, the Committee had felt that Government should arrange for a thorough expert investigation of the problems of inventory control and materials management in the Defence Services with a view to effect economy.⁶

The Public Accounts Committee were informed by the Ministry in reply that the question of entrusting a works study of the output/efficiency of units, plant and machinery deployed in the Border Roads Organisation to a special agency, had been under the active consideration of the Government for some time past. The Director-General, Border Roads had proposed that this study should be entrusted to the National Productivity Council. The Council initially showed interest in the project. However, after further examination, they felt that keeping in view their resources and other commitments, they would not be in a position to undertake a work of such magnitude. It was, therefore, decided to entrust the works study to the Director of Scientific Evaluation of the Ministry of Defence.

The Committee expressed the hope that the Director of Scientific Evaluation would not only suggest in his study ways and means of securing optimum use of machinery and equipment but also suggest measures to eliminate avoidable purchases of excess machinery and equipment in future.⁷

In view of the heavy inventories with the Border Roads Organisation the Committee further suggested that fresh purchases of machinery and equipment for road construction should be made only after it had been verified that it was not possible to meet the demand from the

⁵P.A.C., 86th Report (1969-70), pages 17 to 21 and 85.

⁶P.A.C., 18th Report (1967-68), paras 1.66 and 1.67.

⁷P.A.C., 44th Report (1968-69), paras 1.9 and 1.15.

existing stock of surplus or under-utilised machinery with the Border Roads Organisation. The Committee also recommended that in respect of machinery and equipment which were neither in use nor likely to be gainfully employed in future in the Border Roads Organisation, Government should consider whether these could be transferred, in the overall interests of economy, to the Union or State agencies engaged in road construction or to Government projects, public undertakings etc. requiring them.⁸

The Ministry informed the Public Accounts Committee that all proposals for fresh purchases of machinery/equipment and vehicles were always accompanied by detailed statements of case justifying the necessity for the procurement. According to the Ministry, these were subjected to very detailed and critical scrutiny by the Border Roads Development Board and also by the Ministry of Finance before approval thereto was accorded. The Ministry stated that while considering the necessity for the fresh purchase, the number already available with the organisation was always taken into account. The Ministry further informed the Public Accounts Committee that as suggested by the latter, the equipments which were not in use or which could not be gainfully employed in future would be offered to Union and State agencies and Government undertakings before they were declared to the Director General, Supplies and Disposals for disposal.⁹

Procurement of Spares for Repairs/Overhaul

The Public Accounts Committee drew attention to the fact that 263 indents for spares valued at Rs. 1,603 lakhs were pending with various authorities like the Director-General, Supplies and Disposals, Director General, Ordnance Factories, etc., in some cases for periods ranging from 1 to 3 years and stressed the need for adequate follow-up action. The Committee observed: "The fact that substantial indents are pending over a long period of time raises the question whether the Border Roads Organisation have taken adequate follow-up action on the indents and maintained close liaison with the supply organisations concerned". The P.A.C. urged the Government to have the matter looked into closely "so that delays at various stages are eliminated."¹⁰

⁸P.A.C., 44th Report (1968-69), para 1.14.

⁹'Action Taken' Statement furnished by the Ministry. (Not printed).

¹⁰P.A.C., 42nd Report (1968-69), para 2.25.

Taking note of the fact that repairs to the machinery with the Border Roads Organisation had been impeded by lack of spares, the Public Accounts Committee stressed the need for evolving guidelines for advance provisioning of spares needed for repairs. Pointing out that the various items of machinery and equipment with the Border Roads Organisation had been in use for a sufficiently long period, the Committee observed that the Organisation should now be in a position to determine, in the light of experience, what spares were required for the machines. On the basis of these guidelines and a realistic assessment of requirement, rate contracts could be executed with indigenous suppliers to eliminate the delay involved in the normal procedure of procurement.¹¹

The Ministry stated in reply that the existing system of provisioning of spares was based on 'Stocking Guides' prepared for this purpose. The provisioning of spares for 2 years' maintenance and one overhaul was determined by Initial Stocking Guide, which was reviewed in the light of actual experience and consumption of spares. The indent for spares required for the maintenance of equipment for the next two years was also based on the Initial Stocking Guide, which, as mentioned above, was revised, if necessary, in the light of experience gained.

As regards the rate contracts and indents placed on the D.G.S.&D., it was explained to the Committee that orders upto Rs. 5 lakhs could be placed for spares on this basis. The indent for spares of value exceeding Rs. 5 lakhs were dealt with by D.G.S. & D. separately and the rates were generally negotiated in order to obtain discount on bulk orders from the contractors.

In regard to pending indents, the Ministry informed the Committee that the outstanding indents as on March 31, 1969 were 128 in number, valued at Rs. 973.61 lakhs, as against 147 nos. valued at Rs. 1,086.46 lakhs as on March 31, 1968. The number of items which were pending supply in part or in full, as on March 31, 1969, was 19483, and this has been brought down to 12815, as on September 30, 1969. The P.A.C. were further informed that with a view to expediting deliveries against indents already placed, Director General, Border Roads and his officers had been having periodical meetings and discussions with the Director General, Supplies and Disposals and his officers. Similarly, periodical discussions had also

¹¹P.A.C., 42nd Report (1968-69), para 2.23.

taken place with officers of the Directorate General Ordnance Factories. The Ministry stated that there had lately been an improvement in the supply of spares as a result of these discussions.

The Committee, however, after reviewing the position expressed the view that there had not been any appreciable improvement. 128 indents for spares valued at Rs. 9.74 crores were still to be processed as on March 31, 1969. Of these, 94 indents were pending for periods ranging from 1 to 3 years, the bulk of the indents being with the Director General, Supplies and Disposals. Expressing dissatisfaction over this position, the Committee desired that the supplying agencies concerned, particularly the D.G.S. & D., should take concerted steps to speed up procurement. Also, in view of the inordinate delay in procurement of spares, which had been occurring from year to year, the Committee desired the Government to consider whether a change in procedure for procurement was called for.¹²

The Public Accounts Committee were also informed by the Ministry that in the initial period when the Border Roads Organisation faced the problem of spares, "the difficulties were sought to be met by cannibalisation. . . . As a result, many other machines became idle for want of different components which had been taken for purpose of cannibalisation. The problem assumed proportions until in 1965 order had to be issued to stop cannibalisation." The Ministry added that about a dozen cases were referred every month to the Director General, Border Roads, for cannibalisation.

The Public Accounts Committee while noting (*vide* their Forty-Second Report) the assurance given by the Director General, Border Roads that the practice of cannibalisation had been checked, felt concerned that the number of references for cannibalisation continued to be of the order of six per month. The Committee considered that the practice of cannibalisation was fraught with danger and should be firmly checked. They further stressed that the Director General should exercise every care to see that permission for cannibalisation was given only in very exceptional circumstances after making sure that a serviceable machine would not thereby be permanently impaired and rendered inoperative.¹³

¹²P.A.C., 86th Report (1969-70), pp. 25 to 27 and 86 and 87.

¹³P.A.C., 42nd Report (1966-69), paras 2.29 and 2.30.

The Ministry of Transport and Shipping later informed the Committee that orders banning the cannibalisation of equipment and vehicles had been issued by the Director General, Border Roads in February 1965 in pursuance of a directive from the Government in this regard. The Ministry stated that the permission for cannibalisation was accordingly granted in very exceptional cases with a view to ensure better utilisation of equipment|vehicles. The Director General, Border Roads, had laid down guidelines for Director of Technical Administration, who alone was competent to authorise cannibalisation in exceptional and inescapable cases.

During 1967-68, permission for cannibalisation was granted in 26 cases in all involving a total number of 77 equipment|vehicles. During 1968-69 out of 53 requests received from Chief Engineers seeking permission for cannibalisation, permission was granted in 41 cases involving a total number of 98 machines.¹⁴

The Public Accounts Committee had also expressed the hope, *vide* their Forty-second Report, that with a long-term forecast of the requirements of spares by the Border Roads Organisation and the accompanying prospect of a sustained demand over a period of time, the Border Roads Organisation would be able to produce more manufacturers to undertake the responsibility for the supply of spares. They further expressed the hope that the proposals for indigenous manufacture of Komatsu tractor spares would get under way soon.¹⁵

The Ministry stated in reply that the Department of Defence Supplies tried to induce the indigenous manufacturers to take up production of spare parts required for International Harvester tractors, Ingersoll Rand compressors. For this purpose an assessment of requirement of spares was made in 1966. The Department arranged an exhibition of spare parts of the above tractors and compressors at Delhi and invited various firms including small scale manufacturers to visit it. The response was not encouraging. The main reasons for the poor response mentioned by the Ministry were: (i) the requirement was so small that it did not come to an economical unit of manufacture in many cases; (ii) there was no assurance for further demands as these items would be wasted out and no fresh purchases were likely to be made by Border Roads Organisation; and (iii) there were a number of series or models with a small percentage of commonality of spares.

¹⁴P.A.C., 85th Report (1969-70), page 91.

¹⁵P.A.C., 42nd Report (1968-69), para 2.31.

The Ministry further informed the Public Accounts Committee that both the Director General, Ordnance Factories and Bharat Earth Movers Ltd. were attempting on a planned basis to increase the indigenous content of the equipment and vehicles, which were being manufactured by them in collaboration with foreign firms. However, the observations of the Public Accounts Committee had been brought to the notice of the Department of Defence Production and Supplies.¹⁶

Need for Standardisation of Models

The Public Accounts Committee (1968-69) also noticed that there was a multiplicity of models of various equipment with the Border Roads Organisation. The Committee felt that this would undoubtedly complicate the problem of procurement of spares and, therefore, desired Government to consider how best, in the interest of rationalisation, the equipment to be procured could be standardised.¹⁷

The Ministry of Transport and Shipping stated in reply that in the past, different types of models of equipment and vehicles were purchased because of (i) the urgency of supplies; (ii) the availability of aid and foreign exchange; and (iii) lack of adequate experience of the equipment after they had been used in difficult terrain and high altitudes areas. The question of standardisation of equipment and vehicles had, however, been engaging the attention of Government and it has been decided in principle that in respect of equipment which was to be imported, the Organisation would standardise on one type. In the case of indigenous equipment, only two types of equipment would be purchased. The Ministry stated that in view of the voluminous work involved, it might not be possible to finalise the decision on the standardisation of the main items of equipment before December 1970. The Ministry, however, undertook to make efforts to tackle the work expeditiously and complete the task before October 1970.

The Public Accounts Committee (1969-70) observed in their Eighty-sixth Report that the lack of spares had in turn resulted in equipment and machinery stagnating in the repair workshops for long periods. Regretting the inordinate delay in the work of standardisation the Committee expressed the hope that decisions on these points would be speeded up.¹⁸

¹⁶P.A.C., 86th Report (1968-70), pages 93 and 94.

¹⁷P.A.C., 42nd Report (1968-69), para 224.

¹⁸P.A.C., 86th Report (1969-70), pp. 23 and 24.

Uncoordinated Raising of Civilian Units

During the period 1961—65, Civilian complement of 223 units (Pioneer Companies, Transport Companies, Field Workshops, Supply Platoons, etc.) for construction of border roads were raised at a base. The raisings were not, however, coordinated with the requirements which resulted in an infructuous expenditure of about Rs. 34 lakhs.

15 units were disbanded at the base itself, without being moved to the project sites, apparently as they were found to be not required. The entire expenditure totalling about Rs. 8 lakhs on these units during the period in which they were raised and while the units raised were staying idle at the base (which exceeded over a year in some cases) had been infructuous.

208 other units raised were moved from the base depot to the project sites, but after a delay extending over a year in some cases as shown below:

Year of raising	Extent of delay from the date of raising						Total
	Less one month	1 to less than 2 months	2 to less than 4 months	4 to less than 6 months	6 to less than 12 months	Over 12 months	
1961	7	24	12	10	20	7	70
1962	6	13	17	10	15	6	67
1963	4	10	12	4	2	3	35
1964	..	1	2	1	5		9
1965	8	11	6	1	1		27
	25	59	49	26	33	16	208

The Border Roads Development Board explained that there was delay in the completion of the raising of some of the units, "because sufficient number of tradesmen and officers who could form an effective working nucleus of the project area could not be recruited" and

that such delays, when many units had to be raised simultaneously, were unavoidable. It was, however, observed that there was delay, extending to over 2 months in a number of cases, even in the despatch to the project sites after the units had been fully raised, as shown below:

Extent of delay in despatching the units after the raising was completed

Year of raising	less than one month	1 to less than 2 months	2 to less than 4 months	4 to less than 6 months	6 to less than 12 months	Total
1961	69		1			77
1962	62	3	2			67
1963	32	3				35
1964	7	2				
1965	26	1	..	..	..	27
	196	9	3	..	..	208

Commenting on the uncoordinated raising of Civilian Units by the Border Roads Organisation, the Public Accounts Committee (1967-68), in their Eighteenth Report, expressed regret over the infructuous expenditure of Rs. 34 lakhs incurred due to the disbandment of units or the delay in raising or despatching of units to the work sites. What was more regrettable, the Committee said, was that an expenditure of Rs. 8 lakhs (out of these Rs. 34 lakhs) was incurred on 15 units which were disbanded at the base itself. According to the Ministry's own note, "with better planning and control on the part of the Directorate, the retention of these personnel could have been considerably avoided", the P.A.C. observed.

The Public Accounts Committee also noted with concern that due to a lapse on the part of the office of the Director of Personnel in not scrutinising properly the monthly statements furnished by the General Reserve Engineer Force Centre, proper administrative control was

not kept on the raising, despatch and retention of units. The Committee expressed the hope that in future administrative control would be tightened up so that delay in the raising and despatch of units was strictly avoided.¹⁹

The Committee were informed by the Ministry of Transport and Shipping in reply that a working rule had since been adopted that the period of stay of any unit in the General Reserve Engineer Force Centre would not exceed two months. The Ministry added that if this period was likely to exceed two months, Director General Border Roads would be informed, who would satisfy himself of the reasons for delay. If the raising of a unit could not be completed within four months, the Director General, Border Roads would report the matter to the Government.

The Public Accounts Committee were further informed that in the implementation of their recommendations, the Director General, Border Roads had issued comprehensive instructions prescribing a drill to be followed by the officers in Headquarters to watch the progress of the raising of units and to ensure their despatch at the earliest.

The Committee were informed that there had been no case of delay in the raising or despatching of units since 1966 and it was hoped that with the measures subsequently adopted, such cases would not ordinarily recur.²⁰

Another 'disquieting' aspect of this case was that the delay in raising and despatch of units to project sites came to the notice of the Department only when it was pointed out by Audit in the Audit Report (Civil) 1966. The Public Accounts Committee felt that had the Department kept proper administrative control, this could have come to the notice of their officers before it was pointed out by Audit. In any case, the Committee expressed the hope that with the measures adopted by the Border Roads Organisation, the requirements of the units would be assessed realistically and there would not be any delay in the raising or despatching of units to the work site in future.²¹

¹⁹ P.A.C., 18th Report (1987-88), paras 1.45 and 1.48.

²⁰ P.A.C., 44th Report (1968-69), page 12.

²¹ P.A.C., 18th Report (1987-88), para 1.47.

The Ministry of Transport and Shipping informed the Public Accounts Committee in reply that in accordance with the existing procedure, Director General, Border Roads was required to assess and forward to Government each year his requirements of units with reference to the planned construction programme of the year, which were examined and accepted by the Government. This represented the ceiling. The raising of new units and the time were left to the Director General, Border Roads. The flexibility was given to ensure that units were raised only when they were required with reference to the construction season which varied from sector to sector. The Ministry, however, added that the Committee's observations were being kept in view while assessing annually the requirements of units.²²

References in Press

The Public Accounts Committee's Eighteenth Report (1967-68) on the working of the Border Roads Organisation was commented upon in its leading article by the *Hindustan Times*, Delhi, dated February 29, 1968. The paper observed:

"The report of Parliament's Public Accounts Committee on the functioning of the Border Roads Organisation calls for effective measures by the Government to put it on a sound footing. Avoidable expenditure is an ailment from which nearly all Government departments and undertakings suffer, and the Border Roads Organisation is no exception".

Referring to "some of the glaring instances" of wasteful expenditure cited by the Committee, the paper stated:

"Waste of public funds on such a large scale is inexcusable at all times. It is more so when the people are over-burdened with taxes and the nation's economy demands the utmost vigilance by official agencies."

Concluding its observations on the subject, the paper recorded as follows:

"The P.A.C. wants the Government to take steps which would enable the Organisation to meet any situation "effectively and efficiently. One such step is greater co-ordination between the Organisation, the Army and local civil authorities. Press reports suggest that such coordination was lacking during the recent blizzard between Banihal and Qazigund in Kashmir, and but for this the tragic loss of life and property suffered by an army convoy could have been averted."

²² P.A.C., 44th Report (1968-69), pp. 12-13.

Commenting on the Forty-second Report of PAC (1968-69) on the same subject, the *Times of India*, Delhi, dated February 25, 1969, wrote in its editorial as follows:

"For the second time within a year the Public Accounts Committee has found fault with the Border Roads Organisation for poor inventory control and bad materials management. In its report to Parliament a year ago it observed that new machinery worth Rs. 70 lakhs was lying idle and nearly two-thirds of the BRO's earth-moving and construction equipment was under-utilised. The P.A.C.'s latest strictures, on the face of it, are no less disquieting... The Director General, Border Roads, would undoubtedly argue that the PAC has taken a rather mechanical view of the whole matter and that the performance of a machine-based organisation, operating at heights varying from 5,000 to 18,000 feet, should not be judged by the usual yardstick applicable to the Public Works Department or a private contractor working in the plains. It has to be realised for instance that the efficiency of a bulldozer goes down at higher altitudes by an average of three per cent for every one thousand feet. Nor can the BRO move heavy machines easily from one area of operation in a corner of NEFA to Ladakh or even to the Mizo Hills. All too often these have to be dismantled, packed and transported by truck, mule or helicopter to be assembled again at site. Snow and rain force the BRO to suspend work in some areas for as much as six months in the year. Though its effort is mainly development oriented, defence considerations inevitably overlap and compel the organisation to adhere to rigid deadlines. A certain amount of waste, both of materials and manpower is therefore unavoidable, particularly in regions where local skilled labour is scarce and sophisticated repair facilities are difficult to set up".

In conclusion, the paper added:

"Besides, the DGBR should immediately take steps to standardise equipment and augment its repair facilities to ensure the optimum use of all items in its inventory. Services of the army base workshops and civil trade, as suggested by the P.A.C. should also be used more extensively. Building roads on the Himalayan borders is admittedly a costly business but the country is entitled to value for the money spent."

Shorte Notes

I. PRIVILEGE ISSUES

Aboged making of a policy statement outside the House when the House is in session.

IN RAJYA SABHA

Facts of the case and ruling by the Vice-Chairman

On August 18, 1970, when the Minister of Industrial Development and Internal Trade (Shri Dimesh Singh) was to make a statement regarding manufacture of scooters in the country, Shri Lokanath Misra, a member, sought to raise¹ a question of privilege alleging that the statement had already appeared in the press before it had been made in the House. He contended that in view of the fact that Government had been admonished four or five times by the Chair during that session in such cases, it was a case of contempt of the House.

Replying to the allegation, the Minister of Industrial Development and Internal Trade, stated *inter alia* as under:—

"The hon. Members have raised this question and said that there was some policy decision which has been leaked out to the press. May I say that this decision was taken last October and it was known to the press, to everybody in the country... What I am trying to say is that this decision was taken last October and as I read the statement, you will see that there is no question of any policy decision having been leaked out. I took the earliest opportunity of informing the House because it is a matter in which the House will be very greatly interested. What we have done is really implementation of the recommendations of the Committee. The policy decision was really taken last October and, therefore, there is no leakage of any policy as such."

The Vice-Chairman (Shri Akbar Ali Khan), who was then in the Chair, reserved his ruling till the next day.

¹R.S. Deb., 18-8-1970, cc. 255-56.

On August 19, 1970, disallowing the question of privilege, the Vice-Chairman ruled² *inter alia* as under:—

“Some honourable Members raised a question about the publication of a news item in yesterday's *Statesman* and *Times of India* regarding the scooter project. The objection was that it was an important matter of policy and that it should have been placed in Parliament before it was released to the press. They further contended that it was a breach of privilege and contempt of the House. I have looked into the facts of the case. The contention of the honourable Minister for Industrial Development is that the policy matter had already been decided in October, 1969 and that this is, however an amplification of certain details. He further stated that the news was not released from his Ministry. I have gone through the cases regarding breach of privilege and contempt of the House. It is true that the policy declaration was made in October, 1969, and the statement given yesterday is an explanation of further details regarding the same matter. I think this publication is more due to the intelligent guesses that appear in newspapers which are always alert and imaginative. Though it does not constitute a breach of privilege or contempt of the House, yet, I think it would be proper if further vigilance is kept so that such things do not recur and the Government is more careful in such matters.”

Attributing motives to a Minister in respect of a statement made by him in the House.

IN RAJYA SABHA

On September 7, 1970, Shri Mahavir Tyagi, a member, raised³ a question of privilege in the House in respect of a statement made by Shri Ram Nath Goenka as reported in the *Indian Express*, dated September 4, 1970, under the heading “Goenka refutes Minister's charge”. The Impugned statement of Shri Goenka read *inter alia* as follows:

“Mr. Ramnath Goenka today described as ‘maliciously misleading’ the suggestion by the Minister of State for Industrial Development, Mr. K. V. Raghunatha Reddy, that he had managed to get an accommodation of Rs. 7.00 crores by utilising credit provided to his companies by Government agencies.

In a statement, he said he believed that he was being ‘persecuted’ because of the critical attitude the *Indian Express* had adopted towards some of the Government's policies.

Mr. Goenka said: ‘On Monday last, in the Rajya Sabha, answering a question in regard to the ‘malpractices indulged in’ by my companies, the Minister for Company Affairs, Mr. Raghunatha Reddy, has stated that the total value of INSCO shares

²Ibid., 19-8-1970, c. 170.

³R.S. Deb., 31-8-1970, cc. 19-20.

cornered by me amounted to Rs. 12 crores. He added that I had managed to get an accommodation of Rs. 7.89 crores mainly by utilising the funds of the National Company made up of Rs. 4 crores cash credit by the State Bank of India, Rs. 0.89 crores from the National Industrial Development Corporation and Industrial Development Bank of India and Rs. 3 crores by dubious sale-purchase of pucca delivery orders. Apart from the suggestion being absurd, it is 'maliciously misleading'.

After some discussion, the Leader of the House (Shri K. K. Shah), moved⁴ the following motion which was adopted by the House:—

"That the complaint of breach of privilege against Shri Ram Nath Goenka be referred to the Committee of Privileges with instructions to report to this House before the end of the next session."

On November 6, 1970, Shri Krishan Kant, another Member, gave notice of a question of breach of privilege arising out of the following statements contained in a writ petition filed on October 7, 1970, by the National Company Limited and Shri Ram Nath Goenka, a Director of the Company, in the High Court of Calcutta:—

"Knowing fully well that the questions and answers could be utilised against your petitioners, the adversaries (i.e. the Young Turks), framed the questions in such a way as to give the impression that your petitioners and the firms connected with your petitioner No. 2⁵ have, in fact, committed malpractices, although there was no finding of any court nor any pronouncement of any Minister in the House previously even suggesting that your petitioner or the firm connected with your petitioner No. 2 have committed any malpractices....

These facts and documents have nothing to do with the questions put by the Young Turks as aforesaid. They were volunteered by the Minister concerned, only to cloud the issues and to prejudice the minds of Members present in the House as well as the public at large against your petitioners."

As the issues involved in this case were sufficiently important from the point of view of Members' rights and privileges, and as a connected case arising out of the same proceedings of the House had already

⁴Ibid., 7-9-1970, c. 67

⁵Shri Ram Nath Goenka.

been referred by the House to the Committee of Privileges on September 7, 1970, the Chairman, under Rule 203 of Rules of Procedure of the Rajya Sabha, referred this matter also to the Committee of Privileges for examination, investigation and report.

Findings and Recommendations of the Committee

The Committee of Privileges, after calling for the written explanation of Shri Ram Nath Goenka, in their 13th Report, presented to the House on June 11, 1971, reported, *inter alia* as follows:—

“It has long been recognised that to print or publish any books or libels reflecting upon the proceedings of the House or any member thereof, for, or relating to, his services therein is a high violation of the rights and privileges of the House. Words or writings reflecting on the House and on members of the House, have constantly been punished upon the principle that such acts tend to obstruct the House in the performance of its function by diminishing the respect due to it. It has further been held that written imputations affecting a Member of Parliament may amount to a breach of privilege without being libels under common law, provided such imputations concerned the character or conduct of the member in that capacity. It is, however, for the House to decide whether any particular publication constitutes such an affront to the dignity of the House or its members in that capacity as amounts to a contempt of Parliament.

In his letter dated the 15th October, 1970 Shri Goenka has reiterated the statement published earlier in the *Indian Express* of the 4th September, 1970 and has furnished a lengthy explanation in justification thereof. He contended that the circumstances of the case compelled him to make the impugned statement, as there was a deliberate attempt on the part of the Minister to mislead the House in the matter and damage his reputation.

The Committee recognises that in a democratic country like ours, every citizen has a right to offer fair criticism and/or comments on a matter which is of public concern and that it is not correct to suggest that a Member of Parliament is not liable to be criticised in the performance of his duties as such Member. Fair comments or criticism by a citizen on a matter which is of public concern and particularly a statement couched in proper language in which he puts forward his own version of certain facts, which may be contrary to something, said on the floor of the House by a Member or a Minister, will not be objectionable. When, however, the citizen exceeds the limit of fair comment or criticism and indulges in imputations of improper motive to a Member of Parliament, he brings himself within the penal jurisdiction of the House and it will be for the House to decide whether such an action constitutes a breach of privilege or contempt of the House. If Shri Goenka had in the statement published in the Press stated his own version of the facts of the case without making any imputation or

casting any reflection on the Minister, the question of initiating a case of breach of privilege against him would not have perhaps arisen. Instead of that, Shri Goenka has, in his impugned statement, as also in his reply to the Committee, imputed motive to Shri Raghunatha Reddy, a Member of the House, in relation to his service therein and has thus made himself liable for breach of privilege and contempt of the House as his statement would amount to an improper obstruction in the functioning of this House.

In the circumstances the Committee has come to the conclusion that Shri Goenka by his statement which appeared in the *Indian Express* of the 4th September, 1970, has committed a breach of privilege and contempt of the House. The Committee is aware that Shri Goenka has since been returned to the Lok Sabha during elections held in March, 1971, and taking this fact into consideration, the Committee does not consider it necessary to recommend any further action in the matter. The Committee, however, observes that responsible persons in public life should refrain from commenting on the proceedings in Parliament in a manner which would bring them within the penal jurisdiction of the House.

For the same reasons the Committee recommends that no further action need be taken on the complaint of Shri Krishan Kant against the National Company Limited and Shri Goenka for certain statements contained in the writ petition filed by them in the High Court of Calcutta."

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

Interruptions and walk-out by members during Governor's Address

IN THE ORISSA LEGISLATIVE ASSEMBLY

On February 19, 1968, when the Governor began reading his Address, some members interrupted him and also staged a walk-out while the Governor was addressing.

On February 21, 1968, the House decided* that the Speaker might appoint a Committee in order to prevent or avoid any untoward occurrence in future and for that purpose to lay down norms to be observed by the members during the occasion of Governor's Address and in order to maintain peace, decorum and discipline and to establish a healthy convention in that regard for the future guidance of the members.

*Orissa Legislative Assembly Deb., 21-2-1968.

The Speaker (Sbri N. K. Misra) accordingly appointed a Committee for the purpose on April 5, 1968.

Recommendations of the Committee

The Committee, in their Report presented to the House on April 16, 1969, observed *inter alia* as follows:—

"The Committee were of opinion that in no form disrespect should be shown to the Governor while he is addressing the Assembly. Instead of providing in the rules to deal with such matters it would be desirable to lay down the norms to be observed by Members when the Governor addresses the Assembly, as follows:—

- (i) That any disorderly conduct on the part of members during the occasion of Governor's Address affects dignity of the Governor, the House and its members.
- (ii) That the Governor's Address is a statement of Government Policy, of which, as the Constitutional head, he is the mouth-piece. As such, there should be solemnity, dignity and decorum during the occasion.
- (iii) That the members should listen to the Governor with decorum and dignity which is a constitutional obligation.
- (iv) That the Governor is a part of the Legislature under Article 168 and, as such, members must show respect.
- (v) That it is open for the House to take action against members for their undignified action which is contrary to the oath taken by them.
- (vi) When the Governor is in the House, if any member interrupts or obstructs the Governor, either before, during or after the Address with any speech or point of order or walkout or in any other manner, such action may be considered as a grossly disorderly conduct and may be dealt with by the House in such manner as the House may deem fit."

The recommendations of the Committee were circulated to all the members of the Orissa Legislative Assembly by a circular letter dated February 17, 1969.

Shouting of slogans and throwing of leaflets by a person from Visitors' Gallery during Governor's Address.

IN ORISSA LEGISLATIVE ASSEMBLY

On May 3, 1971, at 11.18 A.M., while the Governor was addressing the House, a person shouted slogans and threw leaflets from the

Visitors' Gallery on the floor of the House. He was immediately taken into custody by the Security Officer.

Later, when the House reassembled after the Governor's Address, the Chief Minister (Shri Biswanath Das) moved^o the following motion, which was adopted by the House:—

"That this House resolves that a person calling himself S. Mohapatra but identified to be Jagatbandhu Das, son of Krushna Chandra Das of Jhanjirimangala, Cuttack, who shouted slogans and threw leaflets from the Visitors' Gallery at 11.18 A.M. this day and disturbed the proceedings of the House during the Governor's Address and whom the Security Officer took into custody immediately, has committed a grave offence and is guilty of contempt of this House.

This House further resolves that he be warned and the Hon'ble Speaker is hereby authorised to admonish him in his Chamber."

In pursuance of the above decision of the House, the Speaker (Shri Nanda Kishore Misra), asked the Security Officer to produce the offender before him in his Chamber. The offender was accordingly produced before the Speaker. The Speaker then admonished him as follows:—

"This House has passed a resolution that you, Shri Jagatbandhu Das, son of Shri Krushna Chandra Das of Jhanjirmangala, Cuttack, have committed a grave offence by shouting slogans and throwing leaflets from the Visitors' Gallery at 11.18 A.M. this day, the 3rd May, 1971 and you are guilty of the contempt of this House and the House has further resolved that you should be warned and the Speaker has been authorised to admonish you in his Chamber for your aforesaid disorderly behaviour.

Therefore, I, Shri Nanda Kishore Misra, Speaker, in the name of and by the authority of this House, warn you and admonish you this day, the 3rd May, 1971, at 2.10 P.M. in my Chamber."

Alleged use of forged signatures of members on a telegram

IN THE U.K. HOUSE OF COMMONS

On April 19, 1948, Mr. Blackburn, a member, sought to move^o the following motion:—

"That a Committee of Privileges be appointed to investigate into and report on the circumstances in which a number of names

^oIbid.

^oH.C. Deb., (1947-48) 449, 19-4-1948, cc. 1447-50.

of Members of this House were allegedly appended without their approval to a telegram sent on 18th April to Signor Nenni wishing him outstanding success in the forthcoming Italian elections."

The member stated that according to a news report published in the *Daily Herald*, dated April 19, 1948, the above-referred telegram purporting to be in the names of 37 members of the House of Commons was sent on April 16, 1948; but a number of members, whose names were appended to the telegram, had denied having seen or signed the said telegram. The member contended that in sending telegrams on such important matters, members of Parliament were responsible for what they did and it involved their parliamentary conduct. He contended that this was a matter which did give rise to breach of privilege.

The Speaker (Mr. Douglas Clifton Brown), while disallowing the question of privilege, ruled¹⁰:

"While I quite agree that this is a serious matter, I have to deal with the question whether it affects privilege or not. This is a matter which affects individual members. They are members of Parliament, but this is a question affecting certain individuals, and is not a matter of Privilege. I rule that there is no *prima facie* case."

Mr. Bellenger, another member, thereupon, asked whether the concerned members whose signatures had been forged on the telegram had no redress in the House whatever. The Speaker observed:

"Not in the House. An hon. Member has his redress because the matter was published in the newspapers, and he has redress in the Courts."

Alleged use of forged signatures of Members by a News Agency

IN THE U.K. HOUSE OF COMMONS

On April 26, 1948, Major Beamish, a member, raised¹¹ a question of privilege regarding alleged forging of signatures of members by a news agency, whose editorial board included some members of Parliament. The Member alleged that the 'Democratic and General News Service, London', had circulated a letter under the signatures of 57 members of Parliament recommending its news service. Major

¹⁰*Ibid.*, c. 1448.

¹¹H.C. Deb., 26-4-1948, cc. 81-82.

Beamish added that it was the second case in a week where the signatures of members had been forged or obtained, in some way under false pretences and had been used for subversive purposes without the knowledge of the persons concerned. Thus, he alleged, a breach of privilege of the members had been committed by the said news agency.

The Speaker (Mr. Douglas Clifton Brown), while disallowing the question of privilege, ruled¹² as follows:—

"It is not a reflection on Parliament as a whole, and it is not really a matter which affects privilege. It is a matter between some individual members, who apparently have had their signatures put down by mistake, or wrongly, and a gentleman called Mr. Cook. I cannot rule that there is a *Prima facie* case of privilege, although I confess that when names of members are put down recklessly by all kinds of papers, on all kinds of occasions, it is a serious matter. It is not, however, a matter of privilege, and the remedy lies between each of the hon. members and the paper concerned."

Criticism of a member's conduct outside the House by a Court

IN THE U.K. HOUSE OF COMMONS

On March 16, 1949, Mr. Scholesfield Allen, a member, sought to raise¹³ a question of privilege, arising out of the following news report published in the *Daily Dispatch*, dated March 16, 1949:—

"Recorder Criticized"

Mr. S. Scholesfield Allen, K. C., Socialist M.P. for Crewe and Recorder of Blackburn, intervened to secure the release on licence from an approved school of a 12-year old boy, the magistrates at Crewe Juvenile Court were told yesterday. Mr. B. W. Furber, the Chairman, said Mr. Allen's conduct was 'highly improper'. The boy and his 11 year old brother admitted breaking into a lock-up shop and an office, and to stealing bicycles and cash.

Mr. Furber said that but for Mr. Allen's action—taken, it was said, after the boy's mother had written to him—the boy would still have been under proper care and probably his brother would not have been before the court that day. The two other magistrates agreed."

While raising the question of privilege, Mr. Scholesfield Allen stated *inter alia* as follows:—

"In the course of my duties as a Member of Parliament I forwarded a request from a constituent of mine to the Home

¹²*Ibid.*, 26-4-1948, c. 32.

¹³H.C. Deb., (1948-49) 662, 16-3-1949, cc. 2119-20.

Secretary that her son should be released upon licence, he being then at an approved school. My action was taken purely as a Member of Parliament, and it appears that the Home Secretary did release this person from the approved school.

In Crewe yesterday—which is the centre of my rather large constituency, consisting not only of Crewe—a bench of magistrates described as “highly improper” my action in asking the Home Secretary to consider this matter. The article adds a little fuel to the fire because it is headed “Recorder Criticised.” The action that I took had no relation to my duties as Recorder of Blackburn, but was taken solely as Member of this House.”

The Speaker (Mr. Douglas Clifton Brown) reserved¹⁴ his ruling till the next day.

On March 17, 1949, the Speaker, while disallowing the question of privilege, ruled¹⁵ as follows:—

“I have carefully considered whether or not I should rule that the hon. and learned Member has established a *prima facie* case of breach of privilege. My conclusion is that, whether or not the words are technically defamatory, the implication cast upon the hon. and learned Member is not sufficiently grave to warrant giving to this matter precedence over the Business of the day. It is clear that the Chairman of the juvenile court was not fully informed of the true facts of the case, and the action in releasing the boy was taken by the Home Secretary. No criticism can possibly be attached to the hon. and learned Member for Crewe (Mr. Scholefield Allen) for his part in the matter....

A Member of Parliament is not exempt from criticism. I have to look at it from the point of view, ‘Is it going to interfere with the execution of his proper duties?’ I cannot think that the mere statement by a magistrate in court, which was misinformed, would deter the hon. and learned Member from performing his duties as a Member of Parliament.

Arrest of a member in Northern Ireland on a charge not considered criminal in Great Britain

IN THE HOUSE OF COMMONS (U.K.)

On January 19, 1971, Miss Barnadette Devlin, a member, on a

¹⁴*Ibid.*

¹⁵*Ibid.*, 17-3-1949, c. 2301.

motion for adjournment of the House, sought to discuss¹⁶ the following matter:—

“The imprisonment yesterday in one of Her Majesty’s Prisons of an hon. member of this House for activities not considered criminal in Great Britain.”

She stated that Mr. Frank Mcmanus, another member, had been imprisoned for six months in Northern Ireland for taking part in and organising a demonstration, which was not considered criminal in Great Britain.

The Speaker (Mr. Selwyn Lloyd), ruled¹⁷ as under:—

“...I have given careful consideration to the representations made by the hon. Member and what she has said today, but I have to rule that the hon. Lady’s submission does not fall within the provision of the Standing Order (No. 9) and, therefore, I cannot submit the application to the House.

On January 22, 1971, the Speaker informed¹⁸ the House that he had received a communication from the Resident Magistrate of Enniskillen regarding the conviction of Mr. Frank McMaous, a member, for six months’ imprisonment, for taking part and holding public procession in contravention of the orders in force.

On a query from a member (Mr. William Hamilton) whether the Speaker had powers to ensure that the member in prison was safeguarded so far as his parliamentary duties were concerned, the Speaker observed that he had no power in the matter at all.

The matter was thereafter closed.

II. PROCEDURAL MATTERS

The forum of the House should not be used to make personal explanation to contradict or clarify the report, not connected with the proceedings of the House, published in the Press.

IN LOK SABHA

On June 4, 1971, a Member (Shri Madhu Dandavate) made a personal explanation, contradicting a report in the Press that he was one of the signatories of a letter addressed to the Prime Minister requesting her to use her good offices with the State Government of Jammu & Kashmir to get the externment order against Sheikh

¹⁶R.C. Deb., 19-1-1971, cc. 734-40.

¹⁷Ibid.

¹⁸Ibid., 22-1-1971, cc. 1453-54.

Abdullah and two of his colleagues, withdrawn. Another Member (Shri Atal Behari Vajpayee), thereupon raised a point that the matter was not connected with the proceedings of the House and as such the forum of the House could not be used for such a personal explanation. Other Members also supported Shri Vajpayee. The Speaker agreed that the matter did not relate to the proceedings of the House and the Member should not therefore use the House to give a personal explanation.¹⁹

It is for the Speaker to determine when the sitting of the House shall adjourn.

IN LOK SABHA

On June 17, 1971, when the Minister of State for Home Affairs (Shri K. C. Pant) was replying to the debate on the Statutory Resolution disapproving the Maintenance of Internal Security Ordinance and the motion for consideration of the connected Bill, a Member (Shri Jyotirmoy Bosu), rising on a point of order, said that it had been decided that the House would adjourn at 6 p.m. and that it was already past 6 O'clock and the House had not adjourned. The Deputy Speaker, thereupon, drew the attention of the Member to Rule 15 and observed that it was for the Speaker to determine when the House was to be adjourned. Shri Bosu then pointed out that before the Deputy Speaker occupied the Chair, the Chairman (Shri K. N. Tiwari) had informed the House that it would rise at 6 O'clock. On this the Deputy Speaker observed that the person who sits in the Chair takes a decision after taking into account the circumstances prevailing in the House.²⁰

The House adjourned at 18.27 hrs. after the Minister concluded his speech.

When papers are laid on the Table, only questions regarding delay could be asked or points regarding constitutional validity raised but questions on the merits or details of the documents cannot be asked.

IN LOK SABHA

On May 24, 1971, a Member (Shri Jyotirmoy Bosu) gave some notices, referring to sub-para 38(ii) of para 30 of the Handbook for

¹⁹L.S. Deb, 4-6-1971.

²⁰L.S. Deb., dated 17-6-1971.

Members²¹ of his intention to ask from Ministers information on a number of points at the time the Ministers laid papers mentioned in the List of Business on the Table of the House. Since the information sought to be asked did not relate to delay in laying the papers or constitutional validity of the papers to be laid, the Speaker did not give his permission to the Member to ask the questions and the Member was informed accordingly.

On the following day, Shri Bosu again gave some notices about papers mentioned in the List of Business for that day. When the Minister of Finance was called to lay the paper standing in his name, Shri Jyotirmoy Bosu rose to ask the question from the Minister. The Speaker observed that at the stage when papers were laid on the Table, only questions about delay could be asked. The Member quoted sub-para 38(ii) of para 30 of the Handbook for Members and pleaded that he was entitled to ask any information.²²

Later, on the same day the following amendment to the Handbook for Members, approved by the Speaker, was published in Bulletin Part II:—

- (ii) A Member who wants to seek information from a Minister regarding delay in laying a paper mentioned in the List of Business to be laid on the Table of the House, should give advance notice.
- (iii) The notice in duplicate should be addressed to Secretary and sent to the Parliamentary Notice Office by 10.15 hours on the day on which the paper in question is to be laid on the Table.
- (iv) If the Speaker is of opinion that the information asked for by the Member should be given to him, he may direct that the notice be sent to the Minister concerned. The Minister may give information at the time he lays the paper on the Table or ask for time and give it subsequently.²³

On May 26, 1971, referring to another letter received from Shri Jyotirmoy Bosu seeking permission to raise the matter, the Speaker, while reiterating his earlier observation, stated that questions about delay or about constitutional validity could only be asked at the stage of laying of papers.

²¹Sub-para 38(ii) of para 30 reads as under:

"Members who want to seek any information from Ministers regarding papers mentioned in the List of Business to be laid on the Table of the House, should give advance intimation to the Speaker stating the specific points on which information is required so that the Minister concerned could come prepared with the information."

²²L. S. Deb., 25-5-1971.

Making speeches in languages not included in the Eighth Schedule—A Member was allowed to speak in Nepalese Language as an exception.

IN LOK SABHA

On June 26, 1971, when discussion on Demands for Grants in respect of the Ministry of Communications was taken up, the Speaker placed it before the House whether he could accede to the request of a Member (Shri Rattanlal Brahman, from Darjeeling constituency of West Bengal) to speak in Nepalese Language, which was his mother tongue. Nepalese being a language not included in the Eighth Schedule to the Constitution, it could not be used for making speeches in the House. The Member had, however, provided an English translation of his speech in advance. After submissions were made by Members and the House having agreed, the Speaker permitted the Member to speak in the Nepalese language, observing that it would be treated as an exception. The speech was interpreted in English and Hindi.²³

When the House is in session, Ministers should announce policy decisions on major questions in the House rather than announcing them in a press conference.

IN LOK SABHA

On May 31, 1971, a Member (Shri Atal Behari Vajpayee) pointed out that the Minister of Labour and Rehabilitation (Shri R. K. Khadilkar) had announced a policy decision of the Government viz. decision to shift some of the East Bengal refugees to Mana Camp, at a press conference. He felt that when the House was in session, the decision should have been announced in the House. The Minister of Parliamentary Affairs (Shri Raj Bahadur) conceded that if any change in some policy was contemplated, the Government should make the announcement in the House when it was in session. He, however, contended that the present case was a border line case. The Speaker thereupon observed—

"Instead of meeting the Press, something should have been mentioned here. I have not given any ruling as such. But I would advise Ministers that when Parliament is sitting, decisions on these major questions should be announced here."²⁴

²³L. S. Deb., 29-6-1971.

²⁴L. S. Deb., 31-5-1971.

Allegations against outsiders. It is not desirable to refer to a person in the House who is not present to defend himself

IN LOK SABHA

On June 10, 1971, during the general discussion on General Budget for 1971-72, a Member (Shri J. B. Dhote) made certain allegations against the Chief Minister of Maharashtra, Shri Vasant Rao Naik, in his speech. On an objection being raised by the Minister of Parliamentary Affairs (Shri Raj Bahadur), the Deputy Speaker observed¹⁶:

"...We have freedom of speech in this House but we have also certain conventions that it is not desirable to refer to a person who is not here to defend himself. The hon. Member has made a reference, and I would request him to kindly stop at that...."

Members cannot ordinarily be allowed to make a second speech on the same debate.

IN LOK SABHA

On June 17, 1971, a Member (Shri Murasoli Maran—DMK) was called by the Speaker to resume his unfinished speech, which he had begun the previous day on the Statutory Resolution disapproving the Maintenance of Internal Security Ordinance and the connected Bill. The Member was absent and his speech was taken as concluded. After the lunch recess, when Shri Maran requested for being allowed to resume his unfinished speech, the Deputy Speaker observed:

There are certain rules. If the House decided unanimously to suspend the rules, I have no objection. His name was called yesterday and he started speaking. On my paper, it is mentioned that he has taken 1 minute. The speech was to continue today. He was the first person called to continue his speech before we adjourned for lunch. He was not there. So, it is presumed that he has finished his speech.

The Member then wrote to the Deputy Speaker, pleading that he might be allowed to speak again under sub-rule (2) of Rule 358. The Deputy Speaker thereupon observed:—

Before I call the next speaker, I want to say that Shri Maran has written for special permission to allow him to speak again under rule 358(2). It reads:

¹⁶L.S. Deb., 10-6-1971,

'Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once on any motion, except with the permission of the Speaker.'

The discretion of the Speaker is there, but it has to be exercised sparingly and there should be good reasons. I do not know of any good reasons here. Shri Maran has not given any reasons. We should also consider whether there is no other opportunity for the member to speak. In this case, the third reading is still there. Even so, if the House does not object, I will make a departure and exception and allow Shri Maran to speak, but this exception should not be treated as a precedent. Does the House agree?

After submissions were made by some Members, the Deputy Speaker observed:—

Whatever it is, he had begun his speech and he had to continue, but he was not here in the morning when he was called. So it was deemed that he had concluded. Now to give him the right to speak again will amount to giving him a second chance to speak, I have put it to the House.

The House having agreed, the Deputy Speaker allowed Shri Maran to make his second speech, observing:²⁶

With the consent of the House, I allow Shri Maran to speak but I say again that this is not a precedent.

Contents of letters written to the Speaker, in connection with the Business of the House, should not be released to the Press—Speaker cannot sit in judgment over the decision announced in the House by the Deputy Speaker or the person presiding

IN LOK SABHA

On June 18, 1971, while the motion that 'the Maintenance of Internal Security Bill be passed' was being put to vote, certain Members of the Opposition were staging a walk-out as a protest against the provisions of the Bill. After taking a voice vote, the Deputy Speaker, who was in the Chair, announced that the motion had been adopted and the Bill passed.

On the following day, a Member belonging to the Swatantra Group (Shri Pilo Mody) wrote a letter to the Speaker stating that the Deputy Speaker had declared the Bill to have been passed without following the normal procedure of putting the question and taking the voice vote, thereby denying him his right to record his vote against the Bill by

²⁶L.S. Deb., 17-6-1971.

seeking a division. Simultaneously, Shri Mody issued a Press statement, making public what he had stated in his letter to the Speaker. The matter appeared in newspapers the next day.

On June 21, 1971, Shri Mody raised the matter in the House and urged that he might be allowed to listen to the tape-record of the proceedings to satisfy himself whether the normal procedure had been followed and the voice vote taken by the Deputy Speaker. The Speaker, thereupon, observed:²⁷

"I heard about it on that day. You came out with a press statement, which I cannot appreciate very much. Your letter reached me today and your statement was dated the 18th. It is so very embarrassing. I have made it sure from the Deputy Speaker that every procedure was followed and it was put to vote and the Bill was passed. I have seen the old rules.... I cannot sit in judgment over the Deputy Speaker or the Chairman who is presiding; I am not prepared to go through it. I rely on the text provided to me and on what the Deputy Speaker who was in the Chair tells me. I cannot sit in judgment over him nor can I take any action."

Referring to Shri Pilloo Mody's request for listening to the tape-record, the Speaker observed that it would be setting a very unhappy precedent for the future. The request was not acceded to by the Speaker.

Members should not leak out to the Press their discussions with the Speaker in his Chamber.

In Lok Sabha

On July 15, 1971, the Speaker drew the attention of the House to a news item in the *Indian Express* of that date wherein certain discussions held in the Speaker's Chamber between him and some Members about the debate on nationalised banks were reported and observed:²⁸

"Shri H. M. Patel and some other Members came to me to discuss certain things in my office. But that does not mean that you should give everything in the Press as news. This is what you discuss with me in my office.... After all, you meet me in my office—the Members from this side and that side, and we frankly discuss many things. But that does not make news...."

²⁷L. S. Deb., 18-6-1971, 21-6-1971.

²⁸L. S. Deb., 15-7-1971.

LOK SABHA SECOND SESSION OF FIFTH LOK SABHA

The Second Session of the Fifth Lok Sabha which commenced on May 24, 1971 adjourned *sine die* on August 12, 1971. During this session, 59 sittings, aggregating 396 hours and 5 minutes, were held. A brief resume¹ of the important debates and discussions that took place from June 7 to August 12, 1971² is given below:

The Budget—General Discussion

The House commenced a general discussion on the Budget on June 2, 1971.

Intervening in the discussion on June 7, 1971, the Minister of State in the Ministry of Finance, Shri K. R. Ganesh, said that the Budget was an honest effort in the prevailing situation to raise the necessary resources, which would enable the country to build a national economy on the edifice of which socialism could be built. The strategy had to be viewed in the context of the national situation in order to understand the direction in which the country was going. There was the decision to abolish the privy purses and privileges of princes, and to take over general insurance as a step towards nationalisation. The question of imposing a ceiling on urban property was also under consideration. In regard to land reforms, certain steps had been taken and certain changes had taken place although much more had to be done.

The nationalisation of banks was a big instrument to re-orient the entire monetary and fiscal policies of the Government in the direction of helping the public sector and taking away the concentration of economic power. Certain guidelines were introduced to regulate the

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

¹For details of speeches etc. please refer to Lok Sabha Debates.

²Discussions and other events that took place from May 24 to June 5, 1971 have already been covered in the July, 1971 issue of this Journal.

investment of financial institutions in consonance with the general policy.

In the context of the poverty existing in the rural and urban areas, some of the taxation measures in the Budget, seeking to take away resources from that section which could afford to pay, were justifiable. If the country had to ensure a very fast rate of economic development and to hold the commanding heights of the economy in the shape of a larger public sector, and if the concentration of economic power in the hands of a few was to be broken, it was necessary to see that the 10 per cent of the population which could afford to pay a little more, bore that extra burden.

Replying to a 7-day debate,³ lasting nearly twenty hours, the Minister of Finance, Shri Yashwantrao Chavan stated on June 10, 1971 that indirect taxation was a major source of income in the prevailing tax structure of the country. However, care had been taken to ensure that the lower strata were not touched as far as possible. There was general agreement on three aspects, viz., that the benefit should go primarily to the under-privileged and the unemployed, there should be a sizeable reduction in inequalities and there should be price stability.

³The Members who participated in the discussion were: Sarvashri Samar Mukerjee, E. R. Krishnan, R. D. Bhandare, Indarjit Gupta, Nathu Ram Mirdha, Madhavrao Scindia, S. R. Demani, Ram Deo Singh, R. V. Swaminathan, Nawal Kishore Sharma, Shibban Lal Saksena, P. K. Ghosh, Nageswar Dwivedi, Tarun Goel, H. M. Patel, Chintamani Panigrahi, Samar Guha, Surendra Mohanty, Narain Chand Parashar, S. A. Shamim, Ramsahai Pandey, Shankarrao Savant, D. Deb. N. K. P. Salve, K. Baladhandayutham, Birender Singh Rao, C. M. Stephen, Biswanarayan Shastri, Vikram Mahajan, M. C. Daga, Y. S. Mahajan, Rudra Pratap Singh, S. Radhakrishnan, M. M. Joseph, Shiv Kumar Shastri, Janaki Bailav Patnaik, Achal Singh, Raja Kulkarni, K. D. Malviya, Henry Austin, N. Sreekantan Nair, Chandulal Chandrakar, Raideo Singh, Govind Das Richariya, C. T. Dhandapani, Syed Ahmed Aga, M. T. Raju, B. P. Maurya, V. K. R. V. Rao, Madhu Dandavate, Dinesh Chander Goswami, S. D. Singh, Subodh Hansda, Nuggehalli Shivappa, Sheopujan Shastri, Shyam Sunder Mohapatra, G. C. Dixit, Sat Pal Kapur, Atal Behari Vajpayee, B. R. Bhagat, Shyamnandan Mishra, Maddi Sudarsanam, P. Venkatasubbsiah, Durgadas Bhatia, Chapalendu Bhattacharya, S. N. Singh, S. N. Mishra, P. Ranganath Shenoy, Amarnath Vidyalankar, Hari Kishore Singh, H. P. Sharma, Satish Chandra, M. R. Gopal Reddy, P. Ankineedu Prasadrao, Nawal Kishore Sinha, Jambuwant Dhote, Mohammad Tahir, Paripoomanand Painuli, G. S. Melkote, Kartik Oraon, Shashi Bhushan, K. P. Unnikrishnan, Shaquaq Jung, Anantrao Patil, V. N. P. Singh, T. Sohan Lal, Dr. Kailash, Shrimati V. Jeyalakshmi, Smt. Sahodrabal Rao, Smt. Mukul Banerji and Smt. Jyotsna Chanda.

The Minister said that the additional provision of Rs. 155 crores made for the Centre's Plan was the absolute minimum to maintain the tempo of development in keeping with what had been envisaged in the Fourth Plan. Apart from increase in the Plan provision which would stimulate growth, a sum of Rs. 75 crores had been provided outside the Plan for the creation of employment in the rural areas and among the educated which was developmental in character and would make for both growth and greater social justice.

Referring to the provision made for the public sector, he said that of the increase of the order of Rs. 300 crores in the Central Plan provision for 1971-72, against the likely actual level of expenditure in 1970-71, about Rs. 97 crores represented increase in the investment of public sector undertakings. In addition, the public sector undertakings were expected to utilize Rs. 205 crores from their internal resources. Thus, the total outlay on public sector undertakings in 1971-72 would be of the order of Rs. 738 crores against Rs. 641 crores in 1970-71. If the enterprises under construction such as Bokaro, the fertilizer plant and the like required a larger sum than that which had been provided, the Government would come up with the necessary supplementary provision and would not slow down the implementation of these projects for want of finances.

As far as the corporate sector was concerned, the total collection of direct taxation would amount to Rs. 23 crores. It meant that more than 50 per cent contribution from direct taxation was from the corporate sector.

The general criticism was that the Budget had laid more emphasis on direct taxes. But the general trend of increase in the direct taxes in the last five or six years indicated that there was a continuous growth in the quantum of such taxes in the totality of taxation in the country.

The low proportion of direct taxes to the total revenue was on account of two factors. In the first place, in a developing economy like India, it was inescapable that the major tax contribution had to come from indirect taxes. Another factor was that the agricultural sector was entirely outside the purview of central direct taxes. The State Governments had not for various reasons found it possible to raise adequate resources from that sector. There were certainly constitutional difficulties for the Government, but there was no doubt that whether it be the rich in the urban areas or the rich in the rural areas, they must all be taxed and must make their contribution.

There was a feeling that the increase in surcharge from 10 to 15 per cent in the case of income in excess of Rs. 15,000 per annum would reduce the ability of the person concerned to save but this factor had to be balanced against the general need of the society to raise some resources for the overall social development and welfare.

The charge that the budget proposals would discourage savings was sought to be justified with reference to the changes proposed in regard to deduction in lieu of contributions to life insurance, provident fund and the like. It was only in cases of those who saved more than Rs. 5,000 per annum that the deduction now would be less than before. But not a large number of people could save more than Rs. 5,000 per annum.

The Government had accepted a Charter for the children. In order to create the financial resources for the fulfilment of the Children's Charter, a cess would be imposed.

As regards the prices, they started rising from the middle of 1969 onwards. The main reason was the shortage of industrial raw materials like cotton, oilseeds, etc. The series of fiscal policy decisions taken by the Government helped to reduce the prices in the month of March, particularly of food. In order to keep the prices under check, administrative control over prices had continued to be exercised in respect of a number of commodities. During the year, prices of drugs and medicines too were brought under a system of comprehensive regulation and control with the coming into effect of the Drugs (Price Control) Order in May, 1970.

The shortfall in expenditure on the Central Plan schemes in 1971 was about Rs. 179 crores as compared to a Budget provision of Rs. 1195 crores. Considerable thought had been given to that question and a detailed study was being undertaken to identify reasons for the shortfall.

The problem of refugees from Bangla Desh had to be taken in its proper perspective because the Government had to see that ultimately they go back to their country in an honourable and dignified manner. The international community had also been requested to take its proper share in the responsibilities. The provision of Rs. 60 crores was a symbolic provision that the country could afford to make in the Budget.

Referring to the criticism made in the House about the performance of public enterprises and the need for improving their functioning so as to generate adequate surplus for re-investment, the Finance Minister said that while the Government were conscious of the deficiencies of the public sector, its performance during 1969-70 had shown an improvement in comparison to the previous years. The public sector enterprises had achieved significant results in the matter of export earnings. The financial surplus from the public sector was expected to be one of the very important factors in planning the country's economic strategy.

The Finance (No. 2) Bill, 1971

Moving the Finance Bill, 1971 in the House on July 26, 1971, the Finance Minister said that the main objectives of the Bill were to simplify and rationalise the taxation laws and to reduce opportunities for evasion of taxes, as also to bring about a scaling down of the concentration of economic power and reduction in the inequalities of income.

The discussion continued for 3 days in which as many as 32 Members took part.⁴

Replying to the debate on July 29, 1971, the Minister of Finance conceded the existence of a disquietening pressure on prices and attributed the same to more money supply and irrational atmosphere in the country, in which everybody took shelter under the Budget to effect increase in prices. He suggested two steps to arrest the rising trend in prices *viz.*, increase in production of certain essential and important commodities and fostering consumer resistance consciousness among people. So far as the production of food grains was concerned, the country had made a substantial progress by having a record stock of 8.5 million tonnes of wheat.

⁴The Members who participated in the discussion were: Servashri Jagadish Bhattacharya, N. K. P. Salve, M. S. Sivasamy, Chintamani Panigrahi, K. Baladhandayutham, Ram Sekhar Prasad Singh, Madhu Dandavate, Virendra Agarwal, Kushok Bakula, Karni Singh, Amrit Nahata, D. D. Desai, Nawal Kishore Sharma, Jambuwant Dhote, V. K. R. Varadaraja Rao, Malikarjun, N. K. Sanghi, P. K. Deo, B. P. Maurya, Bhagirath Bhanwar, Shyam Sunder Mohapatra, Dinen Bhattacharya, D. N. Tiwary, Bibhuti Mishra, Indulal Yajnik, Y. S. Mahajan, Arjun Sethi, Shibban Lal Saksena, Ramsahai Pandey and S. A. Muruganatham.

Speaking of the strain imposed by refugee influx, the Minister warned that the country should observe more economic discipline and be prepared for more sacrifices.

Dealing with the question of regional imbalances in various States, the Minister said that the backward regions in the country had since been identified. The Government had also given a number of concessions to ensure that new industries were started in those areas.

Referring to the problem of recovery of arrears of income tax, the Minister informed the House that a sum of Rs. 565 crores was to be recovered and the Government had decided to launch a drive to effect the recovery.

Terming the criticism that West Bengal was being ignored in the matter of Plan outlays as unfair, the Minister stated that the share of that State in regard to Central taxes etc. during the Fourth Plan was Rs. 196 crores as compared to Rs. 197 crores recommended by the Fifth Finance Commission. The Central assistance to West Bengal Plan was Rs. 320 crores which was almost 69 per cent of all the States taken together. Outside the State Plan, a very ambitious programme was being implemented in the Calcutta Metropolitan areas. The Industrial Reconstruction Corporation was set up to provide loans and capital on soft terms for the revival of sick and closed industrial units.

Referring to the question of black money, the Minister admitted that it was one of the very complex and difficult problems. He did not agree with the proposal of demonetisation and felt that Government should deal with those aspects which were creating the black money. One source was tax evasion. Another was under-estimation of values of properties. Both these aspects had to be dealt with effectively.

Demands for Grants

Ministry of Home Affairs

Replying to a 3-day debate on the Demands for Grants relating to the Ministry of Home Affairs on June 24, 1971, the Prime Minister, Shrimati Indira Gandhi, observed that with the country's background of feudalism and colonialism, the problems encountered were bound to be immense magnitude. In the process of development some problems were solved and others were created.

Declaring that her Government was determined to put down violence in the country, she said:

"...But when violence is deliberately engineered then it falls into another category, and we are determined to meet the threat with all the strength at our command, and in this, the forces of law and order have to assert themselves. If certain political groups persist in the misguided and dangerous course which they have adopted, then the augmentation of the police strength to meet their challenge becomes essential."

"...So far as I can see, there is no middle way between bringing about social and political changes through democratic functioning on the one side and violence on the other... Every political party, therefore, needs to examine seriously whether its faith in democracy is a durable one and not mere tactic to undermine democracy through violent means."

Justifying the increase in Police budget since 1950, she said:—

"This increase is not due to law and order duties alone. Since the early sixties, the Police which include forces such as the Border Security Force, have been called upon to shoulder important responsibilities along with our defence forces to safeguard our borders. More than half the increase is for such forces.

There has been increase in the strength of the CRP. This is necessary because of the growing demand from the State Governments themselves for additional forces for internal security and law and order duties."

Rejecting the suggestions made by various Members for putting Centre-State relations on a new basis, she observed:—

"I do not know if any useful purpose will be served by freezing the relationship between the Centre and the States into any rigid statutory enactment or even institutional devices, since even the most careful thought now cannot possibly foresee every problem that could arise in the future. That is why a certain flexibility is always helpful in any human relations rather than set and rigid patterns".

Referring to the Centre-States dispute with regard to the allocation of finances, she said:

"...We have extremely limited resources. It is not within our hands to increase State allocations."

Sharing the concern expressed by Members regarding communal tension in the country, she expressed the hope that the National

Integration Council was meant to promote integration and cohesiveness in our social and political structure and to look into the problems of the minorities as well as of any deprived section such as the Harijans. Referring to some of the steps the Government proposed to take in this regard, she said:

"We know that tensions in society have many origins—cultural, economic and social. These have to be resolved. We should not allow them to erupt in ugliness and violence. The well-being and satisfaction of the minorities should be our very special concern. . . . One way of doing this is by broadening the whole concept of national integration. For this purpose appropriate machinery at the Governmental level is being considered, and one of the main functions of this machinery will be to look into the special problems and interests of the minorities."

Dealing with the question of organisations and individuals receiving foreign money, the Prime Minister recalled that after the matter was taken up in the House earlier, Government agreed to have a thorough enquiry into the matter. The broad conclusions of that enquiry revealed the necessity of imposing suitable restrictions on receipt of funds from foreign organisations, agencies and individuals other than in the course of the ordinary business transactions. She added that the Minister of Parliamentary Affairs had already sent a note outlining the principles underlying the proposed legislation to the leaders of Opposition.

Referring to the question of unprincipled defections, she informed the House that after careful consideration, the Government had decided to introduce a Bill based on the recommendations of the Committee on Defections.

In regard to the Lok Ayukt and Lok Pal Bill, which had lapsed with the dissolution of the previous Lok Sabha, the Prime Minister assured the House that the Government intended to bring the Bill before Parliament as early as possible.

Re-affirming Government's commitment to abolition of Privy Purses and Privileges of ex-rulers, she said,

"Government stand fully committed to their abolition. Members are unhappy at the delay in this, but I would like to remind them that the Supreme Court's judgment has raised a number of constitutional and legal issues. We should be able to sustain any action taken. That is why it is taking some time. But I think we will be coming before the House soon."

All the Demands for Grants for the Ministry of Home Affairs were then voted in full.

Ministry of External Affairs

Replying to a two-day debate on the Demands for Grants relating to the Ministry of External Affairs on July 20, 1971, the Minister of External Affairs, Shri Swaran Singh, said that the questions of war and peace, the remnants of colonialism, and the ending of apartheid and racist regimes in South Africa or in Rhodesia etc., were of importance to the world community. In various international forums India had steadfastly adhered to the policy of forthright opposition to colonialism in any form and had stood for helping freedom-fighters engaged in the task of freeing themselves from the colonial clutches of the Portuguese in Angola and Mozambique. India's sympathy and support had always been for those who were fighting against the apartheid regime in South Africa, and the racist regime in Rhodesia.

Referring to India's relations with neighbouring countries, the Minister stated that barring two countries, the relations with other neighbours were friendly and close and there was a great deal of understanding and goodwill. India's relations with Burma, Nepal, Ceylon and Afghanistan had been traditionally friendly. There had been cooperation with Burma in several fields. As a result of an agreement arrived at between India and Burma about the demarcation of the boundary, more than 700 miles of this boundary had been demarcated and the work was proceeding in a satisfactory manner. A solution to the problem of the people of Indian origin in Ceylon had been found and an agreement signed. When that agreement was implemented, the relations between the two countries would become closer. India had participated in the development efforts of Nepal in a very significant manner and had not deflected from that pursuit in spite of criticism. The treaty of trade and transit had been a subject-matter of some difference of opinion between the two countries, but it was hoped that before long that treaty would be concluded. Referring to Pakistan and China, the Minister said:—

“India's relations with Pakistan and China have unfortunately been uneven, have been either hostile at times or indifferent or tense; and therefore, we have to live with this situation.”

In regard to the suggestion that India should normalise relations with China, the Minister remarked that normalisation did not depend upon one party alone. There had to be a mutual normalisation.

He, however, made it clear that normalisation could take place only on the basis of mutual respect for the integrity and sovereignty of the territory and on the principles of non-interference in each other's internal affairs.

While welcoming the rapprochement between Peking and Washington, he reiterated that India could not look upon it with equanimity if it meant the domination of the two powers over this region or a tacit agreement between them to that effect. India maintained the right of each and every country to decide its own destiny without any interference from outside. This, he added, applied as much to Bangla Desh as to Vietnam or the Palestine problem.

He termed Gen. Yahya Khan's threat that Pakistan would declare war if India made any attempt to seize any part of East Pakistan, as trying to mislead the world into thinking that Pakistan's problem was with India and not with the people of Bangla Desh. He assured the House that if the Mukti Fauj succeeded in liberating the territory in Bangla Desh and Pakistan used it as a pretext for an attack on India, then India was ready to defend herself.

Ruling out the suggestion made by Gen. Yahya Khan of meeting our Prime Minister in response to efforts for mediation, the Minister felt that in fact mediation was required between President Yahya Khan and the people of Bangla Desh.

Terming the trial of Shiekh Mujibur Rehman by a Military Court as a farce, he warned that any action against the Sheikh and continuation of atrocities on the people of Bangla Desh would make the freedom-fighters even more determined in the pursuit of their objective, namely freedom for Bangla Desh.

The Constitution (Twenty-Fourth Amendment) Bill

Moving the Constitution (Twenty-fourth Amendment) Bill for consideration on August 3, 1971 (introduced on July 28, 1971), the Minister of Law and Justice, Shri H. R. Gokhale, said that the Bill sought to amend Articles 13 and 368 of the Constitution. Many constitutional jurists believed that Art. 368 provided for amendment of any part of the Constitution. Even the two previous judgments of the Supreme Court had given the verdict that Parliament had the power to amend any provision of the Constitution, irrespective of whether that provision pertained to Fundamental Rights or not. But in the *Golaknath Case*, the Supreme Court reversed the earlier view

and held that there were limitations on the rights of Parliament to amend the Constitution. It was contended that Article 368 contained only the procedure to amend the Constitution and did not confer a substantive power to amend the Constitution. The other reason which the Supreme Court gave in this case was that Article 13, when it referred to "law", took within its ambit not only law which was passed in the ordinary legislative process but also included the law passed by Parliament in the exercise of its sovereign constituent power which Parliament exercised when it amended the Constitution. This view of the Supreme Court had necessitated a reconsideration of the steps which were required to be taken to see that the power of Parliament, which was the supreme body so far as the country was concerned was restored, to take in hand the amendment of any part of the Constitution.

The proposed amendment of Article 368 sought to make it clear beyond doubt that that Article would contain not only the procedure to amend the Constitution but would also contain a substantive power to exercise the sovereign constituent right of Parliament to amend any provision of the Constitution including the Fundamental Rights. The present measure thus sought to remove the distinction between the legislative powers and the constituent power of Parliament.

The other underlying idea of the proposed measure, the Minister said, was to resolve the conflict between the Directive Principles of State Policy and the Fundamental Rights. With a view to making the Directive Principles more effective, there would be greater need for amending the Constitution.

Discounting the argument that conferring of power on Parliament to amend any provision of the Constitution might result in the amendment of basic rights, the Minister said that of the 23 amendments made in the Constitution so far, not one had touched any of these rights except on two occasions. In one case, the power to amend the rights of minorities was exercised only for the purpose of expanding the protection given to the minorities, not for reducing it. In the other case, the right to freedom of speech was amended only when a very grave threat to the very existence of the country was involved, for the protection of security of the State.

The discussions on the Bill continued for two days in which as many as 37 members⁵ took part.

Intervening in the debate on August 4, 1971, the Prime Minister Shrimati Indira Gandhi, emphasised that the Constitution Amendment Bill embodied and reflected the urges of the people.

Commenting on the controversy generated in the House regarding supremacy of Parliament against the supremacy of the Constitution, she observed:—

"....(this is) as if these two were distinct concepts mutually exclusive and even perhaps antagonistic. Those who describe the issue in this manner conveniently forget that our Constitution was drafted on the fundamental assumption that our people owed unalterable allegiance to the principles of democracy. This faith in our people permeates our Constitution.

...What do we see when we look at the world around us? It would not take us long to discover that many an institution has collapsed, many a Constitution has been scrapped, because it ceased to be an effective instrument for orderly changes. That our Constitution and our democratic institutions have survived, when all around us there is a climate of tension and violence, is a tribute to the faith of our people in democratic ideals and also to the flexibility and responsiveness of our Constitution and our political institutions to the urges of our people."

Replying to the criticism regarding confrontation between Parliament and the Judiciary, she said:—

"There need not be a confrontation and I think that to create an atmosphere of confrontation does not do us much good. I do not think that there is any real confrontation either, because each institution has its assigned place and role. We all know that there can be no third chamber and that no Constitution can be frozen into a static mould."

⁵The Members who participated in the discussion were: Sarvashri A. K. Gopalan, R. K. Sinha, Indrajit Gupta, Darbara Singh, Atal Behari Vajpayee, Chandrajit Yadav, Frank Anthony, M. Satyanarayan Rao, Amrit Nahata, H. M. Patel, Jagannath Rao, Tridib Chaudhuri, Ziaur Rehman Ansari, Madhu Dandavate, Siddhartha Shankar Ray, M. Muhammad Ismail, Sant Bux Singh, S. A. Shamim, Vayalar Ravi, R. D. Bhandare, P. Ranganath Shenoy, Dinesh Chander Goswami, Somnath Chatterjee, Balakrishna Venkanna Naik, M. C. Daga, S. N. Singh, Shayamnandan Miahra, K. D. Malaviya, Krishnan Manoharan, S. Kumaramangalam, V. K. Krishna Menon, Henry Austin, N. Sreekantan Nair, Bhagwat Jha Aazad, P. Loo Mody, C. M. Stephen, Bhogendra Jha and Mohammad Tahir.

Dispelling the fear and nervousness in the minds of minorities insofar as their rights were concerned, the Prime Minister said:—

"I believe that protection to them can be guaranteed only by this Parliament. Mere constitutional devices cannot give this guarantee. History is replete with examples of constitutions being overthrown or thwarted. Therefore, a wider and deeper democracy, a wider and deeper commitment to secularism is a more durable guarantee of the rights of our minorities. My endeavour has been not to defeat parties but to educate the public and strengthen the people so that they themselves will not permit any curtailment of their rights. The protection of the rights of the minorities can be ensured only when the majority itself is convinced that its well-being and progress is linked with a sense of security amongst the minority communities. In the ultimate analysis, it is only a sensitive and strong public opinion which can give real protection to the minorities."

Replying to a reference regarding reasonableness *versus* radicalism, she said:

"If you look at the circumstances of life, as it is in India, I see no reason in a denial of radical change. Whatever is made rigid, ceases to be living and organic and may become less and less reflective of the needs of a vital and dynamic people."

So what are the choices before us? Can we cling to the *status quo*? There is a crisis in the social order not only in India but in every country of the world and the choice in every country is whether changes can come about peacefully or whether they must be driven to violent means."

Concluding, she assured the House that her "commitment to upholding in every possible way the fundamental rights of our citizens remains absolute. Even when we speak of imposing certain restrictions on property rights, our intention is not to abolish property. Only where property rights are in conflict with public purpose, the public purpose must hold sway."

Replying to the debate on August 4, 1971 the Minister of Law and Justice, Shri H. R. Gokhale rejected the suggestions for referring the matter to the Supreme Court under Article 143 or to the people by way of a referendum, as time-consuming propositions.

Referring to various amendments proposed by Members, seeking to exclude the applicability of the power of Parliament to amend certain rights like the right of free speech, the right of free association, the right of forming unions etc., the Minister maintained that 99 per cent of the cases relating to fundamental rights which came up before the

Supreme Court related to vested interests of the persons who had invoked the Fundamental Rights for the protection of their special privileges. In view of this, the Minister felt that no purpose would be served by the proposed amendments.

On the motion that the Bill be passed, the House divided, Ayes 384; Noes 23.

The motion was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of Members present and voting, as required under the Constitution.

Maintenance of Internal security ordinance: the Maintenance of Internal security Bill, 1971

Moving a Statutory Resolution on June 16, 1971 for the disapproval of the Maintenance of Internal Security Ordinance, 1971 promulgated by the President on May 7, 1971, Shri Atal Behari Vajpayee (Jan Sangh) said that there had been opposition to the preventive detention law ever since the Constitution was framed, as it was a direct attack on the fundamental rights and an assault on the liberty of the individual. The provision about the law of detention in the Constitution existed only to cover emergent periods. He did not agree with the contention that the measure had been brought to deal with Pakistani spies, who were coming along with refugees, since these elements could be dealt with under the Foreigners Act. If the problem was to deal with the spies of foreign agents or those who wanted to bring harm to the nation, then a law of treason could be enacted. Such a law existed in many independent countries, he said.

Moving a motion for the consideration of the "Maintenance of Internal Security Bill, 1971", the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, said that the situation confronting the country was very difficult. The Government could not for a moment afford to turn a blind eye to the threats, external and internal, that the country faced at this juncture. It was in view of the prevailing situation in the country and the developments across the borders, and the inadequacy of the existing laws that the "Maintenance of Internal Security Ordinance" was promulgated on May 7, 1971, so that the Government remained prepared for all contingencies. An essential ingredient of such preparedness was the continuing ability to take effective preventive action. Violent and unlawful activities of the Naxalities and other allied extremist groups in different parts of the country were

causing serious concern. The nation as a whole had to be alert to forestall any attempt to exploit the situation and to foment and spread trouble on the communal front. It was against that background that the need for replacing the Maintenance of Internal Security Ordinance by legislation was considered. Ruling out the suggestion that preventive action was necessary only in respect of foreign nationals, he observed that in a vast country like India, the existence of some black sheep, through whom hostile foreign interests could operate, could not be ruled out.

Defending the measure as necessary in the interest of public order, he informed the House that all States, with one exception, had in 1969 recommended the continuance of the legislation enabling preventive detention not only in the interest of the defence of security of India but also in the interest of public order, security of the State and maintenance of civil supplies.

The combined discussion on the Resolution and the motion for consideration of the Bill lasted for two days in which as many as 24 Members participated.⁷

Replying to the debate on June 17, 1971, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant stated that under Clause 3(2) of the Bill, powers to detain a person in the interest of relations with foreign powers could be exercised only by the Central Government or the State Government. No delegation of this power had been visualised and resort to that provision had been rare and it would continue to be so. Due vigilance would also be exercised to ensure that that provision was not misused.

Justifying the application of powers under the Bill for the maintenance of civil supplies and essential services, he said that the country was passing through critical times and one could not rule out the possibility of a national emergency in future and if one visualised events

⁶The Resolution was rejected by the House on June 18, 1971 with Ayes 69 and Noes 150.

⁷The Members who participated in the debate were: Sarvashri Jyotirmoy Bosu, S. N. Misra, Dr. Ranen Sen, Ramsahal Pandey, Pilloo Mody, P. R. Das Murshi, Murasoli Maran, M. R. Gopal Reddy, Amrit Nahata, S. A. Shamim, Anant Prasad Sharma, R. D. Bhandare, M. Setyanarayan Rao, Nathuram Mirdha, Shyamnandan Mishra, V. K. Krishna Menon, Frank Anthony, C. M. Stephen, Somnath Chatterjee, Raja Kulkarni, Ram Deo Singh, K. Balakrishnan and Samar Guha.

taking a turn for the worse, there would be need for ensuring undisturbed flow of civil supplies and services. Further, the State Governments had also found it effective to take recourse to that provision to curb the undesirable activities of black marketeers and hoarders.

In reply to the criticism regarding inviolability of Fundamental Rights and the right of citizens to go to courts for issue of the writ of *habeas corpus*, he said that Article 22 was very much a part of the Chapter in the Constitution on Fundamental Rights. This Bill was strictly in accordance with the provisions of Article 22 of the Constitution.

The House adopted the Bill, as amended, on June 18, 1971.

Visit to Minister of External Affairs to Certain Foreign Countries

Making a statement in the House on June 25, 1971, the Minister of External Affairs, Shri Swaran Singh, informed the House that between the 6th and 22nd June, 1971, he visited Moscow, Bonn, Paris, Ottawa, New York, Washington and London in that order. In each of these capitals, he had detailed discussions with the head of the Government and the Foreign Minister. At the U. N. Headquarters, he had discussions with the U. N. Secretary-General, U Thant and his colleagues. In those discussions the focus of attention and emphasis was all along on the grave and serious situation created for India by the influx of 6 million refugees from East Bengal and the continuing crisis caused in the region due to the massive killings by the West Pakistani military machine in East Bengal. As a result of his talks with the Governments of the countries visited by him, the following areas of agreement had emerged:

- (i) That there could be no military solution and all military action in East Bengal must stop immediately.
- (ii) That the flow of refugees into India from East Bengal must immediately stop.
- (iii) That conditions must be created enabling the refugees to return to their homes in peace and security, and that this could happen only if the refugees could be assured of a secure future in their respective homes in East Bengal.
- (iv) That a political solution acceptable to the people of East Bengal was the only way of ensuring a return to normalcy.

- (v) That the present situation was grave, and fraught with serious dangers for the peace and security of the region.

Discussion on the statement of the Foreign Minister

On June 28, 1971 the House discussed the following motion, notice of which was given by Shri Bhagwat Jha Azad (Cong.) :

"That the statements made by the Minister of External Affairs on the 24th and 25th June, 1971 regarding (i) the shipment of American arms to Pakistan and (ii) his recent visit to certain foreign countries, be taken into consideration."

Moving the motion, Shri Bhagwat Jha Azad said that the United States of America had betrayed India by shipping arms to Pakistan which were not only intended to butcher the people of Bangla Desh, but were also meant to ann Pakistan against India. The move was a calculated one to upset the entire balance of power in the region. He charged the American authorities with suppressing the facts even when India's Foreign Minister was in their country.

The discussion on the motion continued for 5 hours in which as many as 24 Members took part.*

Speaking on the motion, the Minister of External Affairs, Shri Swaran Singh said that among a fairly large number of countries there was an unfortunate tendency to treat the situation in Bangla Desh as an internal affair of Pakistan. It was very necessary, therefore, to project the basic issues involved in the situation to the Governments concerned as also the non-official leaders, Opposition, Press etc. in those countries. The basic issues were that the Pakistani military regime had resorted to ruthless repression and unleashed the military machine against the unarmed people with the object of negating the results of democratic election with the result that over six million people had crossed over to Indian territory. In spite of that if anybody said that it continued to be an internal affair of Pakistan, it was something which was totally unacceptable and absolutely unreal and it was in this respect that international opinion had to be mobilized.

*The Members who participated in the discussion were Sarvashri Atal Bihari Vajpayee, Jyotirmoy Bose, K. D. Malavika, H. N. Mukerjee, C. M. Stephen, Samar Mukherjee, V. K. R. Varadaraja Rao, Krishnan Manoharan, Henry Austin, Shyamnandan Mishra, Dinesh Singh, Erasmo de Sequeira, Chintamani Panigrahi, Pilo Mody, V. K. Krishna Menon, Sat Pal Kapur, R. D. Bhandare, Samar Guha, Jambuwant Dhote, Syed Ahmed Aga, M. M. Hashim, Shibban Lal Sakseena, Ram Deo Singh and Shrimati Sheela Kaul.

Referring to the problem of refugees, he said that it was not only a question of large numbers, but it caused all manner of strains, financial, organisational, and also it caused political and economic tensions. Any attempt by anybody either here or abroad to try to quantify it in terms of money was completely unjust.

There was a feeling in some countries that India with vast resources and large population could cope up with the refugee problems with some outside help. This attitude, the Minister stressed, had to be negatived strongly.

He re-affirmed that the refugees were citizens of Bangla Desh and would go back to their own country, if the military action was stopped and the affairs of Bangla Desh were placed in the hands of the elected representatives. Unless Sheikh Mujibur Rehman and his party were in charge of the affairs in Bangla Desh, there would never be the atmosphere for these refugees to go back.

Referring to the demand made by certain Members for taking up the issue in the appropriate U. N. agency, he pointed out that the United Nations was not a gathering of judges or jurists of people who took decisions in the matter. The U. N. agencies were governmental bodies in which unless there was governmental support at their capitals, merely making tall speeches was of no avail.

Referring to the attitude of the United States Government, he said that it was extremely callous. As such it was not possible to say that there would not be any further supplies of arms from U.S.A. to Pakistan.

In regard to the recognition of Bangla Desh, the Minister reiterated that the matter was constantly under review. If at any time the Government felt that "the situation could improve by our recognition, Government would not hesitate to do that."

Problem of Bangla Desh

Influx of Refugees into India

The problem of Bangla Desh came up for discussion in the House on more than one occasion in various forms.

Raising a half-an-hour discussion on 'Influx of Refugees from East Bengal' in the House on June 16, 1971, Shri Samar Guha (PSP) said that human history had perhaps no parallel to such a titanic tragedy of

uprooted humanity who faced a terrible situation of total destitution, utter despair and boundless misery. He suggested a separate Ministry of Rehabilitation and the setting up of a Refugees Council consisting of members of the Government Party as well as the Opposition and presided over by the Minister of Rehabilitation. Replying to the discussion, the Deputy Minister in the Ministry of Labour and Rehabilitation, Shri Balgovind Verma admitted that the problem of refugees was really huge and that there was no other country in the world which had witnessed such a kind of influx.

The Minister added that Government were alive to their duties and in order to relieve the pressure of refugees in the bordering States, they were opening fifty large-size camps, accommodating as many as 25 lakhs refugees, inside West Bengal, Tripura, Assam, Meghalaya, Bihar, M.P., Orissa and U.P.

Yahya Khan's Statement to Execute Mujibur Rehman

A Calling Attention Notice on the "reported statement by Yahya Khan of Pakistan that Sheikh Mujibur Rehman may be executed" was tabled by Sarvasbri Samar Guba, S. M. Banerjee, H. M. Patel, P. R. Das Munshi and P. Venkatasubbaiah. The matter was raised in the House on August 9, 1971 by Shri Samar Gula (PSP).

Replying, the Minister of External Affairs, Shri Swaran Singh said that the Government viewed with grave concern the press reports of President Yahya Khan's statement that Sheikh Mujibur Rehman would be "court martialled" and that he could not say whether the Sheikh would be alive when the so-called Pakistan National Assembly met. He felt that to stage a farcical trial against Sheikh Mujibur Rehman was a gross violation of human rights and it deserved to be condemned by the whole world.

Expressing the Government's concern for the safety and welfare of Sheikh Mujibur Rehman and his family who also were under house arrest or in prison, he informed the House that India had conveyed its concern to foreign Governments and asked them to exercise their influence on the Government of Pakistan in this regard. Should any harm be caused to the person of Sheikh Mujibur Rehman or its family and colleagues, the Minister warned the Government of Pakistan, the present situation in Bangla Desh would be immeasurably aggravated.

and the present Pakistani rulers would be solely responsible for the consequences. The Government, he added, had appealed to the conscience of humanity to raise their voice against the action that the President of Pakistan proposed to take.

Answering questions, the Minister said that the Government of India had already taken up this question with all friendly countries including the U.S.S.R. Government that they should exercise their influence with the military rulers of Pakistan to bring about a situation where these military atrocities were stopped and the military rulers started negotiation with the elected representatives for finding a satisfactory solution. Most of the Governments had promised that they would take up this matter with President Yahya Khan.

The memorandum sent to the United Nations Secretary-General, he said, would have the effect not only in the U.N. circles but also in other countries of the world. But as to whether it could be taken in any formal form at the United Nations was a matter which required careful consideration. It was also the Government's intention to raise this question in some appropriate form in the United Nations or in the Human Rights Commission, he added.

Making a statement in response to the suggestion of a Member regarding the trial of Sheikh Mujibur Rehman on August 12, 1971, the Prime Minister, Shrimati Indira Gandhi observed that the Government fully shared the agony and anxiety of the Members.

Disagreeing with the remark made by a Member that "freedom movement in Bangla Dosh will die with the execution of Sheikh Mujibur Rehman," she said:

"... we all know that martyrdom gives immortality. We all know, far from weakening a movement, it strengthens it. Everywhere in the world, the freedom struggles have gone from strength to strength, the more the people have tried to suppress them.

"Sheikh Mujib is not just an individual... Today he has become the embodiment of the aspirations and urges of the people of Bangla Dosh and of the sufferings and spirit of sacrifice which they are showing with such courage and fortitude."

Referring to the steps taken by the Government regarding the release of Sheikh Mujibur Rehman, she informed the House:

"... The Government of India has approached the Secretary-General, U. Thant. I myself have written on more than one occasion to the Heads of States and Prime Ministers to try their best to save the life of Sheikh Mujibur Rehman."

Making a reference to the people of West Pakistan and the military rulers of Pakistan, she said:

"I would like to make only one point to the hon. Members, which is that sometimes in our speeches we tend to talk about West Pakistan. Now, at all times, we should make a distinction between the people of West Pakistan with whom we have no quarrel whatsoever and the military régime which is responsible for the atrocities in the Bangla Desh and which is suppressing the legitimate political rights even of the people in the different provinces of West Pakistan."

Pakistani shelling into Indian Territory

Another Calling Attention Notice on the "reported recent Pakistani shelling into Indian territory on the Assam and Tripura border" was tabled by Sarvashri Atal Behari Vajpayee, Vikram Chand Mahajan, B. K. Daschowdhury, D. Deb and Indrajit Gupta. The matter was raised in the House on July 29, 1971 by Shri Atal Bihari Vajpayee (J.S.).

Replying, the Minister in the Ministry of Home Affairs, Shri K. C. Pant, gave details of the cases of shelling into Indian territory on July 26, 1971, and said that in all those cases, the Border Security Forces had replied effectively silencing the firing and shelling from across the border. Strong protests with the Pakistani Government in each such case had also been lodged.

The Border Security Force was fully alive to its responsibilities and had clear instructions to reply effectively to any attempt by Pakistan Army at violating Indian territory either by intrusion or by shelling or firing across the border, the Minister added.

Arms Supply to Pakistan

The question of arms supply to Pakistan came up for discussion in the House on more than one occasion in various forms.

A Calling Attention Notice on "the reported carrying of American arms to Pakistan by two Pakistani ships, *Sunderbans and Padma*, which sailed from the U.S.A. on May 8, and June 21, 1971, respectively, in violation of the ban on the sale of arms to Pakistan imposed by U.S.A. in March last" was tabled by Sarvashri R. V. Bade, K. M. Madhukar, N. K. Sanghi, Pilo Mody and Maharaja Narandra Singh. The matter was raised in the House on June 24, 1971 by Shri R. V. Bade (J.S.).

In his reply, the Minister of External Affairs, Shri Swaran Singh, informed the House that a report appearing in the *New York Times* of June 22, about two ships *Sunderbans* and *Padma*, flying the flag of Pakistan, and having sailed from New York on May 8, and June 21 respectively, with cargo of the United States military equipment seemed to be substantially correct. The Indian Ambassador in Washington took up the matter immediately on receipt of the report with the Under Secretary of State, Government of the U.S.A. on the evening of June 22, 1971. The matter was also taken up with the United States Embassy in New Delhi on June 23, 1971. According to the United States Government, no foreign military sales to Pakistan had been authorised or approved since March 25 and no export licences had been issued for commercial purchases nor had export licences been renewed since that date. According to the United States Government, no aircraft were on board those vessels. The U.S. Government had, however, admitted that it was possible that foreign military sales items authorised or purchased prior to March 25 had been delivered to the dock-side since that date and might be aboard the two ships, as also the commercially purchased items where export licences were required and were issued before that date.

While expressing regret that this loophole regarding past authorisations had not been brought to the notice of the State Department, the U.S. Under Secretary of State explained that full facts regarding what had been covered by export licences issued in the past, the shipments of which had not been effected, were still not known and he could not, therefore, say that there would be no further shipments.

Continuing, the Minister of External Affairs said that they had pointed out to the U.S. Government that any accretion of military strength to Pakistan particularly in the present circumstances when military oppression and atrocities were being let loose on the unarmed and defenceless people of Bangla Desh, would not only pose a threat to the peace and security of this subcontinent but the whole region. Accordingly, the U.S. Government were urged to try to stop the ships, which had already sailed, from delivering military items to Pakistan, and in any case, to give an assurance that no further shipments of military stores would be allowed even under "past authorisations". The United States Government promised to give urgent consideration to this matter and Government were awaiting their response.

Another Calling Attention Notice on the "reported decision of U.S.A. to supply arms worth 35 million dollars to Pakistan under

(personal orders of President Nixon" was tabled by Sarvasbi G. I. Yadav, Phool Chand Verma, P. Venkatasubbaiah, Jagannathrao Joshi and Atal Bihari Vajpayee. The matter was raised in the House on July 12, 1971 by Shri G. P. Yadav (J.S.).

Replying, the Minister of External Affairs, Sbi Swaran Singh informed the House that Government had seen the text of the statement made by Senator Church on July 7, 1971, to the effect that an estimated 35 million dollars worth of military equipment was still in the arms pipeline for delivery to Pakistan. Being a well-informed Senator who had been taking great interest in the question of arms supply by U.S.A. to different countries, it was possible that his figure might not be far from correct.

Reported Supply of Arms to Pakistan by U.S.S.R. and France

Another Calling Attention Notice on the "reported supply of arms to Pakistan by the USSR and France and the reaction of the Government thereto" was tabled by Sarvasbri Madhu Dandavate, P. K. Deo, Birender Singh Rao, Ram Kunwar and Indrajit Gupta. The matter was raised in the House on July 6, 1971 by Shri Madhu Dandavate (PSP).

Replying, the Minister of External Affairs, Shri Swaran Singh informed the House that the Soviet Ambassador had told the Government that the Press reports about U.S.S.R. Government having supplied arms to Pakistan after the military action in Bangla Desh were incorrect. The French Government had also intimated that they had not entered into new contracts for the supply of arms to Pakistan after the military action in Bangla Desh. They had also informed the Government of India towards the end of June, 1971 that they would not make any deliveries of arms even on old contracts. The Government had, however, expressed its grave concern to the French Ambassador about the reported supply of arms to Pakistan, and had asked the Indian Ambassador in Paris and the French Ambassador in New Delhi to take the matter up with the French Government.

The Minister added that in view of the prevailing practice of clandestine sale of arms through private parties in Western Europe the possibility of Pakistan acquiring arms through such source should not be ruled out.

Pakistani Infiltrators in Jammu and Kashmir

A Calling Attention Notice on the reported crossing of ceasefire-line by Pakistani infiltrators in Jammu and Kashmir and Pakistani plans to send more infiltrators into that State for subversive activities was tabled by Sarvashri Ram Sahai Pandey, P. Gangadeb, Mukhtiar Singh Malik, N. K. Sanghi and Dr. Laxminarain Pandey. The matter was raised in the House on July 7, 1971 by Shri Ram Sahai Pandey (Cong.).

Replying, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, said that while Government were aware of certain preparations across the ceasefire line for sending infiltrators into Jammu and Kashmir for subversive activities, they had no information that Pakistani infiltrators had crossed into the State. The Army and security forces of the Centre and the State Government were aware of the threat and were in full preparedness to meet the same, he added.

Violation of Indian Air Space by Pakistani Aircraft

A Calling Attention Notice on the "reported flight of two Pakistani Air Force Mirage Aircraft over the Srinagar airport" was tabled by Sarvashri Surendra Mohanty, Samar Guba, Vikram Mahajan, P. Gangadeb and Rana Bahadur Singh. The matter was raised in the House on July 23, 1971 by Shri Surendra Mohanty (UIPG).

Replying, the Minister of Defence, Shri Jagjivan Ram, informed the House that two aircraft of the Pakistani Air Force intruded into Indian air space over the Kashmir Valley around 1300 hours on July 20, 1971. A second intrusion took place north of Jammu around the same hour on the following day. The Pakistani aircraft were spotted by the observation system.

These were clear and deliberate violations of Indian air space by Pakistani fighter aircraft. The Government took a serious view of these violations and had lodged strong protests with the Government of Pakistan demanding effective steps to be taken by them to prevent recurrence of such violations. The Government of India held the Government of Pakistan fully responsible for any consequences that might flow from such hostile acts.

Since the airfield at Srinagar was being used principally for civilian purposes, the obligations to civilian aircraft imposed some limitations on counter action. However, appropriate measures had been taken to deal with Pakistani provocations and threats in future.

Indo-Soviet Treaty

Laying on the Table of the House, a copy of the Treaty of Peace, Friendship and Cooperation entered into between the Governments of India and U.S.S.R., on August 9, 1971, the Foreign Minister, Shri Swaran Singh said that the Treaty would provide a stabilising factor in favour of peace, security and development not only of the two countries, but of the region as a whole. Clarifying that it was not aimed against any third country, he expressed the hope that it would provide a pattern for similar treaties between India and other countries in the region.

Emphasising that the Treaty was, in its true sense, a treaty of peace, he said, that it strengthened India's policy of non-alignment, which was expressly mentioned in the Treaty. He sincerely hoped that the policy of non-alignment would be further strengthened and would become an effective instrument for safeguarding the national interests as well as for the maintenance of universal peace and international security and the lessening of tensions in the world.

Besides being a Treaty of non-aggression, it provided a credible assurance that in the event of an attack or a threat thereof, the two countries would immediately enter into mutual consultations in order to remove such a threat and take appropriate effective measures to ensure peace and security of their countries. This, he hoped, would act as a deterrent to any Power that might have aggressive designs on the country's territorial integrity and sovereignty. It was, therefore, in essence, a Treaty of peace against war.

On August 10, 1971, the House discussed the motion moved by the Foreign Minister that the Treaty be taken into consideration.

The discussion continued for the whole day in which as many as 21 Members participated.⁹

Replying to the discussion, the Foreign Minister said that the Treaty re-affirmed the principle of fruitful cooperation in the economic, technological and scientific fields and that it did not debar India

⁹Those who participated in the debate were: Sarvashri A. K. Gopalan, S. D. Sharma, H. N. Mukerjee, K. D. Malaviya, K. Manoharan, R. K. Sinha, Atal Bihari Vajpayee, V. K. Krishna Menon, B. R. Bhagat, Shyamanandan Mishra, P. Venkatasubbalah, Frank Anthony, V. K. R. Varadaraja Rao, Pilloo Mody, R. D. Nimbalkar, Henry Austin, G. S. Melhote, Probodh Chandra, M. Muhammad Ismail, Samar Guha and S. L. Sahaena.

from pursuing its policy of developing nuclear technology for peaceful purposes.

Reacting to the criticism that the Treaty was a deviation from India's policy of non-alignment, he said that it was clearly provided in clause IV of the Treaty that USSR Government respected our policy of non-alignment. Besides, there was nothing in the Treaty which compromised our policy of non-alignment.

He ruled out that the Treaty in question was either a defence pact or a military alliance. He clarified that defence pacts or military alliances were couched in different words and had different connotations. Further, there was a specific mention in the Treaty that no arms could be supplied to any country which might cause military damage to the other party.

Another cornerstone of the Treaty, the Minister said, was the solemn undertaking given by the two countries to conduct their international policies in such a manner as to give striking and stunning blows to the remnants of colonialism and racialism. The political content, the economic content, the technological and scientific collaboration and the security clauses of the Treaty taken as a whole, presented a picture which was to the mutual benefit and advantage of both the countries.

He clarified that the Treaty did not restrain India from taking any action that she might like to take on Bangla Desh, or from exercising her sovereign rights in any manner she might like.

Concluding, the Minister informed the House that the Soviet Union had given an assurance on a number of occasions that they respected India's territorial integrity and had also agreed to take steps to correct their own maps.

Reported Agreement between Nepal and China regarding Survey of Terai Border

A Calling Attention Notice on the "reported agreement between Nepal and China wherein China has been permitted by Nepal to survey Terai border near Indian Border" was tabled by Sarvashri Hari Kishore Singh, H. M. Patel, Laxminarain Pandey, Vayalar Ravi and S. M. Banerjee. The matter was raised in the House on July 20, 1971 by Shri Hari Kishore Singh (Cong.).

Replying, the Minister of External Affairs, Shri Swaran Singh said that Government were aware of the exchange of letters on July 16, 1971 between the Chinese Ambassador in Kathmandu and the Finance Secretary of Nepal, by which the Chinese Government were to conduct a survey in the Butwal area of the Nepal Terai in order to ascertain whether cotton cultivation was possible there. This agreement formalised the earlier position which the Government were aware of, viz. that a few Chinese experts were in the area to look into the question of cotton cultivation. What was proposed to be undertaken was a feasibility report on the possibility of growing cotton. The agreement provided for Chinese technicians to conduct investigation in the area, with the cooperation of the Nepalese Government.

Answering questions, the Minister said that the signing of this agreement to find out the feasibility of growing cotton in Terai area could not, by any stretch of imagination, be termed as an act hostile to India and as such we should not take that view at all. The Nepal Government never approached India to undertake a survey of that nature.

Air Dropping of Chinese Literature in some Villages in Bihar

A Calling Attention Notice on "the reported air dropping of Chinese literature, banners, garments, torch lights, biscuits and transmitters for the Naxalites by a Chinese plane in the fields in Tidarampur and Palam villages in Monghyr district of Bihar last week" was tabled by Sarvashri Bibhuti Mishra, Indrajit Gupta, Laxminarain Pandey, K. Baladhandayutham and N. K. Sanghi. The matter was raised in the House on June 22, 1971 by Shri Bibhuti Mishra (Cong.).

Replying, the Minister of State in the Ministry of Home Affairs and in the Department of Personnel, Shri Ram Niwas Mirdha, informed the House that according to the preliminary report received from the State Government of Bihar, some literature in Chinese, portions of balloons and other articles were found in some villages in Monghyr district during the past week. Similar recoveries had also been made from villages in Palamau, Purnea and Bhagalpur districts of the State. Preliminary examination revealed that the literature was of Kuomintang origin. Inquiries made by the Ministry of Defence showed that no movement of foreign aircraft had been picked up by the radar network during the relevant days. Inquiries were in progress and the various articles recovered were being examined by experts.

Indo-Ceylon Agreement on Citizens of Indian Origin

A Calling Attention Notice on "the reported unilateral action of the Government of Ceylon in changing the basis for the grant of Ceylon citizenship which would adversely affect the interests of persons of Indian origin" was jointly tabled by Sarvashri M. Kalyanasundaram and Era Sezhiyan. The matter was raised in the House on the 23rd June, 1971, by Shri M. Kalyanasundaram (C.P.I.)

Replying, the Deputy Minister of External Affairs, Shri Surendra Pal Singh informed the House that the Government of India had seen reports in the Press that the Ceylon House of Representatives had adopted an amendment to the 1967 Indo-Ceylon Agreement (Implementation) Act, linking the pace of grant of Ceylon citizenship with the number of persons repatriated to India and not merely to their registration in Ceylon as Indian citizens. According to the Indo-Ceylon Agreement of 1964, the grant of Ceylon citizenship and the process of repatriation shall both be phased over a period of 15 years and shall, as far as possible, keep pace with each other in proportion to the relative numbers to be granted citizenship and to be repatriated respectively. The 1967 Indo-Ceylon Agreement (Implementation) Act related the grant of Ceylon citizenship with the grant of Indian citizenship and not with their actual repatriation.

The Prime Minister of Ceylon, on the occasion of moving the amendment, had stated that the Government of Ceylon intended to implement the 1964 Indo-Ceylon Agreement "both in letter and spirit." The amendment was to the Ceylonese domestic legislation of 1967 and not to the 1964 Indo-Ceylon Agreement.

Answering questions, the Deputy Minister pointed out that the present Ceylonese enactment was perfectly in accordance with the 1964 Agreement, and the amendment had in fact been adopted by the House of Representatives to bring their own domestic law in line with the said Agreement.

The Government of India had, in consultation with the Government of Tamil Nadu, made elaborate arrangements for the rehabilitation of all those persons who acquired Indian citizenship under the Agreement.

Recognition to Provisional Revolutionary Government of South Vietnam and other States

On July 2, 1971, Shri A. K. Gopalan, C.P.I.(M), moved a Resolution in the House calling upon the Government to condemn in unequivocal terms the American aggression in the three Indo-Chinese States and to give recognition to the Provisional Revolutionary Government of South Vietnam and full recognition to the Governments of the Democratic Republic of Vietnam, the Democratic People's Republic of Korea and the German Democratic Republic.

He urged the Government to support the heroic struggle of the Vietnamese people against the aggression of U.S. imperialism and called for the immediate and conditional withdrawal of U.S. troops from Vietnam and the whole area of Indo-China.

Intervening in the discussion¹⁰ on July 16, 1971, the Minister of External Affairs, Shri Swaran Singh, took particular note of President Nixon's acknowledgement that there could be no stable peace in the world without the participation of China. Welcoming President Nixon's decision to visit China, he observed that it seemed that U.S.A. was on the verge of re-discovery of China and its importance to the world. India had always welcomed the normalisation of relations between all the countries and peoples and, in particular, the Great Powers.

Referring to the Vietnam problem, the Minister stated that India had consistently taken the view that the problem of Vietnam was the central problem and a solution to it would provide a key to the solution of the problems of Cambodia and Laos. For this, India had advocated a complete withdrawal of all troops from Vietnam beginning with those of the United States. The recent 7-point proposal made by Madam Binh in Paris was, according to the Indian point of view, the best proposal that had been put forward so far. It was felt that those proposals could be the basis of a satisfactory negotiated settlement.

So far as the question of recognition of the Provisional Government of South Vietnam was concerned, he said that it could be considered only in the overall context of a peaceful political settlement of

¹⁰Members who participated in the discussion were: Sarvashri Ranen Sen, R. P. Ulaganambi, G. P. Yadav, Shashi Bhushan, Indrajit Gupta and M. R. Gopal Reddy.

the Vietnam question. The Government of India had *de facto* relations with both North and South Vietnams through their Consulates-general at present. As soon as a peaceful negotiated political settlement of the Vietnam question was arrived at, Government would be in a position to accord full recognition to a duly elected representative Government in South Vietnam. Similarly, the question of granting full diplomatic recognition to the two Koreas would be considered only in the overall context of a peaceful political settlement of the Korean question.

The Minister added that India's relations with the Democratic Republic of Vietnam were developing satisfactorily and the question of giving full recognition to that Government was under consideration and action in that regard would also be taken at the appropriate time.

With regard to the German Democratic Republic (GDR), the Minister stated that India's relations with that country were developing in a very satisfactory manner. India had welcomed the Moscow Treaty and the general detente that had emerged as a result of the treaty between East Europe and West Europe. India had also supported admission of GDR to the various UN organs on the principle of the universality of U.N. membership.

After Shri A. K. Gopalan had replied to the discussion, the Resolution was put to vote and negatived by voice vote.

Notice of Termination of Indo-British Trade Agreement

A Calling Attention Notice on the "reported six months' notice formally served on India by the British authorities to terminate the Indo-British Trade Agreement of 1939" was tabled by Sarvashri Boksi Nayak, Bibhuti Mishra, K. M. Madhukar, H. M. Patel and Shrimati Bibha Ghosh Goswami. The matter was raised in the House on July 2, 1971 by Shri Boksi Nayak (Swa.).

Replying, the Minister of Trade, Shri L. N. Mishra stated that during the discussions held in London in May, 1971 regarding the British Government's announcement to impose a new tariff on imports of cotton textiles from the Commonwealth Preference Area, including India, with effect from 1st January, 1972, Government of India had pointed out that the proposal was discriminatory, inequitable and inconsistent with the international obligations of Britain towards developing countries like India. Since their present import regime on cotton textiles was broadly in line with that of the EEC, it was clearly

pointed out to them that by giving effect to their proposal, they would be unnecessarily creating problems of harmonisation of their regime with that of the EEC, in the event of their entry into the EEC. Their proposal to impose a tariff on Commonwealth Preference Area without in any way changing the import regime from other EFTA Members violated the understanding with which the Government of India had given the waiver to Britain at the time of her joining the European Free Trade Area.

The British Government replied that they could not contemplate postponement or modification of their declared policy in any way. Recognising that the change in their import regime for cotton textiles would harm exports from India, they had offered a loan of £10 million on interest free terms tied to the purchase of British goods and services so as to enable India to grant them a waiver under the Indo-U.K. Trade Agreement in respect of cotton textiles. Since the Government had always held the view that aid was no substitute for trade, the British request for the waiver could not be acceded to.

On the 30th June, the Government of India received from the British Government six months' notice of termination of the Indo-U.K. Trade Agreement of 1939.

It was unfortunate that the British Government had not found it possible to accept the Indian point of view, which could have led to a mutually acceptable settlement of the issue. However, it was hoped that even at this stage the British Government would see the reasonableness of India's stand and would not like to take the responsibility for breaking up the historical trade relationship between the two countries.

PL-480 Funds for Educational Activities

Raising a half-an-hour discussion on "PL-480 Funds for Educational Activities" in the House on July 12, 1971, Shri C. K. Chandrapan (CPI) alleged that the funds were being used for espionage activities through educational institutions. The money given by the U.S.A. was being used to get the younger generation into their fold, to do espionage activities and to train the whole world in the American way of life and civilisation.

Replying to the discussion, the Minister of Education and Social Welfare and of the Department of Culture, Shri Siddhartha Shankar Ray, at the outset, made it clear that not only PL-480 funds but any

funds from any foreign country would be opposed, if the effect of the utilisation of such funds were either to corrupt the youth and the educational system or to influence India's policies or ways of thinking in any way whatsoever.

Giving details about the utilization of PL-480 fund resources available in India, the Minister stated that 87 per cent was made available to the Government of India in the form of loans and grants, 5 per cent was reserved as loans to joint Indo-U.S. concerns and the remaining 8 per cent was reserved for expenditure for U.S. Missions and other uses provided in the PL-480 agreement.

The utilization of PL-480 funds for education was merely notional attribution for budgetary purposes. For instance in the last 3 years the amount spent on education from this fund amounted to Rs. 3.26 crores. This worked out to less than a crore of rupees a year as compared to Rs. 950 crores per year spent on education throughout the country. This amount was too insignificant to cause apprehension of any nature.

Further, out of that sum, specific research projects, approved by the Government in fields like physics, biology and agriculture were financed. The Government had taken care to ensure that the fund was not used in sensitive areas of research like social sciences. The Government also ensured through a Committee set up for the purpose that research was in the national interest.

Outlining the Government's present policy, the Minister stated that no money, no grant could be given except with the prior approval of the Government of India. It had also to be seen that no such grant was discriminatory. The Government's policy was to keep India free from any kind of objectionable influences.

Reported permission to Uttar Pradesh Government to nationalise Sugar Industry

A Calling Attention Notice on the "reported permission given by the Central Government to the Government of U.P. to issue an Ordinance nationalising the sugar industry in that State" was tabled by Sarvashri S. M. Banerjee, Atal Bihari Vajpayee, B. S. Chowhan, Jagannath Rao Joshi and Laxminarain Pandey. The matter was raised in the House on June 28, 1971 by Shri S. M. Banerjee (C.P.I.).

Replying, the Minister of State in the Ministry of Agriculture, Shri Sher Singh, said that, as already stated in the House, Government had

set up a Commission under the Commissions of Inquiry Act, 1952 to study in depth the working of the sugar industry in all its aspects in the context of the demand for its nationalisation and would take a view on the subject only after receipt of the report of the Commission.

As regards the question of legislative competency, Parliament as well as a State Legislature, according to the legal advice available to Government were competent to make a law with respect to the acquisition of sugar undertakings, provided such a law satisfied the requirements of Article 31(2) and (3) of the Constitution. If such a law was passed by a State Legislature, it had to be reserved for the consideration of the President and should receive his assent. Having acquired sugar undertakings in accordance with that procedure, the State Government could run them but in doing so it would be subject to such laws as might be made by Parliament.

So far as Uttar Pradesh was concerned, Government had received a communication from the State Government with regard to the action they proposed to take in the matter. The proposal was under the consideration of Government of India in consultation with the State Government.

Cauvery water dispute

A Calling Attention Notice on the "reported statement of the Chief Minister of Tamil Nadu and the resolution passed by the Tamil Nadu Legislative Assembly demanding that the Central Government should refer the Cauvery Waters disputes to a Tribunal and restrain the Mysore Government from going ahead with the construction of Hemawathi and other projects in the Cauvery basin" was tabled by Sarvasiri N. Shivappa, M. Kathamuthu, M. Kalyansundaram, Mukhtiar Singh Malik and Ram Kanwar. The matter was raised in the House on July 13, 1971 by Shri N. Shivappa (Cong.).

Replying the Minister of Irrigation and Power, Dr. K. L. Rao stated that Cauvery passed through the States of Mysore, Kerala and Tamil Nadu and there was demand for the waters of the river from all the three States. The States of Tamil Nadu and Kerala had been representing that the matter should be settled by reference to a Tribunal under the Inter-State Water Disputes Act of 1956. Mysore Government, on the other hand, contended that the projects proposed to be undertaken by them were not only essential but were within their rightful allocations of water and reference to the Tribunal was not necessary. Attempts had been made to settle the dispute amicably.

In the absence of an elected Government in Mysore, it was difficult to bring negotiations to a conclusive stage. Government were, however, endeavouring to ensure that the relative claims of the different States concerned were not prejudiced in the meantime.

Reported increase in the price of Crude Oil by foreign Oil Companies

A Calling Attention Notice on the "reported move of the foreign companies to increase the price of crude oil imported by them" was tabled by Sarvashri Saradish Roy, Vayalar Ravi, Birendra Singh Rao, H. M. Patel and P. Narasimha Reddy. The matter was raised in the House on July 28, 1971 by Shri Vayalar Ravi (Cong.)

Replying, the Minister of Petroleum and Chemicals, Shri P. C. Sethi stated that on the 28th May, 1971 he had informed the House of the concerted action taken by the organisation of Petroleum exporting countries for raising the posted price of crude and the rate of taxation which resulted in the signing of the Teheran Agreement on 14th February, 1971 between the OPEC and the Oil Companies. As a consequence thereof, the oil companies increased their price of crude to a total of 40 cents per barrel in the case of Aghajari crude supplied by Burmah Shell and Caltex and by 41 cents per barrel in the case of Arabian Mix supplied by Esso. He had also informed the House that the Government had made it clear to the Oil Companies that they did not see sufficient justification for the oil companies passing on the entire increase in taxes and royalties to this country. However, in order not to affect the country's industrial growth, Government had allowed import of crude provisionally at the higher prices.

On 5th July, Burmah Shell informed the Government that from 15th July, 1971 their price of Aghajari crude would be further increased from \$1.68 to \$1.73 per barrel. Similar notice was given by Caltex on 6th July, 1971 stating that their price increase would become effective from 18th July. On 5th July, Esso also gave similar notice that the price of the Arabian Mix would increase to \$1.70 per barrel from \$1.66 with effect from 10th July, 1971.

Unlike the previous increases in oil price which were sought to be justified by the Oil Companies as following from the Teheran Agreement, this last increase, they contended, was justified on the basis of a further increase in the prevailing world prices of crude.

This was a new situation and Government was examining the position with regard to crude prices currently obtaining in the World Market. Meanwhile Government were releasing foreign exchange for imports at the June, 1971 prices.

Appointment of a High Power Committee to review the Working of O. & N.G.C.

On July 16, 1971 the Minister of Petroleum and Chemicals, Shri P. C. Sethi, announced in the House the appointment of a High Power Committee headed by Shri K. D. Malaviya, M.P., to review the working of the Oil and Natural Gas Commission.

Giving details about the terms of reference of the Committee, the Minister stated that it would study certain features of the structure, organisation, financing and functioning of the Oil and Natural Gas Commission and make recommendations for the changes and improvements which would strengthen and enable the Commission to achieve the objective of rapid expansion of its programme of survey, exploration and production of gas and oil, both on-shore and off-shore, so that the potential oil and gas resources of the country were fully explored and exploited within a measurable period of time and the Commission were able to extend their activities to promising on-shore and off-shore areas in neighbouring countries. The Committee was being requested to give their report within three months.

Breach in Gupta Bandh posing a serious threat to Barauni Oil Refinery

A Calling Attention Notice on the 'reported breach in the Gupta Bandh posing a serious threat to Barauni Oil Refinery' was tabled by Sarvashri Ramasahai Pandey, Jyotirmoy Bosu, Atal Bihari Vajpayee, Shashi Bhushan and K. M. Madhukar. The matter was raised in the House on August 5, 1971 by Shri Ramsahai Pandey (Cong.)

Replying, the Minister of Irrigation and Power, Dr. K. L. Rao informed the House that the Barauni Oil Refinery and the Thermal Station situated on the left bank of the Ganga were protected against flooding by an old embankment running from upstream of Mokameh Bridge to about 30 km. down-stream of the bridge. The railway embankment from Barauni to the Mokameh Bridge and the National Highway 31 also acted as second line of defence to these installations, on the western side.

Due to heavy floods for nearly a fortnight the Ganga started rising in Bihar and crossed the warning stage at Gandhighat near Patna and Hathidah near Mokameh. The Kasba Rupnagar embankment on the west of the National Highway near Barauni Thermal Station breached on August 3. The Barauni Oil Refinery and the Thermal Power Station areas were affected by it. In order to prevent water from entering these areas, all the openings under the National Highway through which water could enter, had been plugged. Vigil was being kept round the clock by the State Irrigation Department, the Indian Oil Refinery and the Thermal Station authorities. The Irrigation Department had also taken measures to prevent further widening of the breach and also started the work on the plugging of the breach.

All precautionary measures to avert further breaches in the embankments had been taken by the Bihar Irrigation Department with the cooperation of the Indian Oil Refinery, Barauni Thermal Station and Fertilizer project authorities. The Indian Oil Refinery pipeline was safe and was in operation.

Death of Soviet Cosmonauts

Expressing deep sorrow at the death of the three Soviet Cosmonauts who created a record of 24 days in space, on the 1st July, 1971, the Prime Minister, Shrimati Indira Gandhi said:

"The true spirit of science is the spirit of sacrifice and search for knowledge. The exploration of outer space has re-awakened in all of us a sense of wonder. Whether the cosmonauts belonged to the Soviet Union or to the United States of America, we have regarded them as representatives of all mankind. We have felt personally involved in their journey, following their every move, sharing the anxiety of their families and of their country. We have felt exhilarated by their achievements. The tragedy of the death of the Soviet cosmonauts, Lt. Col. Georgi Dobrovolsky, Flight Engineer Vladislav Volkov and Test Engineer Viktor Patsayev is all the greater because it happened at the very end of a successful exploration.

She requested the Speaker on behalf of the House to express their deep sympathy with the Soviet Union and especially the families of those gallant and courageous youngmen.

Associating himself personally and on behalf of the House with the feelings of grief and sorrow expressed by the Prime Minister on the tragic incident, the Speaker, Dr. G. S. Dhillon, observed:

"They were on a mission of immense scientific knowledge, and their end came just at a time when they had almost accomplished

their mission. This is a loss not only to the Soviet Union and its people, but to the entire mankind. I am sure the House will join us in conveying our heartfelt condolences to the bereaved families, the Government and the people of USSR."

Thereafter the Members stood in silence for a while.

Crash programme for providing employment to uneducated unemployed

Raising an half-an-hour discussion on "providing of employment to uneducated unemployed" in August 11, 1971, Shri N. N. Pandey (Cong.) pointed out that the number of unemployed had increased with the implementation of successive Five Year Plans. He sought to know the projects which were being undertaken by the Government in various States for the creation of employment opportunities.

Replying, the Minister of State in the Ministry of Agriculture, Shri Sher Singh said that under the proposed crash programme, the Government had devised a scheme under which every district would receive Rs. 12.50 lakhs. However, some States had been given additional funds in view of their density of population. In fact Government had received schemes from 336 districts out of 355. Out of those, 317 district schemes had already been sanctioned and the funds had been released.

Spelling out further details about the scheme, the Minister stated that of the total sum, 60 per cent would be spent on the construction of roads, 25 per cent on minor irrigation and 15 per cent for afforestation, soil conservation, land reclamation etc. As regards staff for supervising the work, it would be provided by the State Governments. The work had already been started in 8 States and 5 States would take up the schemes very shortly. The officials of the Central Government had already visited those States. In regard to the number of unemployed in rural areas, the Minister informed the House that an Expert Committee had already been appointed to go into that matter.

Non-procurement of farmers' entire produce at price fixed by Government

A Calling Attention Notice on "Non-procurement of Farmers' entire produce at price fixed by Government" was tabled by Sarvasri A. P. Sharma, Ram Chandra Vikal, Hukam Chand Kachwai,

P. K. Deo and Damodar Pandey. The matter was raised in the House on June 14, 1971 by Shri A. P. Sharma (Cong.)

Replying, the Minister of State in the Ministry of Agriculture, Shri Annasaheb Shinde, stated that the commitment of Government was to purchase all grain falling within the prescribed specifications offered by the cultivators at the procurement price. The question of procuring the farmers' entire produce did not, therefore, arise. The Food Corporation of India and other procuring agencies had been vigorously purchasing the foodgrains offered by the farmers falling within the prescribed specifications at the procurement prices announced by Government. During the current Rabi season, upto June 8, 1971, 3.3 million tonnes of wheat had been purchased as against 1.8 and 1.75 million tonnes for the corresponding periods of 1970-71 and 1969-70, respectively. Such massive procurement would show that, by and large, Government were fulfilling their commitment of offering price support to the producer at the level of procurement prices announced by Government. Arrangements had also been made for prompt payment of full procurement price corresponding to the quality of the grains procured. By and large, there had been no complaints except in the State of Uttar Pradesh where the presence of two sets of middlemen at times gave rise to malpractices. The Food Corporation of India and the State Government had tightened up the administrative arrangements to eliminate such malpractices to the maximum possible extent.

Appointment of Workers' Representatives on the Board of Directors of Hindustan Steel Ltd.

Making a statement in the House on June 14, 1971, the Minister of Steel and Mines, Shri Mohan Kumaramangalam said that the deficiencies in steel production had been a matter of great concern to the Government as well as to the House. One of the factors which had affected production was unsatisfactory industrial relations that has existed in certain units of Hindustan Steel.

With a view to strengthening the relations between the management and the workers in the Hindustan Steel Ltd. Government had proposed to the trade union representatives on the Joint Negotiating Committee for the Steel Industry that two representatives of the workers might be appointed to the Board of Directors. The representatives had welcomed the proposal and promised to send their suggestions for implementation of the proposal.

Shortage of Coal in the Country

A Calling Attention Notice regarding "reported acute shortage of coal in the country, which held up industrial production and the building activities" was tabled by Sarvasbri Mukhtiar Singh Malik, R. P. Yadav, R. N. Sharma, Ram Avtar Shastri and Chapalendu Bhattacharya. The matter was raised in the House on June 30, 1971 by Shri Mukhtiar Singh Malik (J.S.).

Replying, the Minister of Steel and Mines, Shri Mohan Kumaramangalam informed the House that the level of production of coal in the country was adequate to meet all demands. The shortage of coal in the country for industrial production, building activities, power generation etc. had been due to accumulation of pithead stocks which in turn was due to the difficulty of moving coal from the producing centres to the consumers. Due to the inability of the Railways to provide sufficient wagons, the despatches of coal during the last three years had been falling. During 1968-69, 1969-70 and 1970-71, the despatches of coal had been 67.55, 66.17 and 60.50 million tonnes, respectively. In Bengal-Bihar coalfields, the wagon supply position had been much worse than in the rest of the country and had deteriorated further since April, 1971.

The shortage of wagons had been attributed by the Railways to the large-scale thefts of overhead wires, wagon-parts, signalling and other equipment and assaults on the Railway staff in the Bengal-Bihar areas, as a result of the deteriorating law and order situation.

The Government of India were fully seized of the problem. All possible steps were being taken in association with the State Governments concerned to tighten and reinforce security arrangements in disturbed areas. These steps would, it was hoped, help in improving the law and order situation and restore normalcy in the railway operation soon. The Minister assured the House that as soon as more wagons were available for the movement of coal, the present shortage of coal in the consuming centres would disappear.

Oath-taking by new Members

On June 21, 1971, two new Members of the Lok Sabha, Shrimati M. Godfrey (Anglo-Indian—Nominated) and Shri Kishok Bakula, who was elected from the Ladakh parliamentary constituency in Jammu & Kashmir, were administered their oath and took their seats in the House.

Obituary References

During the session, Lok Sabha lost two of its sitting Members, Shri B. Narayanan of the DMK Group and Pandit Binodanand Jha, of the Congress (R). The former was also a Member of the Fourth Lok Sabha and the latter a Member of the Constituent Assembly. Moving tributes were paid to the deceased Members in the House on July 27, 1971 and August 9, 1971 respectively.

The House also mourned the death of Dr. Sisir Kumar Saha, Member of the Third and Fourth Lok Sabha; Shri Sri Prakasa, Member, Central Legislative Assembly, Constituent Assembly and Provisional Parliament; Shri Rup Narain, Member of the First and Second Lok Sabha; Shri Bhaskar Narayan Dighe, Member of the Third Lok Sabha; Shri Dharendra Kanta Lahiri Chaudhury, Member of the Central Legislative Assembly and Shri Mahesh Prasad Sinha, Member of the Constituent Assembly.

Tribute to Shri Sri Prakasa

Paying tribute to Shri Sri Prakasa, who passed away at Varanasi on June 23, 1971, the Speaker, Dr. G. S. Dhillon on June 24, 1971, said:

"An illustrious son of an illustrious father, and a distinguished Parliamentarian, Shri Sri Prakasa was a Member of the Central Legislative Assembly during the years 1934 to 1947, Constituent Assembly 1946-50, and of Provisional Parliament during the years 1950-52. He was also elected to the First Lok Sabha but resigned on becoming Governor. Essentially a man of letters and popular writer, he was a great educationist and an administrator. A stalwart of the old generation of patriots and freedom fighters, greatly respected for his erudition, scholarship and deep learning, he was always progressive in his views, bold and practical in expressing his opinions on social reforms and economic problems and political affairs. In his chequered public life, he held the offices of the Central Minister of Commerce and Natural Resources and Scientific Research, the Governor of the States of Assam, Madras and Maharashtra and Chancellor of Kashi Vidyapeeth. In his passing away, the country has lost an eminent statesman."

Describing Shri Sri Prakasa as a "valiant freedom fighter and an elder and distinguished statesman", the Prime Minister, Smt. Indira Gandhi, paid tributes to the departed leader in the following words:

"He served the nation with distinction for more than 60 years and shouldered many and varied responsibilities in the political, administrative and diplomatic spheres. He will be remembered not only as a politician but as a man of wide culture and knowledge, not only for the many high and important posts which he held but also for his association with many institutions and organisations."

He was a man of varied interests and in debate and in his writings, he dealt not only with serious subjects but tried to find light-heartedness, wherever it was possible to do so. We share the sorrow of the bereaved family."

The House stood in silence for a short while after the leaders of other groups in the House—Sarvashri Samar Mukherjee (C.P.I.), S. M. Banerjee (C.P.I.), G. Vishwanathan (DMK), S. N. Mishra, (Cong.), H. M. Patel (Swa.), M. Satyanarayan (T.P.S.), Samar Guha (P.S.P.) and Muhammed Sherif (Muslim League) had made feeling references to Shri Sri Prakasa.

The Question Hour

Total number of questions

During the Second Session of Fifth Lok Sabha, in all 20,272 notices of questions (Starred, Unstarred and Short Notice Questions) were received. 1,727 questions were admitted as Starred and 7,769 as Unstarred; 6 were admitted as Short Notice Questions.

Daily average of questions included in the Lists of Questions and orally answered

Each Starred list contained 30 questions whereas the average of questions in the Unstarred lists came to 137. 11 questions on an average were orally answered on the floor of the House daily—the minimum number orally answered being 1 on May 24, 1971 and the maximum being 17 on July 30, 1971.

Half-an-Hour Discussions

19 Half-an-Hour Discussions were put down on the Order Paper and actually taken up for discussion on the floor of the House.

Statement laid on the Table in reply to points raised in Half-an-Hour Discussion

The Half-an-Hour Discussion regarding 'influx of refugees from East Bengal and their rehabilitation', which had been fixed for June 16, 1971 could not be concluded on that day. The Deputy Minister in the Ministry of Labour and Rehabilitation laid on the Table of the House, on August 12, 1971, a statement in reply to points raised during the Discussion, following the procedure laid down under Direction 19 of the Directions by the Speaker.

RAJYA SABHA
Seventy-Sixth Session*

The Seventy-Sixth Session of the Rajya Sabha commenced on May 24, 1971 and adjourned *sine die* on June 25, 1971. During the Session, the House held 25 sittings aggregating 150 hours and 44 minutes. On the opening day of the Session, Mr. Chairman introduced Sbri Uma Shankar Diksbit as the Leader of the House. Some of the important discussions held and other business transacted by the House during the Session are briefly mentioned below.

Problem of Bangla Desh

The situation in Bangla Desb, demand for its recognition by the Government of India and the problem of refugees came up for discussion in the House on more than one occasion in various forms. On the opening day of the session, the Prime Minister, Shrimati Indira Gandhi, in a statement regarding Bangla Desh, observed:—

"These 23 years and more, we have never tried to interfere with the internal affairs of Pakistan, even though they have not exercised similar restraint. And even now we do not seek to interfere in any way. But what has actually happened? What was claimed to be an internal problem of Pakistan has also become an internal problem for India. We are, therefore, entitled to ask Pakistan to desist immediately from all actions which it is taking in the name of domestic jurisdiction and which vitally affect the peace and well-being of millions of our own citizens.

Pakistan cannot be allowed to seek a solution of its polcal and other problems at the expense of India and on the Indian soil. Has Pakistan the right to compel at bayonet point not hundreds, not thousands, not hundreds of thousands, but millions of its citizens to flee their homes? For us it is an intolerable situation. The fact that we are compelled to give refuge and succour to these unfortunate millions cannot be used as an excuse to push more people across our border."

Referring to the obligations imposed on the citizens of India, she observed:—

"All this imposes on us heavy obligations and the need for stern national discipline. We shall have to make many sacrifices.

*Prepared by the Research Unit, Rajya Sabha Secretariat, New Delhi.

Our factories and farms must produce more. Our railways and our entire transport and communication system must work uninterruptedly. This is no time for any inter-play of regional or sectional interest. Everything must be subordinated to sustain our economic, social and political fabric and to reinforce national solidarity."

Demand for the Recognition of Bangla Desh

A discussion¹ under Rule 176 on the demand for the recognition of Bangla Desh was raised by Shri Rajnarain on May 25, 1971. Shri Rajnarain, initiating the discussion, said that after the formation of Pakistan, Dr. Ram Manohar Lohia had stated, as earlier as 1948, that so long as India and Pakistan were not re-united, their problems would not be solved. According to him, Lohia had prophesied in September, 1950, that the relations between the two wings of Pakistan would lead to disintegration of Pakistan. It could not happen in India as all its parts were compact. He had also prophesied that Pakistan would blame India for this upheaval, which would be as a result of strained relations. Shri Rajnarain pleaded that India should not become guilty of betraying the independent Bangla Desh and should not delay its recognition.

Sardar Swaran Singh, the Minister of External Affairs, replying to the discussion, said that it appeared that the fault of the Awami League was that their support by the people of Bangla Desh and the result of the elections were so solid that it confounded the military regime. It was true that leaders of many Governments had not openly criticised the action of the Pakistan Government on the ground that it was an internal affair of Pakistan. It was in this background that the Government had clearly taken up this matter with other countries and explained to them that this was a matter in which they must act in such a manner that Pakistan had the requisite pressure put on her to create conditions in which, in the first place, this situation of pushing out people came to an end straightaway. Secondly, conditions must be created under which all these people, who have left Pakistan should feel secure that they can go back and live in that part of the world because they are its citizens. Thirdly, India had made it absolutely

¹Those who took part in the discussion were Sarvashri M. S. Gurupadaswamy, Purabi Mukhopadhyay, A. P. Jain, Jagdambi Prasad Yadav, Biju Patnaik, Joachim Alva, S. G. Sardesai, Niren Ghosh, Krishan Kant and Chitta Basu.

clear that she could not and would not accept the maintenance of refugees as her permanent responsibility.

The Prime Minister, in her statement, referred to India's appeal to the international community to see the reality of the situation and understand that this burden of refugees should be the concern of the entire international community. India, she said, had made it clear to them that this evacuation must come to an end and conditions created whereby these people could go back.

She further informed the House that the Government was in constant touch with the situation and there was no fixed position in this regard. If at any time, the Government felt that it was in the interests of peace and in India's national interest and also helped the people who were fighting for their freedom, the Government would not hesitate to take the step in regard to recognition.

Influx of refugees from Bangla Desh

A discussion under Rule 176 regarding influx of refugees from Bangla Desh² was raised by Shri Pranab Kumar Mukherjee on June 15, 1971. Shri Mukherjee, initiating the discussion, said that millions of refugees had crossed the border and were in India. He did not believe that the majority of the refugees would go back until and unless there was a political settlement. If there was a political settlement and a Government chosen by the people of Bangla Desh, the majority of them might go back to their homes and hearths in Bangla Desh, and India might be relieved of this heavy burden of looking after them.

The Member suggested that the only way for the Government of India was to arrive at a political solution, which meant recognising categorically the sovereign democratic Government of Bangla Desh and giving material help, military assistance, arms and ammunition and training, so that the people of Bangla Desh could establish their own Government there. Otherwise, India could not save herself, particularly her eastern part. The entire eastern part of the country would be lost and if the eastern part of India was lost, then the rest of India could not be saved.

²The matter was first raised on May 24, 1971, when Smt D. D. Puri called the attention of the Minister of Labour and Rehabilitation to the grave situation arising out of the heavy influx of refugees from Bangla Desh to India.

Shri R. K. Khadilkar, the Minister of Labour and Rehabilitation, intervening in the discussion, said that so far as the dispersal of refugees was concerned, the Government wanted to settle them, as far as possible, in nearabout camps. The Government had decided to shift about 8 lakhs of refugees from the border States to 16 Central camps in the neighbouring States of Madhya Pradesh, Uttar Pradesh, Bihar and Orissa. These camps would be managed centrally and there would be ex-Army officers to control them, so that the entire atmosphere was kept under check and there was no burden on the States.

The Prime Minister, Shrimati Indira Gandhi, replying to the discussion, said that it was not a joke to face such a sudden and large influx of refugees. Even if ten thousand refugees arrived in any European country, the whole Continent of Europe would be afire. The Government was trying to deal with nearly 6 million human beings who had fled from a reign of terror, who had come wounded, with disease, illness, hunger and exhaustion. And they had come to the country, which was one of the poorest in the world.

The Government was going to do its best to look after them. But at the same time, the Government had to see that its own poor people did not suffer, did not die.

The Government was concerned about the lives and the comforts of the refugees, but it was even more concerned about the problem of democracy, the problem of human rights, the problem of human dignity, that were now being brought before India and the whole world in such a poignant and heart-rending manner.⁹

Presidential Proclamation relating to the Mysore State

On May 25, 1971, the Rajya Sabha considered the statutory Resolution regarding the Proclamation issued by the President on March 27, 1971, in relation to the State of Mysore. Shri F. H. Mohsin, the Deputy Minister in the Ministry of Home Affairs, moved the following motion:—

“That this House approves the Proclamation issued by the President on the 27th March, 1971, under Article 356 of the Constitution, in relation to the State of Mysore.”

⁹Those who took part in the discussion were Sarvashri Bipinpal Das, M. S. Gurupadaswamy, Jagdambi Prasad Yadav, Krishan Kant, Dahyabhai V. Patel, Kalyan Roy, Emonsing M. Sang, Salil Kumar Ganguli, K. Chandrasekharan, Mahitosh Purakayastha, B. N. Manal, Thillal Villalan, Baharul Islam, N. G. Goray and M. M. Sur.

Shri K. S. Pant, the Minister of State in the Ministry of Home Affairs, replying to the debate,⁴ referred to the circumstances that led to the resignation of the Mysore Chief Minister, Shri Veerendra Patil, in March, 1971, when discussions were being held in the State Legislature on the Budget for 1971-72. While the resignation was accepted, the Governor had asked him to continue as a caretaker Chief Minister until alternative arrangements could be made. Thereafter the Governor started his talks with other political parties, with the leaders of the Opposition, and so on. But nothing emerged; no Government could be formed. The Budget had not been passed and, as a result, the business of the Government of Mysore would have come to a standstill on April 1, 1971 unless the Governor took the step which he did take, *i.e.*, recommending to the President that the latter might take over the administration of the State under Article 356.

The State Legislative Assembly was not dissolved under the Proclamation and for sometime thereafter the Governor continued his efforts to form an alternative government but when he found that this was not possible, he recommended to the President that the Legislative Assembly of the State should also be dissolved so that fresh elections could be held. On April 14, 1971, the President dissolved the Assembly by an order under Article 174(2)(b) of the Constitution.

The Minister informed the House that the proposals regarding changes in the electoral law had been drawn up and were being considered. The Government proposed to bring a Bill shortly delegating to the President the legislative powers of the State Legislature. The Bill would also provide for the constitution of a Consultative Committee of the Members of Parliament.

After the Minister's reply, the resolution was adopted.

Presidential Proclamation relating to the State of Gujarat

On May 31, 1971, Shri K. C. Pant, the Minister of State in the Ministry of Home Affairs, moved the following resolution:

"That this House approves the Proclamation issued by the President on the 13th May, 1971, under Article 356 of the Constitution, in relation to the State of Gujarat."

⁴Those who took part in the debate were Sarvashri B. P. Nagaraja Murthy, Joachim Alva, Balachandra Menon, Jagdish Prasad Mathur, B. N. Mandal, Shyam Dhar Misra and Sheel Bhadra Yajee.

Speaking on the Resolution, the Minister said that in the month of May, 1971, after a number of members belonging to the ruling party in the State of Gujarat resigned from their party, the Chief Minister advised the Government to dissolve the Legislative Assembly. The Governor was convinced that the Leader of the Opposition was not in a position to form a stable Ministry. He, therefore, recommended that the President might take over the administration of the State under the provisions of Article 356. In accordance with this recommendation, the Presidential Proclamation was issued on May 13, 1971. The Legislative Assembly was also dissolved.

Replying to the debate⁶ that followed, Shri Pant said that he did not think that the M.L.As. were lured by money.

After the Minister's reply, the Resolution was adopted.

Reported misappropriation of Rs. 60 lakhs from the State Bank of India

On May 28, 1971, Shri A. G. Kulkarni called the attention of the Minister of Finance to the reported misappropriation of sixty lakhs of rupees from the Parliament Street Branch of the State Bank of India.

Shri K. R. Ganesh, the Minister of State in the Ministry of Finance, said that at about 12.30 p.m. on May 24, 1971, Shri V. P. Malhotra, Chief Cashier of the State Bank of India, Parliament Street, was reported to have taken out a sum of Rs. 60 lakhs in hundred rupee notes from the currency chest of the State Bank of India, Parliament Street Office. Shri Malhotra kept the box containing Rs. 60 lakhs in the bank's staff car, drove it himself and took it to a short distance from the Bank's office, where he was met by some person, who accompanied him in the car.

At about 2.30 p.m. Shri Malhotra, accompanied by a police officer, came to the Parliament Street Police Station to report that he had fallen a victim to a fraud of Rs. 60 lakhs and the box containing the money had been shifted into a taxi at Sardar Patel Marg. The police investigation started soon thereafter.

⁶Those who participated in the discussion were Sarvashri Janardanrai Mehta, N. K. Shejwaker, Bhupesh, Gupta, Rajnarain, K. P. Subramania Menon, Manubhai Shah, U. N. Mahida and Shrimati Pushpaben.

At about 10.30 p.m. on May 24, 1971, the entire amount, with the exception of a sum of Rs. 5,700 was reported to have been recovered from Shri Rustam Sohrab Nagarwala, who was arrested by the police.

In reply to the debate that followed, Shri Y. B. Chavan, the Minister of Finance, made it clear that the Government did not have any secret account. The Prime Minister had only two public accounts in the State Bank, one as trustee of the Jawaharlal Nehru Fund, which she operated with Dr. Karan Singh and the other the Vallabhbai Patel Memorial Fund which she operated along with Shri Atulya Ghosh. As Prime Minister, she did not deal with Government accounts. There were no secret accounts and there was no question of any dealings between the Prime Minister and Shri V. P. Malhotra.

As far as Shri Malhotra's behaviour as a responsible officer was concerned, there were two aspects. One was about the bank management. The other aspect was the criminal offence involved in it, which was being investigated by the police. As far as the Bank management was concerned, certainly it required to be looked into when such a thing happened and it seemed that there was some lacuna somewhere.

Motion for Annulment of the Conduct of Elections (Second Amendment) Rules, 1971

On June 16, 1971, Shri Salil Kumar Ganguli, moving the motion, said that these Rules were published on January 27, 1971 with a view to amending the Conduct of Election Rules especially in relation to the counting of votes. Sections 64 to 66 of the Representation of the People Act dealt with the counting of votes. Formerly, ballot boxes coming from every polling station were opened, their contents scrutinized and counted and results were tabulated in a particular form. These Rules now sought to amend the procedure so that as soon as the ballot boxes were opened, their contents were not scrutinised and counted but the folded ballot papers were all put into a big drum and the ballot papers of the entire constituency were mixed together. If the former procedure was observed, people would know automatically and immediately if the ballot papers had been tampered with. But in the new procedure, when the ballot boxes were opened and their contents, without being unfolded, were mixed up together, it was difficult to find this out. Under the circumstances, there were many opportunities for interested and designing polling officers to do some mischief which could not be detected readily. The amended rules also did not provide as to what was to be done if excess ballots were found,

inside a ballot box except that this fact had to be recorded in Form No. 16. There was a section in the Representation of the People Act, 1951, which said that if circumstances warranted, a re-poll might be ordered in respect of any polling station. If one did not know in which polling station some mischief had been done or some irregularities had been committed, one could not possibly claim a re-count or the Election Commission would not be in a position to order a re-poll. Re-polling might be necessary in certain circumstances. By virtue of the new procedure, the provision of this section had been made nugatory and inoperative.

Shri H. R. Gokhale, the Minister of Law and Justice, intervening in the debate, said that before the Rules were amended there were innumerable instances when before the election, both by way of intimidation as well as by temptation, voters were told to vote in a particular way. They received their consideration for voting in that particular way, after it was detected at the time of counting that the locality had in fact particularly voted in the way in which it had promised to vote. So it worked both in the matter of showing favours as well as in the matter of coercion and intimidation and asking people to vote under pressure.

When put to vote, the motion was negatived by the House.

Legislative Business

The Legislative Business of the Rajya Sabha during the Session consisted, *inter alia*, of the following important measures.

*The Indian Telegraph (Second Amendment) Bill, 1970*⁶

Moving the Motion for consideration of the Bill, Shri H. N. Bahuguna, the Minister of Communications, referred to Section 29 of the Indian Telegraphs Act and said that it laid down that if a person sent a wire which he knew to be wrong or which he thought to be wrong, he could be persecuted by the Postal Department.

The Union Government had decided to delete Section 29 in pursuance of the suggestions made by the Press Council of India and a number of journalists associations.

⁶The Indian Telegraph (Second Amendment) Bill, 1970 was introduced in the Rajya Sabha on 17-12-1970.

Later, replying to the debate, the Minister said that an objection had been raised that the deletion of Section 29 was, in effect, co-terminus with a licence for sending all sorts of information, good, bad and indifferent. It was not so. Sections 153A and 505 of the Indian Penal Code were a clear guarantee against any such effort on the part of anybody to do anything of the type.

The motion for the consideration of the Bill was moved and adopted on May 26, 1971, and the Bill as amended, was passed on the same date.

The Medical Termination of Pregnancy Bill, 1969¹

On May 26, 1971, Prof. D. P. Chattopadhyaya, moving the motion for consideration of the Bill, said that it was primarily designed to liberalise the existing laws regarding the termination of pregnancy. Giving reasons for bringing forward the Bill, the Minister referred to the changing social outlook and said that the idea of a big family, the idea of an unwanted child, did not find favour with most of the young and the educated people. Even the poor, uneducated people found it a burden to support big families.

Drawing the attention of the House to the moral considerations underlying this piece of legislation, the Minister said that sometimes a woman had to bear children who were not favourably looked upon by the society. He said that they should see to it that those unfortunate women, who became mothers not in accordance with the general norms of society, were not unnecessarily disdained, frowned upon and brushed aside. He argued that society should look upon this problem on compassionate grounds.

Referring to the demand made by several members that the operations should be performed only in Government hospitals, the Minister stated that if such operations were restricted to Government hospitals alone, whose number was very small, they could not extend the facility to many of those for whom it was meant. Care could be taken to see that other hospitals, clinics or institutions run by non-Governmental agencies, who were allowed to perform the operations were well-equipped, well-maintained and were up to the standard required for this delicate operation.

¹The Medical Termination of Pregnancy Bill, 1969 was introduced in the Rajya Sabha on November 17, 1969.

The motion for the consideration of the Bill was moved on May 26, 1971, and was adopted on the following day. The Bill, as amended, was passed on the same day.

The Maintenance of Internal Security Bill, 1971

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant moved for the consideration of the Bill on June 24, 1971.

Replying to the debate, the Minister said that in the absence of a law made by Parliament in pursuance of Entry 3 of the Concurrent List, the Central Government would not be in a position to intervene in respect of any matter relating to preventive detention. Clause 14 of the Bill conferred on the Central Government the executive power to revoke or modify any order of detention made either by the State Government or any officer subordinate to the State Government. This was the biggest safeguard, which a Central law alone could provide and which Parliament as well as the Central Government alone could invoke to correct any mistake if it should occur.

The Minister told the House that the Government had accepted an amendment in the Lok Sabha which would oblige the State Government to send to the Centre all information within seven days. Therefore the Centre would be aware of every case of detention by the States, within seven days. If there was any misuse, the Members of this House could also bring such cases of misuse to the notice of the Government who would look into them. The Government would have the power to revoke any case of detention in which misuse was known to have occurred.

The amendment moved by Shri Niren Ghosh for referring the Bill to a Select Committee of Rajya Sabha was negatived.

The motion for the consideration of the Bill was adopted on June 25 and the Bill was passed on the same date.

The General Insurance (Emergency Provisions) Bill, 1971

Shri Y. B. Chavan, the Minister of Finance, moving the motion for consideration of the Bill on June 7, 1971, said that the Bill sought to convert the Ordinance, which had been issued to take over the management of the general insurance companies in India into an Act. The Government was not taking over this business for the purpose of

mere profitability but only trying to seek those areas where, by taking over, it would be able to serve the more important social objectives. This was a programme which the country had accepted and for which there was a mandate.

Later, replying to the discussion, Shri Chavan said that the "commanding heights" that Government was thinking of was the taking over of the insurance business. The Government was attempting to reach those commanding heights by taking over all the public institutions, thus utilising the savings of the people for proper national purposes.

The motion for consideration of the Bill was moved and adopted on June 7, 1971, and the Bill was passed on the same date.

Obituary References

On May 24, 1971, the House mourned the loss of two ex-Members, Dr. D. R. Gadgil and Shri J. S. Bisht and one sitting Member Shri Rudra Narain Jha.

Paying tributes to Dr. D. R. Gadgil, Mr. Chairman observed: "Dr. Gadgil was a renowned economist and made a very valuable contribution to the understanding of the economic problems of the country and the formulation of its economic policies. As a parliamentarian and also as Deputy Chairman of the Planning Commission, he rendered yeoman service to our national development. In his sudden death, the nation has suffered an irreparable loss."

Dr. Gadgil was nominated by the President to the Rajya Sabha in April, 1966 and continued to be a Member of the Rajya Sabha till the 31st August, 1967; thereafter he joined the Planning Commission as its Deputy Chairman.

Thereafter, a minute's silence was observed by the House as a mark of respect to the memory of the deceased.

On June 24, 1971, Mr. Chairman referred to the passing away of Shri Sri Prakasa and described him "a patriot who took a prominent part in the freedom fight. He was a gentleman of great capabilities who made contribution to the Nation's causes in different spheres."

The House observed two minutes' silence as a mark of respect to the memory of Shri Sri Prakasa.

RAJYA SABHA
Seventy-Seventh Session*

The Seventy-seventh session of the Rajya Sabha commenced on July 19, 1971 and the House adjourned *sine die* on August 14, 1971. During the Session, the House held 20 sittings aggregating 34 hours and 48 minutes. Some of the important discussions held and other business transacted by the House during the Session are briefly mentioned below.

Arms Supply to Pakistan

On July 19, 1971, Shri Bhupesh Gupta called the attention of the Minister of External Affairs, to the continued arms supply by the Government of U.S.A. to Pakistan.

The Minister of External Affairs, Sardar Swaran Singh, stated that since the issue of shipment of American arms to Pakistan was discussed last in the House, there had been no change in the U.S. policy. On the contrary, it had come to the notice of the Government that U.S. military equipment still in the pipeline for delivery to Pakistan might be even more than what had been publicly admitted by the U.S. Government. The Minister assured the House that the Government's views on the supply of arms to Pakistan had been conveyed in unequivocal terms to the United States Government. The Government had explained to them the adverse impact it could have on peace and stability in the subcontinent. The supply of arms by any country to Pakistan in the existing context amounted to condonation of genocide in Bangla Desh and encouragement to the continuation of atrocities by the military rulers of West Pakistan against the people of Bangla Desh.

Replying to the points raised by Members, the Minister said that it was true that from 1954 when the United States started arming Pakistan, it had so far received from the U.S.A. military equipment worth an amount between \$1,700 million and \$2 billion, and this enabled Pakistan to have the real basis of its armour, Navy and Air Force, and helped it to build its war machine.

*Prepared by the Research Unit, Rajya Sabha Secretariat, New Delhi.

The Minister agreed with the Members that continued supply of military arms by the U.S.A. to the military rulers of Pakistan did make a very significant difference in the situation in Bangla Desh. As regards the question of stopping the aid that came to India from the United States for the purpose of relief to refugees, the situation would be clearly understood. The refugees in India were Pakistan's responsibility and India had reserved her right to ask for adequate compensation for looking after the Pakistani citizens in India. Secondly, it was very much the responsibility of the international community. It was no help to India if any country, in response to the call of the UN Secretary-General, contributed to the looking-after of the refugees. He reiterated that there was no question of India being afraid of the United States or any other country in the matter of taking a decision about the recognition of Bangla Desh. That was a question upon which India should take a decision according to its policy.

War threats of the Pakistani President

On July 21, 1971, Shri N. G. Goray called the attention of the Minister of External Affairs to the reported threat of the President of Pakistan to declare war on India and the reaction of the Government of India thereto.

Sardar Swaran Singh, the Minister of External Affairs, told the House that President Yahya Khan was reported to have said that if India made any statement to seize any part of East Pakistan, he would declare war. Pakistan had been trying for some time, the Minister added, to mislead the world into thinking that the situation in Bangla Desh was a matter between Pakistan and India whereas, in fact, it was a matter between the military rulers of West Pakistan and the people of Bangla Desh. It was only the actions of the Pakistan regime and the brutalities committed by the Pakistan Army in Bangla Desh that had landed Pakistan in a morass in Bangla Desh. Only a settlement with the already elected representatives of the people of Bangla Desh would enable the military rulers of Pakistan to extricate themselves from this morass. The Government of India had no desire to seize any part of Pakistan. President Yahya Khan was either trying to mislead his people and the world at large or preparing them for an aggression against India by making such unwarranted and baseless statements.

So far as the question of mobilising international opinion in favour of India and against this threat was concerned, the Minister

said that the Government was already doing everything possible both by contacting the representatives of foreign Governments in Delhi and also by contacting their representatives in the United Nations as well as in the capitals of various countries.

Trial of Sheikh Mujibur Rehman

On August 12, 1971, Shri Loknath Misra called the attention of the Minister of External Affairs to the trial of Sheikh Mujibur Rehman by the Military authorities of Pakistan and the threat given by President Yahya Khan that the Sheikh might be executed.

Shri Surendra Pal Singh the Deputy Minister in the Ministry of External Affairs said that, according to reports, the trial by court martial of Sheikh Mujibur Rehman had started in West Pakistan on August 11, 1971, for "waging war against Pakistan". This trial was being held *in camera* without allowing any foreign legal assistance to him.

Earlier, in the course of several statements, President Yahya Khan had warned that the punishment could include death penalty and that he could not say whether or not Sheikh would be alive when the so-called Pakistan National Assembly met. The Government viewed with grave concern these developments. The Government had repeatedly expressed its concern for the safety and welfare of Sheikh Mujibur Rehman and his family who also were under house arrest or in prison. The Government had conveyed its deep anxiety and concern to the Secretary-General of the United Nations and foreign Governments and had asked them to exercise their influence on the Government of Pakistan in this regard.

Replying to the points raised by Members, the Deputy Minister said that ever since this matter came to the knowledge of the Government, it had done its very best to bring it to the notice of all the friendly countries all over the world. The Government of India had been assured by all the friendly Governments that they would do their best to impress upon the Pakistan Government to desist from this act.

Shrimati Indira Gandhi, the Prime Minister, replying to some other points raised by Members said:

"Now hon. Members have rightly pointed out that Sheikh Mujibur Rehman today is not just an individual. Whatever his good qualities or otherwise—I do not know him

personally—he has become a symbol of the aspirations, the urges and the hopes of the people of Bangla Desh. He is the embodiment of the suffering and the spirit of sacrifice of a long suffering people, a people who are extraordinarily gifted, sensitive and who have generally been of a more revolutionary mould than many others.”

The Prime Minister further said that at all times, they should differentiate between the people of Pakistan with whom they had no quarrel whatsoever, and the military regime which was committing atrocities in Bangla Desh and which was also responsible for the suppression of all political rights of the people of West Pakistan. The Government was aware that the United Nations had not done what it could have.

The Indo-Soviet Treaty

Shri Jagjivan Ram, the Minister of Defence, moved the following motion on August 14, 1971:—

“That the statement made in the Rajya Sabha on the 9th August, 1971, regarding the Treaty of Peace, Friendship and Co-operation between the Republic of India and the Union of Soviet Socialist Republics, be taken into consideration.”

Shri M. S. Gurupadaswamy, The Leader of Opposition, initiating the discussion¹ said that the treaty had generated many reactions both in India and abroad. We had been witnessing both surprise and shock in certain quarters and agony and ecstasy in certain other quarters. Some friends had exaggerated the importance of this Treaty and some others had tried to soft-pedal it.

According to an official spokesman, Shri Gurupadaswamy went on to say that the Treaty had not brought about anything new or novel. It was just a formal consolidation of India's relations with the Soviet Union. But Mr. Gromyko did not agree with this analysis. In his statement, he had said that it was a very important landmark. The greatest challenge which warranted this treaty, was the challenge of

¹Those who participated in the discussion were Sarvaahri M. C. Chagla, Bipinpal Das, Dr. Bhal Mahavir, Krishna Kant Dahyabhai Patel, Arjun Arora, S. G. Sardesai, D. D. Puri, Niren Ghosh, Brajmananda Panda, N. G. Goray, G. A. Appan, Joachim Alva, Godey Murahari, A. D. Mani and Smt. Prathiba Singh

Bangla Desh. How would this treaty enable India to create conditions to help Bangla Desh to be free in the immediate future, he asked. Doubts had been expressed in certain quarters already that this treaty, instead of helping the people of Bangla Desh to establish their freedom, might restrain India from positively helping the people of Bangla Desh to liberate themselves from the West Pakistan regime.

Shri Jagjivan Ram. The Minister of Defence, replying to the debate, said that there was nothing in the treaty which restricted or abridged that sovereignty of the two countries in any way. Therefore, India was free, unless she herself desired to consult Russia, to take any action as a sovereign, independent nation in relation to Bangla Desh, whether it was a matter of recognition or any matter which would advance the cause of Bangla Desh.

Referring to the apprehensions expressed in certain quarters that India was bidding goodbye to her policy of non-alignment, the Minister said that non-alignment did not mean that the country was static or immobile, nor did it mean a policy of neutrality. It was the quality of the policy of non-alignment to be dynamic with vigour and vitality. The question was raised whether India had joined any bloc. From the terms of the treaty, it would be found that it would be a very remote idea to impart any such meaning to the treaty.

Referring to the doubts raised about clause 6 of the Treaty, the Minister said that there was nothing exceptional in it. It simply meant that in important international matters the two countries would consult each other, exchange delegations, and have discussions at higher levels. It was distinctly different from various other treaties like the CENTO, the SEATO, the NATO etc.

Concluding his reply, the Minister observed:

“Russia has been helpful to us even without this treaty. But after this treaty we will have a political and legal base. And let us hope that our friendship will be enduring and, as has been proclaimed by both of us, the interests of peace will be everlasting in which the developing countries of the world may develop and aspire to have a standard of living which will be comparable to the developed countries of the world. In that spirit, I think, this treaty is one which should be welcomed by all thinking people, by all people who want peace in the world

and orderly development to make human life happier and pleasant."

Recommendation of the Central Land Reforms Committee

Making a statement regarding recommendations of the Central Land Reforms Committee on August 4, 1971. Shri Annasaheb Shinde, the Minister of State in the Ministry of Agriculture, observed that at the Chief Ministers' Conference on Land Reforms held in September, 1970, it had been decided that the entire range of problems connected with legislation on land ceiling should be referred to the Central Land Reforms Committee on which a few Chief Minister—those of Maharashtra, Tamil Nadu, Bihar, Punjab and Himachal Pradesh had been co-opted as Members.

As a result of the deliberations of this Committee, the following broad guide-lines have emerged to bring about uniformity in the State laws on ceiling:—

- (i) Ceiling should be applied for the family as a whole, the term family being defined so as to include husband, wife and minor children;
- (ii) Where the number of members in the family exceeds five, additional land may be allowed for each member in excess of five in such a manner that the total area admissible to the family does not exceed twice the ceiling limit for a family;
- (iii) the ceiling for a family of five members may be fixed within the range of 10 to 18 acres of perennially irrigated land or irrigated land capable of growing two crops. As soil conditions, productivity of land, nature of crop grown etc. vary from State to State and even within the same State from region to region, the Committee considered it desirable simply to indicate a range within which the ceiling should be fixed instead of suggesting any rigid ceiling for the whole country.
- (iv) For various other categories of land, conversion ratios should be fixed taking into account the availability of water, productivity, soil classification, crops grown etc. The absolute ceiling for a family of five even in the case of dry lands should be put at 54 acres. This limit would be relaxable if there is special justification for doing so on account of the nature of soil, rainfall, chronic drought conditions etc.
- (v) Exemptions in the existing State laws in favour of mechanised farms, well managed farms etc. should be withdrawn;
- (vi) The exemption in favour of plantations of tea, coffee, cardamom, rubber, etc. should be carefully examined in consultation with

the Ministry concerned and State Governments. Thereafter, this and other types of exemption should be discussed with the Chief Ministers in order to formulate the national policy."

Replying to the points raised by Members, the Minister said that as far as exemptions were concerned, Government's view was that there should be as few exemptions as were possible. The Committee had also expressed very strong views that there should be no exemptions on various grounds. There was only one complication in regard to plantations like tea and coffee. Even in regard to tea and coffee plantations, views had been expressed whether exemptions should be withdrawn in regard to these categories also. But it was recommended that this issue should be referred to the full Chief Ministers' Conference.

About eviction in the light of the recommendations of the Committee, the Government would request all the State Governments to take necessary steps so that no eviction took place under various excuses and protection was given to the tenants. It had been the broad policy of the Government that some priority to the landless labour and the members of the Scheduled Castes and Scheduled Tribes was always shown.

In regard to time-bound implementation, this was a State subject and naturally the State Legislatures would have to amend their laws. This was a very important stage in the history of land reforms in this country because unanimous recommendations had been made by the Central Land Reforms Committee and there was no doubt that this would go a long way in bringing about a broad uniformity in regard to ceiling legislation in the country, the Minister added.

Legislative Measures

The Constitution (Twenty-Fourth Amendment) Bill, 1971

On August 10, 1971 Shri H. R. Gokhale, the Minister of Law and Justice, moving the motion for consideration of the Constitution (Twenty-Fourth Amendment) Bill, 1971^a, said that the Bill would open a new phase in the history of India. The road blocks which had been created in the way of progress on account of certain judicial decisions were sought to be removed, by amending certain provisions

^aThe Bill having been passed by the Lok Sabha was transmitted to the Rajya Sabha and was laid on the Table of the Rajya Sabha on 5th August, 1971.

of the Constitution. The provisions of the Bill were aimed at removing the difficulties created recently by a judgment of the Supreme Court in the case *Golak Nath v. State of Punjab*.

Referring to the principal amendments, the Minister observed that two articles, i.e. 13 and 368, were sought to be amended. Till the judgment in the *Golak Nath* case, many jurists believed, and many of them believed even now, that article 368 as it was in the Constitution, conferred ample power on Parliament to amend any provision of the Constitution. The Supreme Court in *Golak Nath* case came to a different conclusion. With regard to article 13, it was always believed that there was a clear distinction between what was known as the exercise of constituent power and the exercise of ordinary legislative power. For the first time, the distinction was blurred by the decision of the Supreme Court which held that when article 13 referred to law, it referred not only to law passed in exercise of ordinary legislative powers but also included constituent law which was always passed in exercise of the sovereign power of the people by their representatives. It was principally to get over these difficulties that the Bill in question was moved before the House.

Referring to article 368, the minister said:

"Assuming that the Supreme Court's interpretation of Article 368 is correct, an attempt is now made to make it clear beyond doubt that the amended Article 368 will not only contain the procedure to amend the Constitution but it has also the substantive power to amend the Constitution. It also makes it abundantly clear that when Parliament passes a Bill which is moved under Article 368 of the Constitution, it is doing so in exercise of its sovereign, constituent power. This makes it clear that it is not the ordinary legislative process which is set in motion when an amendment of the Constitution is sought under Article 368. It is also made clear that the power to amend is not restricted to some parts of the Constitution but it is all-pervasive so as to take the power to amend any provision of the Constitution, including the Fundamental Rights in Chapter III. One more advantage, to which I shall refer, is that unlike ordinary legislation, if the two Houses pass an amendment of the Constitution, the President shall grant his assent. When the constituent power is exercised, when the sovereign power is exercised, the Government will not have the liberty to advise the President to withhold his assent to a Bill, which, as representatives of the people, the two Houses of Parliament, in exercise of their sovereign power, have passed."

Drawing the attention of the House of the demands of the changed situation, the Minister said:

"Now we are in a situation where progress by slow and steady means is out of the question. We are racing against time and the

whole country is demanding rapid socio-economic changes. Any attempt to delay the implementation of the changes will be suicidal to democracy itself. Sir, I would suggest that if democracy is to survive in this country, it is imperative that the people should be able to undertake changes by democratic and constitutional means."

The Prime Minister, Shrimati Indira Gandhi, who also intervened in the debate, said that the Government wanted to do real justice to the people and wanted to go in the direction in which the whole world was moving. The Bill, which was before the House, was not against the Constitution but would further increase the confidence of the people in the Constitution, because they would certainly come to know that whatever lacunae or defects there were in the Constitution, could be removed by them. If they felt that no changes could be effected in the Constitution, they would lose all faith in Parliament as well as in the Constitution.

The Minister of Law and Justice, replying to the debate, said that it was mentioned by an hon. Member that Parliament itself was a creation of the Constitution and, therefore, it could not amend the Constitution which had created it. This argument was fallacious, because it avoided the main issue and the main point was that when the people gave to themselves this Constitution, they gave to themselves also Article 368 which was a part of the Constitution. Nobody would dispute this proposition that Article 368 talked of a procedure for amending that very article. Article 368 was an article which was amendable. Even the *Golak Nath* case had not held that article 368 was not amendable.

It had been said that the amendment or its applicability should be confined only to the fundamental right to property. Fears had been expressed that the two Houses might misuse their powers. If the people were vigilant, a power, however absolute it might be, could not be misused.

The motions for reference of the Bill to a Select Committee¹ of the House were negatived.

¹Two amendments for reference of the Bill to a Select Committee of the Rajya Sabha were moved by Shri Ramnarain and Shri Jagdish Prasad Mathur.

The motion for the consideration^a of the Bill was adopted on August 11, 1971 and the Bill was passed^b on the same date.

Obituary Reference

On July 19, 1971, the House condoled the death of Shri G. P. Somasundaram, a sitting Member, Mr. Chairman, referring to the passing away of Shri Somasundaram described him as "a very respected Member of this House" who spoke with conviction.

One minute's silence was observed as a mark of respect to the memory of the deceased.

^aThe motion for the consideration of the Bill was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.

^bThe motion that the Bill be passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN STATES*

(June 1—September 15, 1971)

Andhra Pradesh

Telengana Talks Make Progress

The Telengana Regional Committee Chairman, Shri J. Chokka Rao, on June 8, 1971, discussed with the Prime Minister, Shrimati Indira Gandhi, steps to solve the Telengana problem. Speaking to newsmen in New Delhi he said that "sufficient progress" had been made towards evolving a solution, though it would take some more time for concrete results to emerge. Shri Chokka Rao was hopeful that the genuine grievances of the Telengana people would be met. In particular, he was heartened by the Telengana Praja Samiti president, Dr. Chenna Reddy's willingness to discuss any solution of the problem short of separation.¹

Also in June, there were fresh discussions on the subject between Dr. Chenna Reddy and the Central leaders. At the conclusion of the first round of talks, Dr. Reddy said in a statement in New Delhi that he had discussed "various aspects" of the Telengana problem with the Prime Minister, the Planning Minister, Shri C. Subramaniam and the Minister of State for Home Affairs, Shri K. S. Pant. Dr. Reddy found the Central leaders keen to solve the problem at an early date. The Prime Minister, he said, was examining "the points" that had arisen during the talks and he would meet her again to continue the discussion.²

Early in July, the Andhra Chief Minister, Shri Brahmananda Reddy, also had "detailed talks" with the Prime Minister on the Telengana issue. On his return to Hyderabad on July 4 after his talks with the

*The review is based on Press reports only and the Lok Sabha Secretariat does not accept any responsibility for their accuracy.

¹Hindustan Times, June 9, 1971. Also see Indian Express (New Delhi), June 4, 1971.

²Hindustan Times, June 12, 1971.

the Prime Minister, Shri Reddy told reporters that the Prime Minister was "now seriously studying the problem" and it was for her to decide the Telengana issue.³

Brahmananda Reddy Resigns

On September 11, after a meeting with the Prime Minister, the Andhra Chief Minister Shri K. Brahmanada Reddy, announced in New Delhi that he had decided to step down from office in deference to the Prime Minister's wishes. In a statement issued simultaneously, the Prime Minister, Shrimati Indira Gandhi, specifically mentioned the "difference of opinion" regarding the "problems of the people of Telengana" and said that Shri Brahmananda Reddy had "offered" to step down to help create a "cordial atmosphere" and "maintain the unity and integrity" of Andhra Pradesh.⁴

Subsequently, on September 15, Shri Brahmananda Reddy submitted the resignation of his Ministry to the Governor. The Governor accepted the resignation but asked Shri Reddy to continue till a new leader was chosen by the Congress (R) Legislature Party.⁵

Assam

Ministry Expanded

The Congress (R) Ministry in Assam, headed by Shri Mahendra Mohan Choudhury, was expanded on June 10, 1971, with the induction as Cabinet Minister of Shri Jogen Saikia, who had resigned as Deputy Speaker three weeks back. On the same day, one Minister of State was promoted to Cabinet rank and a Deputy Minister was promoted Minister of State. The Assam Council of Ministers now had 25 members.⁶

Shillong as Interim Capital

The Assam and Meghalaya Governments agreed to have Shillong as the twin capital of both the States for another three years till Assam's capital was shifted to the Brahmaputra valley. A consensus to this effect was arrived at on July 20, 1971, when the Cabinets of

³*The Statesman Weekly*, July 10, 1971, p. 3.

⁴*Hindustan Times*, September 12, 1971.

⁵*Ibid.*

⁶*Ibid.*, June 12, 1971 and *The Tribune*, June 11, 1971.

the two States met to take stock of the administrative problems, which were likely to arise after Meghalaya's elevation to full Statehood.⁷

Bihar

Exit of SVD Ministry

In the wake of a spate of defections from the ruling SVD and resignations by a number of Ministers during the later half of May, the Chief Minister, Shri Karpoori Thakur, submitted the resignation of his Ministry to the Governor early on June 1, 1971, the first day of the Budget session. The resignation of the SVD Ministry, which was formally announced in the Assembly at 11 a.m. by the Speaker before adjourning the House *sine die*, came barely two hours before a no-confidence motion, sponsored by the Opposition Progressive Vidhayak Dal (PVD), was to be tabled. The 162-days old SSP led Ministry was the eighth coalition Government in Bihar to collapse since the 1967 general elections.⁸ In his letter of resignation to the Governor, a copy of which was also forwarded to the Speaker of the Assembly, Shri Karpoori Thakur had suggested the immediate dissolution of the House to be followed by a fresh mid-term poll. However, the Governor invited the PVD leader, Shri Bhola Paswan Shastri, to form a new Government. Shri Thakur was asked to continue till alternative arrangements were made.⁹

New PVD Ministry

A three-member Progressive Vidhayak Dal Ministry, headed by Shri Bhola Paswan Shastri, leader of the PVD and an Independent member of the Bihar Assembly, was sworn in at Patna on June 2, 1971. The two other Ministers sworn in along with Shri Shastri were Shri Ram Jaipal Singh Yadav, leader of the State Congress (R) legislative Party, and Shri Haricharan Soy, Chief of the All-India Jharkhand Party (Horo faction).¹⁰

At its first meeting held on June 2, the new Ministry decided to stay all the unimplemented decisions taken after May 15, 1971 by the outgoing SVD Ministry and to review such decisions of that Ministry which were in the process of implementation. The Chief Minister, Shri Bhola Paswan Shastri, confirming the decisions, said it also co-

⁷Hindustan Times, July 21, 1971.

⁸Hindustan Times, June 2, 1971.

⁹Hindustan Times, June 2, 1971.

¹⁰Ibid., June 3, 1971.

vered the "last-minute appointments" of the Chairmen of four State Corporations, made by the previous Chief Minister, Shri Karpoori Thakur. The New Government would review these appointments, examine the legal implications and then take a decision.¹¹

In the first expansion of the PVD Government, eight more Ministers, all belonging to Congress (R) were sworn in on June 9, raising the strength of the Ministry to 11.¹² A week later, on June 16, the Chief Minister distributed the portfolios among his ten Cabinet colleagues and made the leader of the Congress (R) Legislature party, Shri Ram Jaipal Singh Yadav, Deputy Chief Minister.¹³

New Leader of Opposition

After the abrupt adjournment of June 1, the State Assembly met again on June 7. The Speaker announced that Shri Ramanand Tewari, leader of the SSP Legislature Party, was the Leader of the Opposition.¹⁴

CPI and PSP Attitude towards Paswan Ministry

Soon after the installation of the Bholu Paswan Ministry, the Bihar Unit of the CPI, one of the major constituents of the PVD, announced that it had decided not to join the new Government. The CPI, however, extended its "peripheral, conditional" support to the Paswan Government, one of its conditions for continuing support to the Government being that "chronic defectors or persons with any stigma of corruption" would not find a place in the new Ministry.¹⁵

Later, the CPI was also understood to have made it clear to Shri Bholu Paswan that it may not continue its support to his Ministry, if an attempt was made to scuttle the Dutta Commission of Inquiry appointed by the previous Government to go into charges of embezzlement of the Bharat Sewak Samaj funds against Shri L.N. Mishra, Union Minister for Foreign Trade, and Shri Lahtan Choudhary, a former Congress (R) Minister of Bihar. On July 14, immediately

¹¹Hindu, June 4, 1971.

¹²Hindustan Times, June 10, 1971.

¹³Hindu, June 17, 1971.

¹⁴Hindustan Standard, June 8, 1971.

¹⁵Hindustan Times, June 4 and 10, 1971.

after the PVD Government's decision to scrap the Dutta Inquiry Commission was announced, the CPI decided to withdraw its support to the Government. The Chief Minister, Shri Bhola Paswan, however claimed that despite withdrawal of support by the CPI, his Government still enjoyed a comfortable majority in the State Assembly.¹⁶

Another important constituent of the PVD the PSP, did not initially make up its mind on the question of joining the Paswan Ministry, the issue having been referred to the National Executive of the Party, in view of the move for the merger of the PSP and the SSP. Later, in pursuance of the merger move, the National Executive of the PSP decided that the party should quit the ruling PVD in Bihar.¹⁷

However, in a joint statement issued on June 14, ten of the 12 PSP members in the Bihar Assembly made it clear that they were in no mood to comply with their National Executive's directive to pull out of the PVD. "We feel there could be no question of our withdrawal of support from the PVD till it acts counter to our basic policies," they said and urged the National Executive to review its decision in the light of the situation obtaining in different States.¹⁸

BKD support to Paswan Ministry

The BKD general secretary, Shri J.N. Verma, said on June 10 that the Bihar Unit of his party would extend support and cooperation to the PVD Ministry, headed by Shri Bhola Paswan Shastri, but would not join the Ministry "at the present moment." He added that the BKD had reviewed the events leading to the formation and toppling of Ministries in Bihar in the past and had felt that only a stable Government could pull the State out of the morass it had fallen into.¹⁹

Congress (R) Wins Rajya Sabha By-elections.

The Congress (R) won all the three by-elections to the Rajya Sabha from the Bihar Assembly constituency, held in June 1971. Two of these by-elections, held on June 15, were caused by the resignations of two sitting members following their election to the Lok Sabha in March. The third by-election, held on June 28, was necessitated by the death of a sitting member of the House.²⁰

¹⁶*Ibid.*, June 14 and July 15, 1971, and *The Statesman Weekly*, July 17, 1971, p. 7.

¹⁷*Hindustan Times*, June 10 and 14, 1971.

¹⁸*Times of India (Bombay)* June 15, 1971.

¹⁹*National Herald (Lucknow)* June 11, 1971.

²⁰*Tribune*, June 16, 1971 and *Times of India*, (Bombay) June 29, 1971.

Janta Party to support Government

Dr. Basant Singh, leader of the 12-Member Janta Party in the Bihar Assembly, said on July 18 that following the withdrawal of support by the CPI to the PVD Government, his party would give unconditional support to the Paswan Ministry in order to obviate President's rule in the state.²¹

State PSP split over Merger Issue

The split in the Bihar PSP was taken one stage further on July 25 with the holding of two separate rallies by the pro-merger and anti-merger factions. While the pro-merger rally welcomed the decision of the National Executive to merger with the SSP to form a united Socialist Party, the anti-merger rally adopted a resolution dissolving the existing State Executive of the PSP for ignoring an earlier decision of the national conference of the Party have a meaningful dialogue with the Congress (R) for the implementation of socialist policies and programmes.²²

Expansion of Ministry

On September 6, the PVD Coalition Ministry, headed by Shri Bhola Paswan Shastri, was expanded by the induction of six Cabinet Ministers, nine Ministers of State and two Deputy Ministers. Two more Ministers, who could not be present in time for the swearing in ceremony were sworn in on the following day. With these additions the strength of the Ministry on September 7 stood at 30—17 Cabinet Ministers (including the Chief Minister), 10 Ministers of State and three Deputy Ministers.²³

Gujarat*Parliament Approves President's Rule in Gujarat*

The Lok Sabha, on June 21, adopted a resolution approving the imposition of President's rule in Gujarat. The Deputy Home Minister, Shri F.H. Mohsin, who moved the resolution, told the House that the Union Government was keen on holding elections to the Gujarat Assembly as early as possible to re-install a popular Ministry in the State. However, it would be possible to hold elections to the State

²¹The Statesman Weekly, July 24, 1971, p. 3. Also see *Ibid.*, July 17, 1971, p. 7.

²²Indian Express, (New Delhi), July 28, 1971.

²³Hindustan Times, September 8, 1971.

Assembly only after October, by when the intensive nation-wise revision of electoral rolls, being undertaken by the Election Commission, was expected to be completed. Earlier, an identical resolution approving the imposition of President's rule in Gujarat was passed by the Rajya Sabha on May 31, 1971.²⁴

Jammu and Kashmir

Tribunal Confirms Ban on Plebiscite Front

The ban on the All-Jammu and Kashmir Plebiscite Front was confirmed on June 15, 1971, by the Tribunal appointed under the Unlawful Activities (Prevention) Act. The Front was banned as an unlawful association through a notification issued by the Union Government on January 12, 1971. Giving its ruling, the one-man Tribunal, constituted by the Jammu and Kashmir Chief Justice, Syed Murtaza Fazal Ali, observed that by sponsoring a plebiscite or right of self-determination by the people of Kashmir, the Front clearly suggested a course of action by which the State might or might not remain an integral part of India and that such activity was doubtless tantamount to disrupting the sovereignty and territorial integrity of India. The Tribunal was, therefore, satisfied that the Front was an unlawful association indulging in unlawful activity within the meaning of the Unlawful Activities (Prevention) Act.²⁵

Accession a Closed Issue

The Tribunal further held that the question of Kashmir's accession had been "settled once for all" and the promises made or pledges given (to the people of Kashmir) were "duly fulfilled." According to the Tribunal, the ratification of Kashmir's accession to India by the State's Constituent Assembly, which was a "duly representative" body, had made accession "a completely closed issue."²⁶

State Legislature Favours Enlargement of Supreme Court's Jurisdiction

Both Houses of the State Legislature unanimously adopted, on September 14, a resolution authorising Parliament to enlarge the

²⁴Hindustan Times, June 1, 1971 and Times of India (Bombay) June 22, 1971.

²⁵Hindustan Times, June 16, 1971.

²⁶Tribune, June 23, 1971.

criminal appellate jurisdiction of the Supreme Court, to enable it to entertain appeals against the Jammu and Kashmir High Court's judgments in criminal proceedings.²⁷

Kerala

Congress (O) Legislature Party Splits

The four-member Congress (O) Legislature Party in Kerala split on June 30, when one of the Congress(O) MLAs, Shri Hydrose Haji, announced that he and two other MLAs belonging to the Party, had formed a new party to be known as the Congress Socialist Party. The new party, its sponsors said, would support the Congress (R)-backed CPI-led United Front Ministry of Shri Achutha Menon and would withdraw the support only if the Ministry strayed from the Socialist programme.²⁸

Kerala PSP Splits

The Kerala Unit of the PSP split into two on July 18, 1971, after the 554-member State Council of the Party had, by a majority vote, endorsed the decision of the State Executive to continue to support, and participate in, the CPI-led United Front Ministry in Kerala. The State Executive had met earlier on that day to consider the directive of the National Executive requiring the State unit to withdraw from the United Front Government by July 21, in pursuance of the PSP-SSP merger agreement. By a 12 to 6 voting the State Executive decided to continue in the United Front.²⁹

On July 19, Shri Goray, the PSP Chairman, suspended Shri Atingal Gopala Pillay, Chairman of the Party's Kerala unit, Shri N. K. Balakrishnan, PSP Minister in the Kerala Ministry, and five members of the State PSP Executive from the primary membership of the Party for defiance of the National Executive's decision to quit the ruling coalition in Kerala. On the same day, the Standing Committee of the PSP National Executive dissolved the existing State Executive and granted recognition to a newly-formed State body for Kerala, headed by Shri N. K. Seshan, pending approval of the national Executive.³⁰

²⁷Hindustan Times, September 15, 1971.

²⁸Ibid., and Times of India (Bombay), July 1, 1971.

²⁹The Statesman Weekly, July 24, 1971, p. 3.

³⁰Ibid.

Assembly Votes against Central Security Act.

On July 16, 1971, the Kerala Assembly adopted by a single-vote majority (48 to 47), a Marxist-sponsored non-official resolution for the scrapping of the Central Maintenance of Internal Security Act. The CPI and RSP from the ruling United Front joint with the CPI (M) and SSP from the Opposition to vote for the resolution moved by Shri E. Balanandan (CPI-M). Opposing the resolution were the Congress(R) and the Muslim League from the ruling Front and the Kerala Congress and the Congress(O) from the Opposition. The Cabinet Ministers abstained from voting.³¹

The CPI Chief Minister, Shri Achutha Menon, in his reply to the debate, made it clear that although his party was opposed to the Security Act, the State Government could not adopt a stand that it would not implement an Act of Parliament. Later, speaking to newsmen, Shri Menon said that the passage of the resolution, which would be sent to the Central Government, would have no impact on the Coalition Ministry.³²

New Assembly Party Formed

The SSP and ISP members in the State Assembly held a joint meeting on August 17 and decided to form a new Socialist Legislature Party in the Assembly, with Shri K. A. Sivarama Bharathy, the present leader of the SSP Legislature Party, as the new Party's leader. The decision followed the merger of the SSP, PSP and ISP and the formation of the Socialist Party at the all-India level. The SSP and ISP had, respectively, six and three representatives in the Kerala Assembly.³³

The PSP did not join the new Socialist Legislature Party as all the three PSP Members in the State Assembly belonged to the "anti-merger" group, which continued as a constituent of the ruling CPI-led United Front.³⁴

Negotiations regarding Congress (R) Participation in United Front Government

On July 10, 1971, the Chief Minister, Shri C. Achutha Menon (CPI), as leader of the ruling United Front, invited the Congress(R)

³¹Asian Recorder, 1971, p. 10309.

³²Ibid, and Hindustan Times, July 17, 1971.

³³Hindustan Times, August 19, 1971.

³⁴Ibid.

to join the Ministry. The first round of negotiations between the leaders of the two sides were reportedly deadlocked over the size of the Ministry and the allocation of portfolios and, on August 30, the proposals made by the Chief Minister for Congress(R) participation in the State Ministry were rejected by the Executives of the Kerala Pradesh Congress(R) Committee and the Legislative Wing of the Party.³⁶ However, following the reported acceptance by the CPI of the Pradesh Congress(R) demand for a smaller Cabinet of 13, with eight United Front Ministers and five Congress(R) Ministers, on September 14, the State Congress(R) Chief, Shri K. K. Viswanathan, sought the clearance of his Party's High Command to join the United Front Ministry.³⁶

Maharashtra

Socialist Legislature Group Formed

Dr. V. R. Kaladate, SSP leader, announced in Bombay on July 28, the formation of a Socialist Legislature Group in the Maharashtra Legislature, consisting of 13 SSP and PSP legislators. This followed the decision of the two parties at the national level to merge into one Socialist Party.³⁷

Orissa

'Administrative Vacuum': Court's View

A Division Bench of the Orissa High Court held on June 21, 1971, that if during the two days, January 9 and 10, 1971, when neither a Council of Ministers was in existence in Orissa, nor was President's rule in force in the State,³⁸ the Governor had exercised any executive powers which could not be exercised without the aid and advice of the Council of Ministers, then such acts were liable to be struck down as being unconstitutional and void.³⁹

³⁶Hindustan Times, July 11 and August 28 and 31, 1971.

³⁶Ibid., September 15, 1971.

³⁷Indian Express, (New Delhi), July 29, 1971.

³⁸The R. N. Singh Deo Ministry had resigned on January 9, 1971, and the Governor had accepted the resignation on the same day. However, President's rule was promulgated two days later.

³⁹Hindu, June 23, 1971.

The issue of an "administrative vacuum" was raised through a batch of 42 writ applications challenging the validity of the elections held on January 10, for the Chairmanship of various Panchayat Samities in the State. Dealing with the constitutional aspect, the Court observed, "when the Governor had to perform certain executive acts with the aid and advice of the Chief Minister, then such acts performed by him in the absence of the Council of Ministers are unconstitutional." However, "executive acts performed by subordinate officers under any law may be valid even if there is no cabinet for some time". On this reasoning, the Court held that so far as the impugned elections were concerned they were valid, as there was no executive function left to be performed by the Governor on the "particular date" (i.e. January 10, 1971.⁴⁰)

State PSP split over Merger Issue

The Orissa Unit of the PSP split into two with many members deciding not to join the new Socialist Party, formed by the merger of the PSP and the SSP at the national level. The leader of the anti-merger group, Shri Banka Behari Das, MLA and Secretary of the Orissa PSP, announced on August 27, the decision of his group to retain the PSP in the State. He claimed that all the four PSP legislators in the State Assembly were with them.⁴¹

PSP-Congress(R) Agreement to oust Ruling Coalition

Following its decision not to merge in the Socialist Party, the Orissa Unit of the PSP signed, on August 28, an agreement with the State Unit of the Congress(R), committing both the parties "to topple the reactionary Government in this State" and inviting all "progressive parties" to join hands on the basis of a 10-point programme and launch a "mass movement" to provide the people with "an instrument of action" to oust the Coalition Ministry.⁴²

⁴⁰*Times of India* (Bombay) June 23, 1971.

⁴¹*Hindustan Times*, August 28, 1971.

⁴²*Ibid.*, August 29, 1971.

Punjab

Exit of Akali Ministry

At a meeting of the ruling Akali Legislature Party held at Chandigarh on June 1, 1971, all but two of the 26 Punjab Ministers handed over their resignations to the Chief Minister, Shri Parkash Singh Badal. The remaining two Ministers were then on tour. According to reports, the meeting had been called to "take stock" of the threat to the Ministry from the Congress(R) and dissidents within the ruling party. In a resolution adopted at the meeting, the Party expressed its "complete confidence" in the leadership of Shri Badal and the Party President, Sant Fateh Singh. Shri Badal was also given a "free hand" to reduce the size of the Ministry or "reconstitute" it as he deemed fit.⁴³

However, within 12 hours of this demonstration of Solidarity, the ruling party again started showing cracks. On June 2, Shri Tarlochan Singh Riasti, a Minister of State in the Badal Government, gave the Chief Minister an "ultimatum" asking him to reduce by June 8, the size of his Ministry and drop those Ministers against whom charges of corruption had been levelled, failing which he would have no alternative but to leave the Ministry, Shri Riasti was one of the 24 Ministers who had made over their resignations to the Chief Minister on the previous day.⁴⁴

On June 12, Shri Riasti left the Government. In a letter to the Governor, Shri Riasti requested the latter to accept his resignation, pending with the Chief Minister since June 1, and relieve him of his duties as Minister "without any delay." The resignation was accepted by the Governor on the advice of the Chief Minister. Later, on the same day, the Akali Dal High Command expelled Shri Riasti from the Dal for his "anti-party activities and indiscipline."⁴⁵

Meanwhile, Opposition parties had also mounted their offensive against the Badal Government. On June 5, the Punjab unit of the CPI directed its four-member group in the State Vidhan Sabha to support any move to topple the Akali Ministry, as its continuance would do "immense damage" to the "vital interests" of the people of Punjab,

⁴³The Statesman Weekly, June 5, 1971, p. 3.

⁴⁴Ibid., and Hindustan Times, June 3, 1971.

⁴⁵Hindustan Times, June 13, 1971 and Asian Recorder, 1971, p. 10247.

especially the weaker sections, and "lead to more and more corruption and lawlessness" in the State. On June 6, the Deputy leader of the Congress(R) Legislature Party in Punjab, Shri Surjit Singh Atwal, called on the Governor and demanded the dismissal of the Akali Ministry. He also urged the Governor to inquire into the charges of corruption against some Ministers of the Badal Government.⁴⁴

On June 13, the Punjab Vidhan Sabha was dissolved by the Governor, Dr. D. C. Patae, on the advice of the Chief Minister, Shri Badal, who also simultaneously submitted the resignation of his 15-month old Ministry. The Governor accepted the Ministry's resignation but asked Shri Badal to continue as caretaker Chief Minister until alternative arrangements were made.⁴⁵

On the same day, 17 Akali legislators announced that they had withdrawn their support from the Badal Government and formed a separate Akali Dal under the leadership of Shri Gurnam Singh, a former Chief Minister. Soon thereafter Shri Gurnam Singh and some other Akali MLAs met the Governor and informed him that they had separated from the Akali Dal led by Sant Fateh Singh. A few Congress leaders also met the Governor and pleaded that "in view of the fluid political situation" the Chief Minister's advice was not binding on him. The Governor, however, took the view that "it was too late in the day" as he had already accepted the advice of the Chief Minister in regard to the dissolution of the State Assembly.⁴⁶

President's Rule Imposed

In a report to the President, which was received in New Delhi on June 14, the Governor recommended the imposition of President's rule in Punjab, as a situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the Constitution. Justifying the dissolution of the State Assembly, the Governor said in his report that if, instead of accepting the Chief Minister's advice, he had allowed things to drift, it would have impaired the growth of healthy political conventions, encouraged "political horse-trading," and brought about political instability and paralysis of the administration.⁴⁷

⁴⁶*Sunday Tribune*, June 6, 1971 and *Hindu*, June 7, 1971.

⁴⁷*Tribune*, June 14, 1971.

⁴⁸*Ibid.*, and *Report of the Governor of Punjab to the President*, dated June 13, 1971.

⁴⁹*Ibid.*

On June 15, on the basis of the Governor's report, President's rule was imposed in Punjab for the second time since the 1967 General Election. The Presidential proclamation was approved by the Rajya Sabha on June 22 and by the Lok Sabha on August 5.⁶⁰

Corruption Probe against Former Ministers

Addressing his first Press Conference in Chandigarh after the imposition of President's rule in Punjab, the Governor, Dr. D. C. Pavate, said on June 23, 1971, that allegations of corruption against some former Ministers were being examined. On August 11, the Governor told newsmen that according to the Vigilance Department investigations "there is some substance in 11 of the 33 charges of corruption and misuse of power" against some former Akali Ministers and Government officers, which were listed in a memorandum submitted by the CPI leader, Shri Satya Pal Dang. The Governor added that the Vigilance Department's report was under study and follow-up action would be formulated shortly.⁶¹

Meanwhile, the Akali Dal, led by Sant Fateh Singh, had sought to widen the scope of the anticipated Corruption Inquiry Commission. The General Secretary of the Dal, Shri Jiwan Singh Umrangal, submitted to the Governor on August 30, five memoranda containing certain allegations of corruption and misuse of power against five former Punjab Ministers—two belonging to Congress, two ex-Akalis and one Communist. Shri Umrangal later told newsmen that the Governor had agreed to have the charges examined. He said that he had also asked the Governor to appoint a permanent Inquiry Commission which could probe corruption charges against any Minister in any Punjab Government to date. He added that his party was going into the records of all Punjab Ministries since 1947 and would bring any likely corruption charges to the notice of the Governor.⁶²

Rajasthan

Sukhadia Quits: New Ministry takes office

At a joint meeting of the Rajasthan Council of Ministers and the executive body of the Congress(R) Assembly Party on June 27, 1971 the Chief Minister, Shri Mohan Lal Sukhadia, announced his decision

⁶⁰Hindustan Times, June 16, 23 and August 8, 1971.

⁶¹Ibid., June 24 and August 12, 1971.

⁶²Indian Express (New Delhi), August 31, 1971.

to lay down his office. Later, on the same day, 25 members of the Rajasthan Ministry submitted their resignations to the Chief Minister to express their loyalty and solidarity with him. Four Ministers had submitted their resignations on the previous day immediately on learning of Shri Sukhadia's desire to relinquish office.⁵³

A new nine-man Ministry, headed by Shri Barkatullah Khan, Law Minister in the Sukhadia Government, was sworn in at Jaipur on July 9. All the Ministers of the new Government, except one, Shri Poonam Chand Bishnoi, were members of the Sukhadia Cabinet. Shri Bishnoi was formerly Deputy Speaker of the Rajasthan Assembly. Earlier, on July 8, Shri Barkatullah Khan was unanimously elected leader of the Congress(R) Legislature Party in place of Shri Sukhadia.⁵⁴

Rajasthan SSP and PSP Merge

The Rajasthan State Units of the SSP and PSP decided on July 25, to merge themselves into one unit called the Socialist Party. The merger decision was taken at a joint meeting of the State Executive Committees of both the parties in pursuance of the resolutions of the two national parties to merge into one.⁵⁵

Panel for Better Government-Party Liaison

At a joint meeting of the Pradesh Congress(R) President, Shri Nathu Ram Mirdha, and the new Rajasthan Council of Ministers, held on July 26, it was decided to have a seven-member Co-ordination Committee to establish better liaison between the Pradesh Congress and the State Government. The Committee would include the Chief Minister and his two Cabinet colleagues from the legislative Wing, and the Pradesh Congress(R) President and two office-bearers from the organisational side and one nominee of the All India Congress Committee. Announcing the decision Shri Mirdha said that the Co-ordination Committee would constantly review the implementation of the 10-point programme of the party.⁵⁶

⁵³Tribune and Hindustan Times, June 28, 1971, and Times of India (Bombay), June 27, 1971.

⁵⁴Hindustan Times, July 9 and 10, 1971.

⁵⁵Ibid., July 27, 1971.

⁵⁶Indian Express, (New Delhi), July 27, 1971.

Expansion of Ministry

Shri Onkar Lal, a Harijan and a former MP was, on September 4, 1971, sworn in as a Cabinet Minister, raising the strength of the Barkatullah Ministry to 10. At the time of his inclusion in the Ministry, Shri Onkar Lal was not a member of the State Assembly.⁵⁷

Uttar Pradesh

Tripathi resigns UPCC Post

The Chief Minister of U.P., Shri Kamalapati Tripathi, resigned from the Presidentship of the Uttar Pradesh Congress (R) Committee on June 1, 1971. Shri Baldeo Singh Arya, Pradesh Congress (R) General Secretary and a member of the Tripathi Ministry, also resigned his PCC post. Both the resignations were in pursuance of the decision of the Central Parliamentary Board of the Congress (R) that a party member should not hold more than one post.⁵⁸

State Government bans use of English in Official Work

The Uttar Pradesh Government, on June 10, prohibited the use of English in official work and correspondence and warned that any violation of the order would be an act of indiscipline to be dealt with accordingly.⁵⁹

Acquisition of Sugar Mills

The Governor of Uttar Pradesh issued an Ordinance on July 3, acquiring 12 sugar mills in the State. The takeover of these mills, it was said, was necessitated due to their extremely deplorable economic conditions with huge arrears of Government dues, cane prices, wages and bonus etc. About Rs. 3.26 crores would be paid as compensation and the assets acquired by the Government would be vested in the U.P. Sugar Corporation.⁶⁰

Talking to newsmen, the Chief Minister, Shri Kamalapati Tripathi, said that priority would be given to payment of secured debts, Government dues, prices of cane to growers and labour dues out of the amount

⁵⁷*Hindustan Times*, September 4 and 5, 1971.

⁵⁸*The Statesman Weekly*, June 5, 1971, p. 3.

⁵⁹*National Herald* (Lucknow), June 11, 1971.

⁶⁰*Asian Recorder*, 1971, p. 10273 and *Hindustan Times*, July 4, 1971.

fixed for compensation. He assured that there would be no retrenchment in the acquired mills and existing terms and conditions of employment would be honoured. Asked if the take-over was the first step towards the nationalization of the sugar industry, Shri Tripathi said, "It is neither the first step nor the last. Certain sugar mills are being acquired. Sugar mills cannot be nationalised. Only the industry could be nationalized."⁶¹

On July 5, a Division Bench of the Allahabad High Court stayed the operation of the Ordinance while admitting a writ petition challenging the validity of the Ordinance.⁶²

West Bengal

Former M.P. and Ex-Minister Arrested

Syed Badaruddoja, a former M.P. and Dr. Golam Yaadani, a former Minister of the last United Front Government in West Bengal and a sitting Member of the State Assembly, were arrested in Calcutta on June 1, 1971, under the Internal Security Ordinance, 1971. Though the State Government officials declined to spell out the specific charges against them, it was believed that the arrests had been made in connection with the alleged activities of a Pakistan spy ring in India.⁶³

Bangla Congress Split

The five-year old Bangla Congress split on June 6, 1971, as the Chief Minister and party President, Shri Ajoy Kumar Mukherji, and the General Secretary, Shri Sushil Dhara, parted company.⁶⁴

On June 10, the Bangla Congress Group in the Assembly, led by Shri Dhara, "removed" Shri Ajoy Mukherji from the Assembly Party leadership. Shri Dhara and his two supporters wrote to the Speaker of the State Assembly and the Governor informing them of Shri Ajoy Mukherji's "dismissal" and the election of Shri Dhara in his place.⁶⁵

⁶¹Ibid.

⁶²Economic Times, July 6, 1971.

⁶³The Statesman Weekly, June 5, 1971.

⁶⁴Hindustan Times, June 7, 1971.

⁶⁵Ibid., June 11, 1971.

Jharkhand to support Ruling Coalition

Shri Babulal Soren, leader of the two-member Jharkhand Party in the State Assembly, announced on June 23 that his Party had decided to join the ruling Democratic Coalition. On the same day, Shri Bejoy Singh Nahar, Deputy Chief Minister, told reporters that the two Jharkhand MLAs in the House would be appointed Deputy Minister before June 28, when the Budget session of the State Assembly was due to begin. The support of the two Jharkhand MLAs was expected to stabilise the ruling Coalition, whose slender majority in the Assembly was jeopardised by the split in the Bangla Congress, a constituent, and the decision of the Dhara faction, comprising three MLAs, to reconsider its attitude towards the Coalition.⁶⁶

Strains in the Ruling Coalition

However, a new threat to the stability of the Democratic Coalition Ministry developed on June 24 with the Youth Wing of the Congress (R), the major constituent in the Coalition, demanding the Ministry's resignation before June 28, that is the opening day of the Assembly's Budget session.⁶⁷

Again, on June 24, the Forward Block, another constituent of the ruling Coalition, threatened to pull out of the Coalition, if the two Jharkhand MLAs, who had agreed to join the Coalition, were sworn in as Deputy Ministers. The Party's State Committee Secretary, Shti Ashok Ghosh, told UNI that the Jharkhand MLAs were virtually defectors as they had initially thrown in their lot with the Opposition.⁶⁸

Assembly Dissolved—Exit of Ajoy Mukerjee Ministry

Action on the advice of the Chief Minister, Shri Ajoy Mukerjee, the Governor, Shri S. S. Dhavan, dissolved the West Bengal Assembly on June 25. In a letter to the Governor, the Chief Minister gave the heavy influx of evacuees from Bangla Desh and the prevailing atmosphere of lawlessness in the State as the two main reasons for recommending dissolution. Shri Mukherjee stated in his letter that although it was "perfectly possible" for his Government to carry on with its majority, "in the totality of the situation" in the State, "we should not merely have a Government which commands a majority, but a Go-

⁶⁶*Times of India (Bombay)*, and *Hindu*, June 24, 1971.

⁶⁷*Hindustan Times*, June 25, 1971.

⁶⁸*Ibid.*

vernment which is vastly reinforced so that it is able to carry out its responsibility for the peace, well-being and stability of our State." In the circumstances, he was, he added, "driven to the conclusion" that it would not be right for his Government "to continue without seeking a fresh mandate from the people."⁶⁹

On June 28, Shri Ajoy Mukherjee submitted the resignation of his Council of Ministers to the Governor. The 26-member eight-party Democratic Coalition Ministry had been sworn in on April 2, 1971, after the mid-term elections held earlier in March had failed to return any single party with an absolute majority in the 280-member Assembly. Accepting the resignation, the Governor asked Shri Ajoy Mukherjee and his Council of Ministers to continue in office until alternative arrangements were made.⁷⁰

Imposition of President's Rule

Following a report from the Governor that the Government of the State could not be carried on in accordance with the provisions of the Constitution, the President, on June 29, issued a Proclamation taking over the administration of West Bengal. In his report, the Governor had, *inter alia* mentioned the reasons as the recent split in the Bangla Congress, as a result of which the ruling Democratic Coalition had been reduced to a "thin majority" in the House; the serious problems posed by the massive influx of refugees from Bangla Desh; and the Chief Minister's desire to seek a fresh mandate from the people.⁷¹

This was the third time since the 1967 General Election that West Bengal was placed under President's rule.⁷² The imposition of President's Rule in the State was approved by the Rajya Sabha on July 22 and by the Lok Sabha on July 26, 1971.⁷³

Alongside the imposition of President's Rule in West Bengal, the Prime Minister, Shrimati Indira Gandhi, announced in the Lok Sabha on June 29 that in view of the "very serious problems" and "abnormal situation", which had been created in West Bengal and some other States by the "massive influx of refugees", and the need to give "these

⁶⁹*Ibid.*, June 26 and 27, 1971.

⁷⁰*Ibid.*, June 29, 1971.

⁷¹*Hindustan Times*, June 30, 1971.

⁷²*Ibid.*

⁷³*Ibid.*, July 23 and 27, 1971.

matters" special attention, it had been decided to appoint a Minister of Cabinet rank as Minister without portfolio with immediate effect. "For the present", she said, "Shri Siddhartha Shankar Ray, Minister of Education, Social Welfare and Culture will be entrusted with this responsibility in addition to his existing duties. As soon as the consideration of the Demands for Grants of his Ministry is completed he will look after this work exclusively."⁷⁴

Proposals to Eradicate Politics of Violence

The West Bengal Government on July 28 circulated to all political parties in the State a "working paper" embodying an 11-point proposal to eradicate violence which had disrupted economic and development activities in the State and made it difficult for ordinary citizens to follow their avocations. Besides calling for joint condemnation by political parties of all instances of murder, the proposal envisaged, *inter alia*, the constitution of a Committee consisting of representatives of 28 political parties in the State, to meet from time to time, discuss matters and place before the Government their various points of view.⁷⁵

On July 30, the all-party Conference, convened by the Union Minister Shri Siddhartha Shankar Ray, adopted a resolution condemning "murder and terror from whatever quarter" and enjoining on all parties to "jointly oppose and resist all murder and terror."⁷⁶

New Governor Takes Over

Shri A. L. Dias was sworn in as the new Governor of West Bengal on August 21. Shri Dias, who had earlier relinquished office as Lt. Governor of Tripura, succeeded Shri S. S. Dhavan who had been the Governor of West Bengal for about two years.⁷⁷ In a broadcast over the Calcutta station of the All India Radio on August 22, the new Governor called for "united action" to deal with the numerous socio-economic problems confronting the State and urged the political parties to implement their unanimous resolve to end the politics of violence and murder in the State.⁷⁸

⁷⁴L. S. Debs., June 29, 1971.

⁷⁵Hindustan Times, July 29, 1971.

⁷⁶Ibid., August 7, 1971.

⁷⁷Hindustan Times, August 6, 1971 and Hindustan Standard, August 22 and 23, 1971.

⁷⁸The Statesman Weekly, August 28, 1971, pp. 1 and 4.

UNION TERRITORIES**Delhi***Decision on Delhi set-up soon*

The Union Government expects to finalise proposals about the future set-up of Delhi "within a reasonably short time." This was stated by the Minister of State for Home Affairs, Shri K. C. Pant at the meeting of the Consultative Committee of Parliament for Home Affairs on August 3, 1971. Shri Pant ruled out the conferment of full Statehood on Delhi, as it was the capital of the country and there could be no two capitals in the same city.⁷⁹

Goa*Probe into charges against C.M.*

The Union Government was, on September 4, 1971, reported to have appointed Shri S. B. Capoor, a former Punjab High Court judge, to go into complaints of corruption against the Chief Minister of Goa, Shri Dayanand Bandoḍkar. It may be recalled that in June 1970 seven ruling Maharashtrawadi Gomantak Party rebel members of the Goa Legislative Assembly had in a charge-sheet alleged misuse of power by the Chief Minister. They had later submitted the charge-sheet to the Union Government and demanded a judicial inquiry into the matter.⁸⁰

⁷⁹*Indian Express*, New Delhi, August 4, 1971.

⁸⁰*Hindustan Times*, September 5 and 7, 1971.

Book Reviews

PARLIAMENT AND CONSCIENCE by Peter G. Richards, Professor of British Government, University of Southampton. Published by George Allen and Unwin Ltd., Ruskin House, Museum Street London, Price 55 shillings. Pages 215.

This is a well-informed and properly documented study of what may be popularly described as "back-bench legislation", namely, legislation introduced by private members and accepted or rejected by Parliament in Britain on various contentious social issues. The spectrum of study in this book covers capital punishment, homosexuality, abortion, censorship of the theatre, divorce and Sunday entertainment, and considerable attention has been given by the author to a detailed study of the progress of various private members' bills in regard to these matters and the vicissitudes which their bills had to encounter in the Parliamentary thrust and tumult. It is clear from the study of this book that the present century has led to a rethinking on many matters which had been held by religious beliefs or convention as axiomatic for social welfare. For example, the distasteful and unpleasant subject of homosexuality had been regarded, as the author points out by a quotation from Liviticus, as abhorrent and the dictum of Leviticus is cited: "Thou shalt not lie with mankind as with womankind. It is an abomination", but views on this subject have also changed.

Many interesting aspects of what are matters of conscience are dealt with in a perspicacious perspective in this book. As the author points out, conscience is a complex term embracing many shades of meaning and it required three and half columns of description and explanation in the new Oxford dictionary. The author observes: "Essentially conscience implies moral conscience, a knowledge of right and wrong arising from one's innermost thought."

The question is also discussed in this volume whether morality should be immutable and whether law should not change conceptions of morality. The author comes to the conclusion that "no action should be banned unless the amount of harm caused to others is substantial, otherwise the only forms of conduct permitted would be those which secured general approval. This would produce either a colourless community held down to a strict regime of social conformity or

alternatively, if no consensus could be achieved, the society would break up into warring parts. Toleration is a social cement."

Professor Richards points out that in the U.K. quite a large number of non-official bodies have been active in putting controversial legislation on social matters on the Statute Book, even though Winston Churchill stated before the 1930 Select Committee on Procedure that it should be made difficult for all sorts of happy thoughts to be carried on to the Statute Book. The author also points out that Conservative Members have been more active than Labour Party members in promoting private members' bills on social reform and that, on the balance, the House of Lords has been more "progressive" than the House of Commons. He says that on homosexuality and Sunday entertainment they have been more progressive than the Commons: "Taking the six case studies together, the Lords and Barons have assisted rather than impeded social reform."

A good deal of interesting material is brought on record in regard to the activities of a large number of non-official associations like the Abortion Law Reform Association, the Society for the Protection of the Unborn Child, the Divorce Law Reform Union and the Homosexuality Law Reform Society, the Lord's Day Observance Society. Surprisingly, while orthodox religion in our country had not encouraged social reform by legislation, the Church of England has assisted law reform on the subjects of homosexuality, abortion and divorce.

The author points out in great detail that on the question of abortion for example, Lord Silkin had moved his bill on liberalising abortion and the progress of the measure was very slow in view of the fact that the medical profession was also opposed to the concept of social abortion. It accepted that termination should be permissible on medical grounds and followed the Church of England's phraseology that this should be considered in the light of a patient's total environment. Even though the doctors' medical opinion was not wholly in favour of the bill and there was considerable opposition to the Abortion Bill based on informed medical opinion, the second reading of the bill showed that the Ayes were 225 and No's 31 and in the third reading there were 168 Ayes and 85 No's. An interesting study also of the voting pattern of Ministers has been attempted and it is revealed that in the Ayes 38 Ministers voted and 1 voted against: in the third reading 33 voted for the Abortion bill and 7 against and as many as 49 abstained

On the subject of homosexuality where Britain has permitted homosexual relations on a private basis between consenting adults based on the recommendations of the Wolfenden report, the author points out that the Church of England Moral Welfare Council could find no justification for the existing law. The author goes on to say, "homosexual potentially suffer severe penalties while lesbians, escape scot-free. The Council also argued that it was not the business of the State to constitute itself guardian of private morality. It was the business of the Church to deal with sin." It speaks much for the courage of British M.Ps that the Earl of Aaron who piloted the legislation in the House of Lords was himself subjected to a good deal of personal investigation on account of his sponsorship of the bill, but the bill on the subject was passed on account of the support given by the Churches which gives an idea about the nature of thinking in the Western World on these controversial matters.

The history of the abolition of capital punishment also is recounted with great detail and it is only after the most strenuous debate in the Commons that the Abolition of Capital Punishment Bill was passed by 336 for, 185 against. The book also reveals that in regard to all these matters there is no Whip issued by the parties and members are asked to vote according to their conscience which in terms of the explanation given in the New Oxford Dictionary, may run into three and a half columns.

In the Indian context, this book is of value in regard to the piloting by private members of their bills. Although M.Ps in India are rendered all possible technical assistance and advice with regard to the private Members' Bills so that these are not rejected on technical grounds, yet they do not get the kind of assistance which their counterparts in U.K. get, as for example, the help of the official Parliamentary Draftsmen for drafting their bills. M.Ps in India have to depend on their legal advisers in many cases but Professor Richards points out that in the case of private members' bills, a good deal of help is given by the official Parliamentary, draftsmen. Further, there are no unofficial lobbies of the kind which exist in England, which think radically, consistently and vitally on social reform issues. There is no ginger group in India yet for social reform, while ginger groups are in existence for economic reform and for radicalisation of the basis of society. Professor Richards' book should be regarded as an outstanding contribution to a little-explored sphere of Parliamentary legislation, namely, that of the private members' bills. Professor Richards points out: "As it is, the

law is slow to change. Basic legal principles are decided by Parliament. For various reasons, some political, some procedural, law reform is not easily achieved on controversial aspects of human behaviour. There is a heavy in-built bias in favour of the *status quo*."

"The purpose of this book is to review the political processes which preceded changes in this field in the 1960s." Any person who wants to be acquainted with the great changes that have taken place in British Parliamentary opinion on Social Reform of a controversial character cannot afford to miss this book.

—A. D. MANI, M.P.

THE AGE OF PROTEST by Norman F. Cantor (George Allen & Unwin, London, 1970, £ 2.50).

This is an account of dissent and rebellion in the Twentieth Century, beginning with the feminist crusade in its first two decades and taking in its stride such themes as Black Power in the United States and movements, disparate and similar at the same time, of the *Beatniks* and the New Left. In between, there are disquisitions on, among other subjects, the Russian Revolution and the Gandhian revolt against colonialism. It is a reminder, so to speak, that though we live today in an age of restlessness often expressed in angry excesses of the spirit that seem difficult to assuage by counsels of wisdom, our yesterdays were not quite a period of time when everything was more or less lovely in the garden. It is a reminder also that motivations for indignation and rebellion continue in our social *milieu*, and cannot therefore be whisked away as mere deformities of the spirit and distortion of the idealism, particularly, of the younger elements in society who are so very much in the vanguard of protest and passionate overturning of things today.

Prof. Cantor points out that in spite of social struggles having taken place, the French Revolution being the most powerful as well as grimly picturesque among them, our world at the threshold of the Twentieth Century was still under the sway of an "*ancien regime*" where wealth and power, being in the hands of a microscopic group of people, had meant a life of deprivation and distress for the majority of mankind. Unlike in earlier centuries, however, society had made spectacular advance, specially through the instrumentality of what is known as the Industrial Revolution, and conditions had been created and were being further developed which made inevitable the fight for basic change in various spheres of life and over the entire globe. The growing use of new-fangled machinery meant, inexorably, the emergence

also of what Karl Marx once called "the new-fangled men", the working class, whose historic mission was to be the building of a new society that would eliminate the age-long exploitation of the majority of toilers by the affluent few, the rule of the "have-nots" by the "haves". Professor Cantor, however, distinguishes between "protest" and "Revolution", the former being, to his mind, the desire for amelioration and redress of grievances rather than a qualitative toppling of the social structure which is the aim of the latter and has led in his view, more often to "chaos, civil war and new tyranny". He concedes that protest being an attack on the prevailing system, did not hesitate to use violence but that was more incidental than basic to its aims. It will be seen thus that Professor Cantor's approach is that of a somewhat open-minded but none the less confirmed, conservative.

Whether one agrees with this approach or not, one welcomes under one cover a summary survey of many salient features of militant dissent during the last six or seven decades. In many Western countries one sees today what has been termed the 'permissive society' when older taboos and injunctions, sexual, moral and other, seem to be in the melting pot. 'Women's lib'. (*lib* being the abbreviation of 'liberation' which is perhaps discarded as an old-fashioned word) enthusiasts appear keen on how much clothing they would wear or shed or on the unimpeded right to 'drink life to the lees', rather than on the rights of women as Mary Wollstonecraft Shelley or even the eminently rational John Stuart Mill understood it. It will be good for them to think out their links, if any, with ardent forbears of feminism like Mrs. Pankhurst who (and her zealous crusaders) fought fiercely for women's suffrage, keeping on their voluminous Victorian clothes which literally covered them from neck to toe but most militantly demonstrative, hunger-striking, chaining, themselves to railings, physically accosting, one might even say clawing, Members of Parliament *en masse*, fighting police guards and braving batons and blows, destroying the mythical belief that women were soft in their ways. Women in Britain won their right to vote but it was preceded by a struggle that was in many ways unique.

Rebellion in Ireland, passing through many phases and a prolonged period is a theme not unfamiliar, though not in detail, in this country, and the chapter on it is interesting. The story of a mutiny in the French army (1917) is suggestive insofar as it indicated how the common man found himself at variance with politicians, a state of things fraught with danger for society as France learnt to her cost when she was overwhelmed by the onslaught of fascist forces in 1940. The

General Strike (1926) in Britain is discussed in another chapter—how even phlegmatic British workers, lulled by the super profits of empire, could wake up and fight, and then be felled again by the greater subtlety of their ruling class. Not that Professor Cantor stresses this aspect but it will be clear if one reads between the lines. Two lengthy chapters deal with what the writer deliberately entitles "The Russian Experience" and "Anti-Colonialism: Gandhi and the Indian Experience". They are subjects too big and complex for summary treatment, and the writer, perhaps, on account of a certain allergy, appears almost to toy with them. Thus, "the famous Bolshevik revolution was actually little more than a peaceful protest demonstration" (p. 84); in India, "the British were not dividing, they merely recognised existing divisions"; the minorities were less free to fantasize. . . . had less faith that the millennium would come with the British departure" (p. 213); "elitism and communal violence were traditional in India" (p. 221). One feels sometimes so much happier with straightforward imperialists to whom we and our like are "the lesser breed without the law" as Rudyard Kipling put it, rather than with subtly masked liberals—no wonder Lenin, discussing the trial of Tilak (1908) wrote even of John Morley as "that liberal scoundrel".

It is in keeping with the writer's temper that Nazism is discussed as a "middle class protest" which in some apparent respects it was, but not as a most terrible scourge of humanity which had its roots in the basic historical process as it unfolded itself between the two World Wars. The result is peculiar; one wonders what the worthy professor had really in mind when he concluded his chapter with the words: "Such was (Hitler's) creed: self-reliance, self-help, the will to succeed—the bourgeois route to success grotesquely inflated". In line with this, there follows the chapter on "Communist protest as a political movement", the author confining himself mostly to the American scene and gloating over his discovery that communism "appealed to some strange corner of the intellectual's brain—a roped-off region in which he sought. . . . the comfort of declared truth and the security of submission" (p. 153). This may be facetiousness of a kind, but not particularly congenial to understanding.

Professor Cantor is more entertaining in his study of "Jazz-Age Rebellion" and later, of Left-wing protest as a way of life, with references to Mencken and pillorying of "the booboisie", and to students, artists and workers fraternising in the late middle and later 'thirties,

drawn by what Cantor thinks the will-o-the-wisp of ideological commitment. Thus, it is no surprise that his discussion of a theme like "Black Liberation in the United States" is halting and equivocal and unrelated to the wider and deeper tensions in contemporary society. The same applies to the treatment of student unrest in the universities, and also to his survey "From the Beats to the New Left". With his interest in the incidental rather than the fundamental aspects of the historical process, Professor Cantor is content with the finding that "in the confident and prosperous 1950's the only effective means of protest was to drop out of society". One wonders if he ever cares to remember Karl Marx's abjuration: "Philosophers have interpreted the world in different ways; the task, however, is to change it." If he did, perhaps he would also have known that drop-outs obviously do not change society, nor are they interested. Why in spite of Hippies and the like illustrating one aspect of life (particularly in affluent countries) our world today seethes with protest—whether in Viet Nam or Bangla Desh—protest which is not an inverted luxury of the spirit but involves, on a massive scale, sheer, stark suffering endured for a cause with a big C, this book does not help to understand. This in spite of a good deal about the New Left, the May 1968 upsurge in Paris and such things. The trouble with the book is that it is episodic, more or less pleasantly descriptive (though almost always with a selective bias), but unrelated to any comprehensive understanding of social forces. There may be good reason for perplexity in our present-day multi-dimensional crisis, but in the name of an easy objectivity one should not shy away from the effort—which alone makes intellectual work worthwhile—to see life not only steadily but also to see it whole.

Even so, one finds in it a useful summary of a variety of protest struggles, typical of their time, in the last six or seven decades and an interesting picture of dissent in American universities over Viet-Nam and other issues rocking humanity. It is good reading, but not much of a clue to the unfolding of the profound perplexities of the modern world.

—H. N. MUKHERJEE, M.P.

THE CHALLENGE OF WORLD POVERTY by Gunnar Myrdal.
Published by Allen Lane. The Penguin Press. Vigo Street,
London W. 1.

After the publication of his monumental work *Asian Drama*, the publication of this new book by Gunnar Myrdal is a remarkable contribution in the field of analysis of the challenging problems of poverty

which confront the underdeveloped countries. If *Asian Drama* was by way of an enquiry into the poverty of nations belonging to South Asia, this new work seeks to analyse in depth the various basic factors which retard the faster economic growth of underdeveloped countries. It has pointed out deficiencies in the approach of aid-giving developed countries towards the underdeveloped ones. The author has formulated some basic guidelines for overcoming the formidable challenges of poverty during the decade of seventies.

Mr. Myrdalsaid, "ever since the first world war most underdeveloped countries have seen their trading position deteriorating." He has pointed out how a gap has developed between import payments and export returns. Grants received by way of aid by the underdeveloped countries are diminishing every year as compared to their total developmental expenditure.

His observations on the question of responsibilities of the developed countries towards the underdeveloped ones are noteworthy. With a remarkable frankness he has said, "It is a fact that, as yet, no western developed nation has made any real sacrifices in shouldering aid obligations to underdeveloped countries. Neither have they been prepared, on the whole, to abstain from even minor trading advantages that can be shown not to be of real long-term interest to a developed country".

With a view to reduce the growing disparity between the affluent and the poor countries, he has made the suggestion to direct a larger part of the development of science and technology towards problems whose solution would be in the interest of the underdeveloped countries. He shares the unrealised hopes of noted American authors that America instead of being lined up with political reaction all over the globe should be in the lead of the word revolution.

While strongly advocating for substantially increasing aid to underdeveloped countries, he has strongly stressed the need for a thorough change in the whole theory of 'aid' and the practical application.

The present restive mood of the vast masses of people of the underdeveloped world finds expression in his observation when he says, "the tendency to think and act in a diplomatic manner when dealing with problems of the underdeveloped countries has, in the new era of independence, become a new version of the 'White Man's burden'".

His very searching and critical analysis of the aid assistance of the developed countries needs careful attention of all those who are engaged in the serious study of this question in the Second Decade of Development.

Therefore in the present book he has emphasised the need for a new scientific approach to the various problems of the underdeveloped countries as against the prevalent biased approach of the 'establishment' entrenched by weighty vested interests held by the great majority of all who are involved in these problems, either as students or politically and practically. While stressing the need for a new, scientific, unbiased and vigorous approach to the problems of the underdeveloped countries on the part of the developed world, he has also stressed the urgent need for bringing in radical reforms in the underdeveloped countries by the Governments of these countries themselves.

Such reforms include efforts to counteract the increasing economic and social inequalities. He has also asked all those who are engaged in the task of fighting poverty to see that attempts to come to the aid of the poor are not distorted to favour instead of better-offs. Therefore he has laid the greatest emphasis on reforms of land ownership and tenancy and has said that such measures are a must. He has advised taking steps for liquidating corruption, which is commonly increasing. He has gone further deep in his analysis of the various socio-economic factors which stand as impediments on the way of growth of the underdeveloped countries and has rightly suggested that such reforms are a condition for national consolidation and sustained development. There are vested interests within the upper classes, which oppose such reforms and they are regularly in control of politics on both national and local levels. In this regard he has also asked the developed countries to prevent their own businessmen from corrupting officials and politicians of the underdeveloped countries.

He has pointed out that when policy measures have been instituted in underdeveloped countries specifically aimed at ameliorating conditions for the lower strata, they have either not been implemented and enforced or have been destroyed so as to favour the not-so poor and to discriminate against the masses.

Where Mr. Myrdal has attempted to analyse the political development in the underdeveloped countries, in some respect his observations have become a little sweeping. He has observed that the masses of people in the underdeveloped world are the object of politics

but hardly anywhere its subjects. But millions of people in the underdeveloped part of the world are now on the march everywhere.

Speaking about India he has said that India as opposed to most other countries in South Asia, was able speedily to establish, and thereafter to preserve, a parliamentary system based on universal adult suffrage. Civil liberties and in particular freedom of expression have been rather jealously guarded. Nevertheless, the Indian government has remained a government of social and economic stagnation. Democracy has not enabled the majority of poor people to grasp, and organise themselves for utilising political power to advance their own interests. The power struggle has mainly remained as one between individuals and groups in the upper class in the broader meaning.

But this position has also undergone transformation in the recent months and radical transformations are taking place everyday.

Analysing various phases of political development in Pakistan he writes that under no circumstances will real power come to be exerted by the masses of people in Pakistan—so far as could now be foreseen. That position is also undergoing change in Pakistan with the total revolution in Bangla Desh.

Mr. Myrdal has very rightly said that "it has never occurred in recorded history that a privileged group, on its own initiative and simply in order to give reality to its ideals, has climbed down from its privileges and opened its monopolies to the underprivileged. The unprivileged have to become conscious of their demands for greater equality and fight for their realisation".

And that is what is now exactly happening. The confrontation between the privileged and the unprivileged is getting sharper everyday.

—CHINTAMANI PANIGRAHI, M.P.

THE GROWTH OF PARLIAMENTARY SCRUTINY BY COMMITTEES : A SYMPOSIUM by Alfred Morris; Pergamon Press, Oxford, 1970; pp. 135.

This book is a study of the relationship between the Parliament and the Executive in United Kingdom. The Members of Parliament

who have contributed to this Symposium were associated with the working of several Select Committees and had the inside knowledge of working of the Committees. The articles by them will give a deep insight with regard to the relationship between the Executive and Parliamentary Committees. Though the working of these Committees may not be similar in all aspects with the working of our Committees in Parliament, the reader will be able to acquire necessary information about the Constitutional relationship between the Parliament which is represented through the several Committees and the Executive of our Government.

In a parliamentary democracy like ours which is more or less modelled on the British pattern, the Committee system of scrutinising the activities of the Executive bears a close resemblance to the working of similar such Committees in the United Kingdom. After Independence, in our prevailing parliamentary system, we have evolved our own system of Parliamentary scrutiny through Committees, of course, drawing inspiration from the British system of working. Our Financial Committees, namely, Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings play a major role in keeping a watch over the working of the various Ministries and also scrutinise carefully whether the Grants made available to the various Ministries are spent in accordance with the principles laid down by the Parliament.

There are other Committees like the Consultative Committees which are supposed to keep in close liaison with the concerned Ministries, but how far they are effective is a point which yet remains to be seen.

But these Committees I do not think are parallel in nature to the Committees—Select Committee on Nationalised Industries, Select Committee on Nationalised Technology and the Select Committee on Agriculture which are mentioned in the essays written by these persons. There is also an article by Dr. Michael Winstanley about the Ombudsman. On similar lines we have introduced Lokpal and Lokayukt.

I commend this book to Members who desire to take keen interest in the working of the various Committees in the Parliament so as to enable them to appreciate and acquire sufficient knowledge of the working of these institutions in disciplining the Executive whenever it goes away.

—P. VENKATASUBBIAH, M.P.

Summaries of Books

POVERTY IN INDIA by V.M. Dandekar and Nilakantha Rath, the Indian School of Political Economy, Poona, 1971.

This is a study prepared under the senior authorship of Dr. V.M. Dandekar, Director of the Indian School of Political Economy, Poona, under a contract from the Ford Foundation. Its object is to gain an understanding of the dimensions of the problem of poverty in India and of the processes through which it seems to be deepening and then discusses how to meet the threat posed by this problem. Reviewing the situation at the beginning of the sixties the following conclusion based on 'old and fragmentary data' has been drawn by the authors:

It is clear that the rural poor consist predominantly of agricultural labour households and small land-holders with cultivated holdings of less than 50 acres and particularly less than 2.5 acres. The two groups would also include village artisans progressively thrown out of their traditional employment. The urban poor are only an overflow of the rural poor into the urban area. Fundamentally, they belong to the same class as the rural poor. However, as they live long enough in urban poverty, they acquire characteristics of their own. Little is known of their life and labour in the growing cities.

Progress During Past Decade

The progress of the economy during the past decade, particularly during the eight year period from 1960-61 to 1968-69 is then examined with a view to assessing how it had affected the various sections of the population, especially the rural and the urban and the rich and poor. The examination shows that—

During the past decade, the per capita private consumer expenditure increased by less than half a per cent per annum. Moreover, the small gains have not been equitably distributed among all sections of the population. The condition of the bottom 20 per cent rural poor has remained more or less stagnant. The condition of the bottom 20 per cent urban poor has definitely deteriorated; and for another 20 per cent of the urban population, it has remained more or less stagnant. Thus, while the character of rural poverty has remained the same as before, the character of urban poverty has deepened further. This is the consequence

of the continuous migration of the rural poor into the urban areas in search of a livelihood, their failure to find adequate means to support themselves there and the resulting growth of road-side and slum life in the cities. All the latent dissatisfaction about the slow progress of the economy and the silent frustration about its failure to give the poor a fair deal, let alone special attention, appear to be gathering in this form. Its shape today is probably no more than hideous; allowed to grow unheeded and unrelieved, it will inevitably turn ugly.

Prospects During Seventies

Discussing the perspective and the prospects for the coming decade, it is stated that the Planning Commission has directed its attention exclusively to achieving a high rate of growth. Its perspective for the coming decade is that the national income will be doubled in 12 years from 1968-69 to 1980-81 and that the *per capita* consumer expenditure will rise by 42 per cent. Further it smugly assumes that the pattern of inequality will remain the same as in the past and that therefore a high rate of growth is all that is needed to abolish poverty. The consequences of an excessive dependence on a high rate of economic growth without a policy for equitable distribution are pointed out thus:

Without a deliberate policy to ensure an equitable distribution of the gains of development, the processes of development benefit the upper middle and the richer sections of the population much more than they do the lower middle and the poorer sections. As a result, even a high rate of growth, probably beyond the range of feasibility, cannot lift the bottom of the society to the desirable minimum within the foreseeable future. This is not a plea for a lower rate of growth but a warning that a high rate of growth is not a substitute for deliberate policies to ensure equitable distribution of the gains of development. In the absence of such policies, the processes of economic development, as we have witnessed them in the past, make the rich far too rich before the poor can secure even the minimum. widen the gulf between the rich and the poor. There is enough time between now and 1980-81 for the process to complete if allowed to go unchecked.

Policies for Equitable Distribution

Discussing what positive policies for equitable distribution must be initiated and pursued without endangering the higher rate of growth aimed at and within the institutional framework of private ownership of the means of production, the three crucial areas of policy are enunciated thus: redistribution of land; adoption of labour-

intensive technology; and guaranteeing the right to gainful employment. In the following three chapters are reviewed the development of these policies during the past two decades.

At the root of the prevailing inequalities in income is the inequitable distribution of the means of production. A major means of production in the Indian economy is land. After reviewing the entire gamut of land policy in India, the following opinion has been expressed:

However, simple it may appear, it is futile to try to resolve the problem of rural poverty, in an over populated land, by redistribution of land which is in short supply. Hence the legitimate policy to pursue in future should be to enforce the accepted ceilings more rationally and genuinely, namely by imposing them on family holdings and not on individual holdings. At any rate, future acquisitions beyond such ceiling limits applied to family holdings should be prevented. But any drastic lowering of the ceilings and redistributing the surplus land to the landless workers will serve no useful purpose.

While discussing land policy, the possible consequences of agricultural mechanization of employment potential in agriculture, *viz.*, an increase in the number of landless and a decline in agricultural wage employment has been dealt with. The consequences of progressive mechanization of industrial production and substitution of power for human labour are also equally disquieting. Therefore, a suggested remedy to the problem of employment is to adopt a labour-intensive technology, which with the available amount of capital, will provide employment to all. Unfortunately, the Khadi programme of the Khadi and Village Industries Commission provides ample evidence that it is not a feasible solution.

Hence, when an equitable distribution of the means of production is not feasible, the problem of poverty and unemployment revolves on the question of attempting an equitable distribution of incomes without an equitable distribution of the means of production. Guaranteed employment at a minimum wage to all those who do not have adequate means of production to employ themselves with is emphasized as an essential prerequisite for such a policy. The policy and programmes in this field are reviewed and the relevant problems therein examined. Agreeing with the Planning Commission's judgment that the poverty at the bottom, say of the 10 per cent poorest of the rural population, is probably due to lack of sufficient earning capacity of the population, a view has been expressed that the poverty of the remaining 30 per cent of the rural population living below the minimum must be attributed to unemployment or

underemployment and that additional employment worth Rs. 800 to 1,000 crores annually will be needed to lift them up. It is, therefore, advocated that a large programme of rural works, *viz.*, projects of land development, irrigation, afforestation, road construction, etc. should be organised as "this can immediately place in the hands of the poor incomes which may give them the desirable minimum living and in the process create community assets, improved land and water resources and needed infrastructure, which, in due course, will improve the productivity in the economy and accelerate the process of economic development."

Faced with the hard core of the problem as to who will pay for the organization of a works programme of this order, the study is concluded thus :

Such then is the burden of the poor. The rich must bear it and, if they will see that they have a stake in it, it is not great. As we have seen, the top 45 per cent who enjoy an average consumer expenditure which is more than four times what we wish to assure to the poor, have to agree to a cut of a mere 15 per cent in their consumer expenditure; and another 5 per cent who have an average consumer expenditure which is more than two-and-a-half times what we wish to assure the poor, have to agree to a cut of a mere 7.5 per cent in their consumer expenditure. They must agree to this cut because they cannot by themselves transfer these incomes to the poor; it must be done by the community.

The study is thus directed to finding what can be done to meet the claims of the poor within the frame work of the private ownership of the means of production.

INDIAN ENTREPRENEURS AT THE CROSS ROADS: A STUDY OF BUSINESS LEADERSHIP by *Take Noboru* Institute of Developing Economies, Tokyo; 1970

This work forms part of a series of books in English published by the Institute of Developing Economies, Tokyo. It represents the research work done by the author, a Japanese, while he was a visiting research fellow at the Indian Statistical Institute, Calcutta from 1960 to 1962. The objective is to present an overview of the capabilities of Indian entrepreneurs and also to shed some light on the future prospects of business viability in India. While doing so, it is stated that the capability and ability of individuals are the products of the environment which surrounds them and that they are able to adapt themselves speedily to the changing environment.

Chapter I of the book deals with the social environment which caused the rise of entrepreneurs in India. The position occupied by the Indian entrepreneurs as a change in the concept of economic value took place along with the changes that transformed the social and economic environment after Independence.

Features of Entrepreneurship

The social background or characteristic features of the owners of Indian combines and other businessmen who have played leading roles in the business activity of the country have been described.

The book also outlines the history of the Combines and the nature of their business, the community and caste of the persons controlling them, the extent of professionalization of their management and the distinguishing characteristics of those businessmen who came into control of the enterprises by means of inheritance.

Describing how the character of the combines has been changing after Independence, the following observation is made:

The spheres of influence among the different combines in India have undergone remarkable changes after Independence. In fact, the changes are still going on today. It is certain that the execution of the economic plan by the Government has greatly affected the business activities as well as the character of the different combines. At the same time, it is safe to say that combines which had expanded their influence either by acting as stockbrokers or through speculation have found it increasingly difficult to carry on their business activities under the planned economy. Also worthy of attention is the fact that combines which had confined their scope of business to the traditional products are forced to adapt themselves to the new era no matter how diversified their business activities may be.

Rising combines are symbolic of the new industrialism now beginning to prevail in India. A number of new entrepreneurs have already been granted the opportunities to display their abilities after independence. Meanwhile, the improvement in the social and economic environment for business activities has started to create a new type of entrepreneurs who consider the promotion of a new concept as their duty.

Public Enterprises

The nature of entrepreneurship in public enterprises is also discussed giving case-studies of three Central Government undertakings.

namely, the Indian Telephone Industries, the Fertilizer Corporation of India and Hindustan Steel Ltd., from the point of view of business management and decision-making and enforcement.

Speaking about Hindustan Steel, it is stated:

The fact that the government is entitled to appoint the ranking officials of the steel company has made it possible for the bureaucrats and the semi-bureaucrats to occupy most of the important positions in the concern. Besides the power of personnel appointment, the government is also empowered to approve or disapprove the important decisions and resolutions made by the Board. The government also reserves the right to issue orders or directions on matters dealing with the financial or managerial aspects of the company. In short, the power of making the important decisions that are necessary in carrying out the business operation of the enterprise is essentially vested in the Central Government in New Delhi. Under the present set up, the enterprise is also required to seek the direction of the government on matter relating to the import of spare parts, including the application of foreign exchange allocation and other procedures connected with the importation.

The relation between the government and the concern is indeed complex. The former exercises all kinds of control and supervision over the latter, a condition which is inconceivable in the case of private concerns. In fact, the more the government stresses the public character of the national concerns, the more it hinders the independence of the managers. Such conditions can only result in reducing the efficiency of the public enterprise as a business unit. Moreover, the practice, which requires the directors of the steel concern to resign their posts after serving three years or less in order to return to their former offices, also affects the internal potentiality of the enterprise. Thus, the form of organization and the way of management, as well as the method of appointing directors, have produced an important impact on the growth of the concern.

Commenting on the rate of return of the public undertakings in general and their managerial efficiency, the following observation is made:

About two-thirds of the total public enterprises, accounting for more than 95 per cent of the total investment, realized an average rate of return of less than 3 per cent. The factors responsible for the low rate of return are complex in nature, we may, however, point out that the policy of personnel administration and labour management adopted by these concerns were important factors which contributed to such a dismal picture.

As public enterprises increase in number, the number of bureaucrat managers also increases relatively. At the same time, those who are designated on the Board may often hold multiple

directorship in more than one concern. Of the 600 important posts in the various enterprises about 190 were held by retired government officials. Without exception, they have viewed the profit-making activity of an enterprise with contempt. The public enterprises, according to them, were to function for the national interest as a whole, with the ultimate goal of achieving a "socialistic pattern of society". What they would like to conceive as socially desirable was not too clear and these ambiguities were carried into the actual operation of the concern.

The main factor which has apparently contributed to the turmoil was the government's failure to clearly outline definite goals and objectives, for which the enterprises were organized, to lead the country in the process of industrial development. In fact, the people had no way of knowing whether the primary objective of these enterprises was to increase the country's capacity to produce or to create favourable leverage for the promotion of social welfare.

**IMPACT OF DEFICIT FINANCING ON ECONOMIC GROWTH
IN UNDER-DEVELOPED COUNTRIES** by J.N. Mongia
Associated Publishing House, New Delhi; 1971

This study attempts to furnish a critical analysis of the role of deficit financing in developing countries with special reference to its impact on India's economic growth. The study places its emphasis on the first fifteen years of planning in India, that is, from 1951 to 1966.

Investments

The underdeveloped country has been defined as one in which output *per capita* is relatively low and in which productive efficiency increases very slowly. It is a characteristic of the underdeveloped countries that the resources put into investment are generally a smaller proportion of their national product. Whereas more than 15 to 18 per cent. of the national income has been used in the U.S.A. and Canada for net private investment in the recent past, less than half of this proportion is used in most of the underdeveloped countries. In India, total home-financed investment is now about 2½ per cent. of the national income. Investment on such a scale is barely sufficient to provide the growing population with minimum shelter and equipment they require. There is very little left for investment in projects that raise the productivity efficiency of the country.

Savings

The proportionately low level of investment in underdeveloped countries may be due to various factors. In many underdeveloped countries, there are opportunities for profitable and productive investment but these cannot be exploited because of dearth of enough savings. A considerable amount of savings in underdeveloped countries is diverted to holding precious metals, deposits and securities. Deep-seated institutional causes hold down personal savings and divert them from personal investment.

Production

Most of the underdeveloped countries, today are attempting to force upon their economies, higher levels of production for both economic and political reasons. Quite a large number of economists believe that productivity can be raised to a considerable extent by resorting to the so-called non-conventional financial methods like public borrowing and/or deficit financing. The rationale of public borrowing and/or deficit financing is that they initially help to raise the existing low levels of money incomes and thereby raise the ratio of profits to national income to such an extent that entrepreneurs would finance the higher investment rate without any recourse to credit expansion. As an indirect effect, the use of these methods would raise the Government's tax receipts as a proportion to national income, with the result that the Government would be able to step up its level and rate of investment without directly resorting to merely the printing of money.

Experience of Developed Countries

The rationale of these methods which could be termed as "inflationary financing", looks, apparently, sound but in practical implementation, appears to be somewhat difficult. The experience of some of the countries in this regard, too, does not help one to arrive at definite conclusions. In fact, growth has occurred in the past in both the periods of high or rising prices and low or declining prices. For instance, Britain is said to have attained more rapid economic growth possible in the whole of its history in the second half of the 19th Century; after the end of Napoleonic War when prices in general showed a declining trend. On the other hand, in the USA, "faster than average" rates of economic growth have taken place when prices were showing both upward and downward trends. In the case of Japan, however, growth was probably slowest when prices were moving first, viz. in

the period immediately before World War I. It is also well-known that high economic growth in Soviet Russia in the 1930s was accompanied by an equally severe inflation.

Importance of Development Deficits

The importance of developmental deficits lies in the fact that underdeveloped countries normally find it difficult, with resources at their disposal, to finance the huge public outlay and to increase the rate of development. Taxation is, undoubtedly, the main instrument through which Government takes and mobilises the monetary surpluses from different sources. It has been found, that, generally, in underdeveloped countries, taxes make up hardly 8 to 10 per cent. of total national income while in developed countries, the tax revenue-national income ratio stands at nearly 30 per cent.

The reasons that are generally cited for the low tax coverage are: the existence of a large non-monetised sector, the high cost of collection, lack of facilities for tax collection afforded by certain structural factors, the cultural and social setting, and also the low level of *per capita* income.

Deficit Financing Defined

The technique which governments resort to in order to give "the big push" is known as deficit financing. According to Dr. V. K. R. V. Rao as quoted in the book, "Deficit Financing", is used to "describe the financing of a deliberately created gap between public revenue and public expenditure, or a budgetary deficit, the method of finance resorted to borrowing, which results in net addition to national outlay or aggregate expenditure." It is pointed out that the Indian Planning Commission has accepted a modified concept of deficit financing. According to the Commission, "the term 'deficit financing' is used to denote the direct addition to gross national expenditure through budget deficits, whether the deficits are on revenue or on capital account. The essence of such a policy lies, therefore, in government spending in excess of the revenue it receives in the shape of taxes, earnings of State enterprises, loans from the public, deposits and funds and other miscellaneous sources. The Government may cover the deficit either by running down its accumulated balances or by borrowing from the banking system (mainly from the Central Bank of the country) and thus "creating money".

Implications of Deficit financing

Discussing the monetary implications of deficit financing, it is stated:

Government of an underdeveloped country resorts to this type of financing primarily to divert resources from current consumption to capital formation. The immediate result of deficit financing is to create additional currency or credit. This additional purchasing power enable government to outbid consumers in the procurement of resources and use them for capital formation. As a result, the money supply rises, which is associated, perhaps, with the time lag, with a decline in the availability of consumer goods. The combined effect of these is frequently the generation of inflation in the country.

Eventually, inflation is self-defeating. After a stage, in the race between costs and prices, the economy gets into the grip of spiral inflation. If, on the contrary, prices are prevented from rising after costs have risen, the increased profitability in investment is eliminated and investment may fall to, or below, the pre-inflation level. Only when the rise in prices is not followed by a proportionate rise in costs, will there be a permanent gain in investment from the inflationary method. This means that the original price rise must be moderate enough not to induce a concomitant rise in costs. Otherwise, "the overpowering strength of the forces let loose by inflation to achieve what in fact is likely to be only a moderate increase in investment (which could have been achieved in large part if not entirely, by less aggressive means) ultimately converts continuous inflation into a destructive policy. A large part of any increase in investment will take forms that are of negligible importance in increasing agricultural and industrial production. The economy is distorted by the inflation so that its use of productive resources is less effective than it would otherwise be. And, the effects of the inflation on the distribution of income and wealth are unhealthy and may be dangerous in countries with low incomes.

Deficit financing for capital formation is, however, not always inflationary. In fact, to a certain degree, the expansionary character of deficit financing does fulfil the currency and credit needs of a developing country. As an underdeveloped country grows, there arises a definite trend towards a greater demand for financial assets with the enlargement of money and capital markets.

An increasing percentage of money supply to national income within limits is not only desirable, but also a concomitant of a higher level of economic activity. Even though an increase in money supply may not be accompanied by a corresponding increase in production, a larger than the hitherto maintained volume of money supply is consistent with rapid economic development. This is because a certain degree of inflation is inherent in the very process of development.

While examining the problem of deficit financing in terms of the current economic context in India, it is stated:

The Government of India, like the government of other under-developed countries, is anxious to embark on accelerated development plans in order to reach the stage of "drive to maturity" within the shortest possible time. Obviously, internal resources are short of the financial requirements of the government-sponsored Five-Year Plans that are now being implemented. Consequently the government has chosen to resort to the method of deficit financing through the creation of central bank credit. This method is inflationary in character, and the Reserve Bank has been called upon to play the role of a "controller of inflation".

The role of the Reserve Bank of India in the economic growth of the country, and the extent and effect of deficit financing in India's first three Five-Year Plans have been discussed. The amounts of deficit financing during the First Second and Third Plan periods were Rs. 531.9 crores, Rs. 948 crores and Rs. 1,150 crores, respectively.

The discussion in India about the significance of deficit financing in relation to the Five-Year Plans has modulated between two extreme views. On the one hand, there are some people who regard deficit financing as essential for the purposes of the Plans and a healthy means of stimulating enterprise. On the other hand, there are those who regard any deficit financing as inflationary and a serious threat to the stability of the country. In this connection, the following views have been expressed:

Deficit financing which is used to secure an appropriate money supply and to redirect real resources to the government for its investments is clearly essential to the success of the Plans. If, however, deficit financing is undertaken without regard to its effect on the money supply and the availability of resources, it will inevitably lead to inflation and hamper the achievement of the Plan. Whether deficit financing is desirable or not depends fundamentally on the amount, the environment in which it is undertaken, and the policies that go along with it.

The first consideration in any policy involving deficit financing is whether there are inflationary pressures. If the economy is inflated, then deficit financing can only add to the problem. Unfortunately, in the existing literature, there is no formula by which one may determine the amount of deficit financing that may properly be undertaken. As in most matters involving credit policy, this is ultimately a matter of judgment. Clearly, some deficit financing is consistent with a sound credit policy designed to avoid inflation and to facilitate economic development with stability. Clearly, too, excessive deficit financing is not consistent with a sound

credit policy and can lead to inflation even if it is for the purpose of undertaking development. Deficit financing is one aspect of credit policy, and it is only on the whole range of credit policy that a judgment can be made. The practical problem for the monetary authorities is to determine how much is proper and how much is excessive deficit financing within the framework of a sound credit policy.

The relationship between deficit financing and inflation in the context of Indian Plans is now well known. The Government of India initially fixed the targets for First, Second and Third Plans in terms of which public sector expenditures were determined. Since the rate of investment called for in these Plans was larger than the voluntary rate of savings in the economy, the government faced the onerous task of increasing the rate of savings, so that a greater proportion of national output could be diverted from consumption to investment through savings. As the First Plan came to a close and the Second Plan was launched, the inability of the government to finance the Plan by the available domestic and foreign exchange resources became more apparent. The government then relied heavily upon the line of least resistance—that of transferring resources from consumption to financing the investment expenditure through an increase in prices. This "forced savings", as it is called, was accomplished through a deficit in the budget which was financed through borrowing from the banking system (particularly the Reserve Bank) and increasing the money supply in consequence. This was precisely the case in India specially during the Second Plan. Once this relationship between deficit financing and money supply is clearly established, it can then be concluded that a disproportionate expansion in money supply (in relation to the supply of goods) was primarily responsible for the "new" inflation generated in the economy during the latter part of development planning.

RECENT LITERATURE OF PARLIAMENTARY INTEREST

I. BOOKS

General

- Administrations in Federal Systems** by Ronald L. Watts (London, Hutchinson Educational, 1970)
- Approaches to Politics** by Pierre Elliott Trudeau, Introduction by Ramsay Cook; Translated by I.M. Owen. (Toronto, Oxford University Press, 1970)
- Civil Disobedience : Conscience, Tactics and the Law** by Carl Cohen (New York, Columbia University Press, 1971)
- Comparative Government : Four Modern Constitutions** by J. H. Price (London, Hutchinson Educationnal, 1970)
- Constitutional Law : An Outline of the Law and Practice of the Constitution Including Central and Local Government, the Citizen and State and Administrative Law** *ED.* by E.C.S. Wade and A.W. Bradley (London, Longman, 1970)
- Democracy** by Dorothy Pickles (London, B.T. Batsford, 1970)
- Dilemma of Accountability in in Modern Government : Independence versus Control** by Brauce L.R. Smith and D.C. Hague *ED.* (London, Macmillan, 1971)
- End to Political Science : the Caucus Papers** *ED.* by Marvin Surkin & Alan Wolfe (New York, Basic Books, 1970)
- Essentials of National Government** by Jewell Cass Phillips and others (New York, Van Nostrand Reinhold Company, 1971)
- Growth of Parliamentary Scrutiny** by Committee: A Symposium by Alfred Morris with Essays by Seven other M.Ps of the 1966-70 Parliament and a Foreword by Fred Peart (Oxford, Pergamon Press, 1970)

International Law: Being the Collected Papers of Hersch Lauterpacht; systematically arranged and Ed. by E. Lauterpacht (London. Cambridge University Press, 1970).

Legislative Drafting by G. C. Thornton (London, Butterworths, 1970)

**Political Morality: A General Theory of Politics by Phillips S. Har-
ing (Cambridge, Schenkman Publishing Company, 1970)**

**Principles of Administrative Law by M. P. Jain and S. N. Jain
(Bombay, N. M. Tripathi, 1971)**

Australia

**Australian Government and Politics: An Introductory Survey 4th
Ed. by J. D. B. Miller and Brian Jinks (London, Gerald Duck-
worth and Co., 1971)**

**Short Description of Business and Procedures (Parliament, House of
Representatives, Australia 4th ED., Canberra, 1971)**

India

**Constitutional History of India by Vidya Dhar Mahajan, 8th Ed.
(Delhi, S. Chand, 1971)**

**Government and Politics of India (3rd Ed.) by W.H. Morris Jones
(Bombay, B. I. Publications, 1971)**

**Indian Economy and Socialism by Banka Behary Das (New Delhi,
Young Asia Publications, 1971)**

**Indian Politics, Policy and Public Administration in the 1970s
(New Delhi, Ford Foundation, 1970)**

**Judicial Methods by M. Hidayatullah (Delhi, Institute of Consti-
tutional & Parliamentary Studies, National, 1970)**

**Law of Parliamentary Privileges in U. K. and in India by P. S.
Pachauri (Bombay, N. M. Tripathi, 1971.)**

- Practice & Procedure in Nagaland Legislative Assembly by H. G. Paranjpe (Kohima, Assembly Secretariat, 1971)**
- Rules of procedure and Conduct of Business in the West Bengal Assembly, 3rd Ed., (Calcutta, Legislative Assembly Secretariat, 1971)**
- Select Decisions from the Chair (Patna, Bihar Legislature Secretariat, 1970)**
- Select Decisions from the Chair Trivandrum, Secretariat of Kerala Legislature, 1970)**
- Shorter Constitution of India by Durga Das Basu (Calcutta, S. C. Sarkar, 1970)**
- Under the Indian Sky by Asok Chanda (Bombay, Nachiketa Publications, 1971)**
- Whither India after Independence by Prem Nath Bazaz (New Delhi, Pamposh Publications, 1970)**
- Wonder Elections 1971: Indira Versus the Right by Suresh K. Tameri (Delhi, Vivek Publishing House, 1971)**

Malaysia

- Political Ideology in Malaysia: Reality and the Beliefs of an Elite by James C. Scott (New Haven, Yale University Press, 1968)**

Pakistan

- Ayub Khan Era's Politics in Pakistan, 1958-59 by Lawrence Ziring (New York, Syracuse University Press, 1971)**

U.S.A.

- American Politics and the Party System by Hugh A. Bone, 4th Ed. (New York, Mc-Graw Hill Book Company, 1971)**
- Five Latin American Nations: A Comparative Political Study by Peter Rains (New York, Macmillan Company, 1971)**

History of American Presidential Elections, 1789—1968 (ED.) by Arthur M. Schlesinger and others (New York, Chelsea House, Published in Association with Mc-Graw, Hill Book Company, 1971, Volumes)

Politics in the U.S.A. by M.J.C. Vile (London, Penguin Press, 1970)

Political and Social Thought in America by Edmund Jons (London, Weldenfeld and Nicolson, 1970)

Supreme Court and Presidency by Robert Scigliano (New York, Free Press, 1971)

United States and the Caribbean, *Ed. by* Tad Szulc (New Jersey, Prentice Hall, 1971)

U.K.

May it please your Lordship by E. S. Turner (London, Michael Joseph, 1971)

Rise of a Third Party: A Study Crisis in Politics by Maurice Pinard (New Jersey, Prentice Hall, 1971)

Treatise on the Law, Privileges, Proceedings and Usage of Parliament by Erskine May, 18th Ed., by Barnett Cocks (London, Butterworth & Co., 1971)

West Germany

National Democratic Party: Right Radicalism in the Federal Republic of Germany by John David Nagle (Berkeley University of California Press, 1970)

II REPORTS

A. PARLIAMENT

LOK SABHA

Estimates Committee (Fifth Lok Sabha)

First and Second Reports of the Estimates Committee on the Ministry of Shipping and Transport, (I) Visakhapatnam Port and (II) Tuticorin and Mangalore Ports, respectively.

Third Report of the Estimates Committee on the Ministry of Education and Social Welfare (Department of Social Welfare)—General Social Welfare.

Fourth Report of the Estimates Committee on the Ministry of Labour and Rehabilitation (Department of Labour and Employment)—Workers' Education Programme.

Fifth Report of the Estimates Committee on the Ministry of Agriculture (Department of Agriculture)—Tractors and other Agricultural Machinery and Implements.

RAJYA SABHA

Committee on Petitions

Twenty Eighth Report of the Committee on Petitions (May 25, 1971).

Committee on Privileges

Thirteenth Report of the Committee on Privileges (June 11, 1971).

B. STATE LEGISLATURES

Andhra Pradesh

LEGISLATIVE ASSEMBLY

Estimates Committee

Fourteenth, Fifteenth and Sixteenth Reports of the Estimates Committee (Fourth Assembly), 1970-71. Action taken by the Government on the Recommendations contained in the Thirteenth Report of the Estimates Committee of the Third Legislative Assembly (1966-67) on the Public Works Department Estimates, Compilation of Schedule of Rates Preparation of Estimates and Execution of Works (December 28, 1970).

Committee on Government Assurances

Ninth Report of the Committee on Government Assurances, 1969-70 (1971).

Assam

Committee on Government Assurances

Seventeenth Report of the Committee on Government Assurances (Fourth Assembly) (May 25, 1971) (1971).

Gujarat

Rules Committee

Seventh Report of the Rules Committee (Third Assembly) (March 22, 1971).

Madhya Pradesh

Committee on Subordinate Legislation

Ninth Report of the Committee on Subordinate Legislation (Fourth Assembly) 1969-70.

Maharashtra

LEGISLATIVE COUNCIL

Committee of Government Assurances

Thirty-Third and Thirty-Fourth Reports of the Committee on Government Assurances, 1970-71 (1970).

Punjab

Committee on Government Assurances

Fourteenth Report of the Committee on Government Assurances 1970-71.

Estimates Committee

Report of the Estimates Committee on the Budget Estimates for 1970-71—1. Social Welfare, Welfare of Scheduled Castes and Backward Classes Department—2. Excise and Taxation Department—3. Medical and Health Department (March, 1971).

Rajasthan*Committee on Government Assurances*

Second and Third Reports of the Committee on Government Assurances, 1968-69 (1970).

Tamīl Nadu

LEGISLATIVE ASSEMBLY

Committee on Subordinate Legislation

Second Report of the Committee on Subordinate Legislation (Fifth Assembly) on the Action taken by the Department on the Recommendations of the Committee.

Committee on Government Assurances

First Report of the Committee on Government Assurances (Fifth Assembly) (July 14, 1971).

C. FOREIGN**Australia**

PARLIAMENT

Commonwealth Parliamentary Association

Report of the Proceedings of the Sixteenth Commonwealth Parliamentary Conference, Canberra. Australia, October, 1970.

Ceylon*Commissioner For Parliamentary Elections*

Report of the Seventh Parliamentary General Elections in Ceylon, 27th May, 1970 (1971).

U.K.*Parliament*

HOUSE OF COMMONS

Select Committee on Procedure

Second Special Report, Session 1970-71.

U.S.A.

SENATE

Ninety First Congress: Second Session

Report of the Secretary of the Senate from January 1, 1970 to June 30, 1970. (1970).

III. ARTICLES

General

Committed Bureaucracy by P. R. Dubhashi (*Indian Journal of Public Administration*, Jan.-March, 1971, pp. 33—39).

Federation of Arab Republic: A New Kind of Federation by Gamal El-Oteifi (*Review of International Affairs*, June 20, 1971, pp. 19—21).

Formation of the World Government: A Positive and a Definite step on the Road Towards World Civilization by S. Krishnamurti (*Eastern Journal of International Law*, July 1971, pp. 159—65).

Insurrection in Ceylon by Sri Prakash (*United Asia*, March-April, 1971, pp. 73—77).

Leninism, Soviet Experience and the Newly-Free Countries by R. Wyanousky (*Mainstream*, June 26, 1971, pp. 19—26).

Plea for Unitary Government by P. Kodanda Rao (*Indian Express*, July 22 and July 23, 1971).

Political Development or Political Decay in India by L. P. Singh (*Pacific Affairs*, Spring 1971 pp. 65—80).

Trends in Ceylon Politics by Urmila Phadnis (*India Quarterly*, April-June, 1971, pp. 122—39).

U.F. Government in Ceylon: Challenges and Responses by Urmila Phadnis (*World Today*, June, 1971, pp. 267—76).

U.N. Charter and the Possibility of its Revision by Milan Sahovic (*Review of International Affairs*, June 20, 1971, pp. 28—31).

Centre-State Relations

Centre-State Relations: Self Reliance is the Key by J. N. Sharma (*Yojna*, July 11, 1971, pp. 33—36).

- Centre-State Ties—A wrong Approach by A. G. Noorani (*Sunday Standard*, July 18, 1971).
- Centre Vs. the States by J. D. Sethi (*Sunday Statesman*, July 4, 1971).
- Changing Role of Governors by Muslahuddin Ahmed (*Mainstream*, Aug. 28, 1971, pp. 31&42).
- Governor's Responsibility and Powers by J. B. Kripalani (*Indian Express*, June 16, 1971).
- Guidelines of Governor: Some Do's and Dont's are Essential by Inder Malhotra (*Times of India*, June 21, 1971).
- Rajamannar Committee Report: Administrative and Political Relations by K. Santhanam (*Swarajya* (i) June 12 (ii) June 19, 1971, (i) pp-3—5, (ii) pp. 3—4).
- Rajamannar Committee Report Examined by A. Appadorai (*Eastern Economist*, July 16, 1971, pp. 102—104).
- West Bengal and the Centre by Hiranmay Kerelkar (*Statesman*, June 18 and 19, 1971).

Democracy

- Democracy in Germany—A Comparative Study by Friedrich Baerwald (*Thought*, June 5, 1971, pp. 11-12).
- Elite and Democracy: Their Compatibility by Quintin Hogg (*Journal of Constitutional and Parliamentary Studies*, Jan-March 1971, pp. 1—7.)
- Grass Roots of Democracy by H. N. Pandit (*Caravan*, July 2, 1971, pp. 11—14).
- Honesty in Democracy by K.P.S. Menon (*Indian Express*, July 26, 1971).
- Party System in a Democracy by Hem Barua (*Indian Nation*, June 21, 1971).
- Social Democracy and Communism by K. C. S. (*Indian Express*, July 8, 1971).

Elections

- Election Campaigns in Democratic countries by Ernest Cunco (*INFA Feature*, June 24, 1971).

Elections in Indonesia: Golkar's Victory and After by N. S. Muthana (*Statesman*, July 27, 1971).

Lok Sabha Elections 1971: A post Mortem by M. M. Shankhdher (*Parliamentary Studies*, July 1971, pp. 13—16 & 27).

What should be Voting Age? by Payan Chaudhary (*INFA Feature*, Aug. 17, 1971).

International Law

Some Lessons in International Law from the Barbarity in Bangladesh by A. K. Patrithran (*Eastern Journal of International Law*, July, 1971, pp. 89—111).

Taiwan: A Problem of International Law or politics? by William M. Bueler (*World Today*, June, 1971, pp. 256—66).

Legal and Constitutional Matters

Amending the Constitution by J. C. Shah (*Public Affairs*, Aug., 1971 pp. 183—190).

Amending the Constitution by Frank Anthony (*Indian Express*, August 4, 1971).

Appointment of the Chief Justice of India by M. M. Dave (*Current events*, August, 1971, pp. 33—34).

Article 31 in the Constituent Assembly by Renuka Ray (*National Herald*, Aug. 2, 1971).

Beginning of the End? Amendement of Fundamental Rights? by M. R. Masani (*Statesman*, Aug. 3, 1971).

Certain Basic rights are Inalienable by Vidyarthi Chatterjee (*INFA Feature*, July 19, 1971).

Change in the Constitution of India? by Ukshin Toti (*Review of International Affairs*, June 20, 1971, pp. 25—27).

Changing role of Governors by Muslaihuddin Ahmed (*Maimream* Aug. 28, 1971, pp. 31 & 42).

Committed Judiciary by J. L. Jawahar (*Caravan*, July 1, 1971, pp. 13—14).

Constitution: An Opening Unexplored by Rashced Talib (*Hindustan Times*, August 9, 1971).

- Constitution at Work: No Substitute for Wisdom by S. Sahay, (*Current Events*, Aug. 1971, pp. 34-35 & 81).
- Constitution and Progress by V. Krishnamurthi (*Public Affairs*, Aug., 1971, pp. 191—98).
- Constitution Protection for Religious Practices by M. A. Srinivasan (*Hindu*, Aug. 18, 1971).
- Governors and Dissolution of Assembly by N. S. Gehlot (*Mainstream*, Aug. 28, 1971, pp. 29-30).
- Governor's Responsibility and Powers by V. B. Kulkarni (*Indian Express*, June 16, 1971).
- Guidelines for Governors: Some Do's and Don'ts are Essential by Inder Malhotra (*Times of India*, June 21, 1971).
- Habeas Corpus in Family Law by Ram Singh (*Journal of International Law Institute*, Oct.—Dec., 1970, pp. 545—72).
- Historic changes in the Constitution: Scope of Amending Bills (*Mail*, August 1, 1971).
- Imposition of President's Rule—Use and Abuse of Article 356 by C. P. Barthwal (*Parliamentary Studies*, Aug. 1, 1971, pp. 18—21).
- Judges Salaries—Other Side of the Medal by P. N. Duda (*Young India*, Aug. 26, 1971, pp. 6—8).
- Judicial Review. Right to Property and Constitutional Amendment by Shiviah (*Journal of Constitutional and Parliamentary Studies*, Jan.—March, 1971, pp. 77—105).
- Legal and Constitutional Aspects of Trial of Mujib by N. Rajagopala Iyengar (*Mail*, Aug. 19, 1971).
- Legal Aspects of Property Right by A. N. Mulla (*Careers Digest*, August 1971, pp. 645-46).
- Making Problem a Reality: The Role of Judiciary and the Bar by S. M. Sikri (*Social Welfare*, June, 1971, pp. 3 & 27).
- Need for Changes in the Constitution by D. P. Singh (*Patriot*, July 16, 1971).
- Personal Liberty and Preventive Detention by N. S. Gehlot (*Parliamentary Studies*, July, 1971, pp. 23—27).

- Relations between the Indian President and the Prime Minister** by C. S. Venkatachar (*Indian Quarterly*, April-June, 1971, pp. 103—113).
- Rights, Property and Privy Purses** by S.K. Chaube (*Mainstream*, July 3, 1971).
- Rule of Law in Free India** by A. K. Srinivasamurthy (*States*, August 21, 1971, pp. 22—23).
- Should Governors Govern?** by Vishnu Sahay (*States*, July 24, 1971, pp. 12—15).
- Supreme Court and Parliament** by P. Kodanda Rao (*Swarajya*, July 17, 1971, pp. 9—10).
- Will Constitutional Changes Erode Fundamental Rights?** by K. Ranga-swamy (*Foreign News and Feature*, July 31, 1971).

Parliamentary Affairs

- Can Parliament Amend Fundamental Rights?** by V. Shankar (*Indian Express*, July 29, 1971).
- Constitution, Fundamental Rights and Parliament** by Yash Pal Chhibbar (*Mainstream* Aug. 21, 1971, pp. 13—14).
- Depoliticizing the Indian Speaker** by Dalip Singh (*Journal of Constitutional and Parliamentary Studies*, Jan.—March, 1971, pp. 106—115).
- Fundamental Rights—Can Parliament Change?** by K. Subha Rao (*Motherland*, July 26, 1971).
- Indian Prime Minister—A Plea for Institutionalization of Powers** by Harish Khare (*Journal of Constitutional and Parliamentary Studies*, Jan.—March, 1971, pp. 22—50).
- Parliamentary Control and Nationalised Industries in India** by Raj Kishore Sinha (*Economic Affairs*, June, 1971, pp. 265—75).
- Parliament's Power to Amend the Constitution** (*Parliamentary Studies*, Aug., 1971, pp. 16—17).
- Political Socialization of Legislators in Orissa—An Empirical Study of 1967 Assembly** by Mahindra Kumar Mahapatra (*Journal of Constitutional and Parliamentary Studies*, Jan.—March, 1971, pp. 116—27).

Prime Minister and Parliament by Hiren Mukherjee, (*Parliamentary Studies*, Aug., 1971, pp. 11—15 & 24).

Sovereignty of Parliament and the Fundamental Rights by K. V. Raghunatha Reddy (*Social India*, July 31, 1971, pp. 9—10).

Political Parties

CPI and Congress (R): A Multi-Dimensional Approach by Hiranmay Karelkar (*Statesman*, August 7, 1971).

Emergence and Eclipse of Muslim-Majlis-e-Mushawarat by Zaheer Masood Quraishi (*Economic and Political Weekly*, June 19, 1971, pp. 1229—36).

Ending Defection Politics by S. N. Dwivedy (*Tribune*, July 17, 1971).

Party System in a Democracy by Hem Barua (*Indian Nation*, June 26, 1971).

PSP-SSP Merger : Total Revision of Perspective by Sishir Kumar (*Mainstream*, Aug. 7, 1971, pp. 13 & 37).

S.S.P.-P.S.P. Merger is a Historical Necessity: Opposition to Alliance A Passing Phase by Prem Bhasin (*Mail*, July 6, 1971).

Unification of the PSP and the SSP by Amrit Kumar Nag (*Janata*, Independence Day, 1971, November, p. 42).

Public Administration

Administration: A case for Rationalization by Asok Chanda (*Statesman*, July 19, 1971).

Administrative Elite and Political Modernisation in India: A study of the Value-attitudes of IAS Probationers 1970-71 by C. P. Bhambhri (*Indian Journal of Public Administration*, Jan.—March, 1971, pp. 47—64).

Administrative Problems of Developing Countries by Bharat Bhushan Gupta (*Current Events*, August, 1971, pp. 41—43).

Administrative Reform in Britain by Richard A. Chapman (*Administration*, Winter, 1970, pp. 326—41).

Central Vigilance Commission—Its Role in Administrative Vigilance by L. M. Bhatia (*Indian Journal of Public Administration*, Jan.—March, 1971, pp. 65—75).

- Public Administration: the Challenge of the Seventies** by Ram K. Vepa (*Indian Journal of Public Administration*, Jan.—March, 1971, pp. 10—32).
- Reform of Local Government in Great Britain and Northern Ireland** by Owen A. Hartley (*Public Administration*, Dec. 1970, pp. 303—18).
- Reorganisation of Local self-Government** by Sriraj Dhrangadhra (*Journal of Constitutional and Parliamentary Studies* Jan.—March, 1971, pp. 51—64).
- United States Civil Service Commission: Its Place in the Machinery of Government** by R. B. Jain (*Indian Journal of Public Administration*, Jan.—March, 1971, pp. 86—116).

APPENDIX I

Statement showing the work transacted during the Second Session of the 9th Lok Sabha

1. PERIOD OF THE SESSION—	24th May to 12th August, 1971	
2. NUMBER OF MEETINGS HELD—		59
3. TOTAL NUMBER OF SITTING HOURS—	396 hours and 3 minutes	
4. NUMBER OF DIVISIONS HELD—		26
5. GOVERNMENT BILLS :		
(i) Pending at the commencement of the Session		Nil
(ii) Introduced		29
(iii) Laid on the Table as passed by Rajya Sabha		6
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table		Nil
(v) Referred to Select Committee		1
(vi) Referred to Joint Committee		Nil
(vii) Reported by Select Committee		Nil
(viii) Reported by Joint Committee		Nil
(ix) Discussed		31
(x) Passed		29
(xi) Withdrawn		Nil
(xii) Negatived		Nil
(xiii) Part-discussed		Nil
(xiv) Discussion postponed		Nil
(xv) Returned by Rajya Sabha without any recommendation		12
(xvi) Motion for CONCURRENCE to refer the Bill to Joint Committee Adopted		2
(xvii) Pending at the end of the Session		6
6. PRIVATE MEMBERS' BILLS:		
(i) Pending at the commencement of the Session		17
(ii) Introduced		50
(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		10
(vii) Passed		Nil
(viii) Withdrawn		7
(ix) Negatived		1
(x) Circulated for eliciting opinion		Nil
(xi) Part-discussed		1

(xii) Discussion postponed	1
(xiii) Motion for circulation of Bill negative	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of Pending Bills	Nil
(xvi) Pending at the end of the Session	59

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193:

(Matters of Urgent Public Importance)

(i) Notices received	134
(ii) Admitted	6
(iii) Discussion held	6

8. NUMBER OF STATEMENTS MADE UNDER RULE 197:

(Calling attention to matters of urgent public importance)

Statements made by Ministers	48
--	----

9. HALF-AN-HOUR DISCUSSIONS HELD 19

10. STATUTORY RESOLUTIONS:

(i) Notices received	19
(ii) Admitted	10
(iii) Moved	8
(iv) Adopted	5
(v) Negative	3
(vi) Withdrawn	Nil

11. GOVERNMENT RESOLUTIONS:

(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2

12. PRIVATE MEMBERS' RESOLUTIONS: 8

(i) Received	10
(ii) Admitted	10
(iii) Discussed	5
(iv) Withdrawn	1
(v) Negative	2
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	

13. GOVERNMENT MOTIONS:

(i) Notices received	6
(ii) Admitted	6
(iii) Moved	2

(iv) Adopted	Nil
(v) Discussed	2
14. PRIVATE MEMBERS' MOTIONS:	
(i) Received	124
(ii) Admitted	28
(iii) Moved	1
(iv) Adopted	Nil
(v) Discussed	1
(vi) Negative	Nil
(vii) Part-discussed	Nil
(viii) Withdrawn	Nil
15. MOTIONS Re: MODIFICATION OF STATUTORY RULES:	
(i) Received	} Nil
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
(v) Negative	
(vi) Withdrawn	
(vii) Part-discussed	
16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION	
	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	
	46,755
18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	
	2133 on 11-8-1971
19. NUMBER OF ADJOURNMENT MOTIONS:	
(i) Brought before the House	Nil
(ii) Admitted and discussed	Nil
(iii) Barred in view of adjournment Motion admitted on the subject	Nil
(iv) Consent withheld by Speaker outside the House	28
(v) Consent given by Speaker but leave not granted by House	Nil
20. TOTAL NUMBER OF QUESTIONS ADMITTED:	
(i) Starred	1,740
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	7,969
(iii) Short-notice Questions	6
21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO THE LOK SABHA:	
(i) Estimates Committee	6
(ii) Public Accounts Committee	12
(iii) Committee on Public Undertakings	Nil
(iv) Business Advisory Committee	4
(v) Committee on Absence of Members from the sittings of the House	3

(vi) Committee on Subordinate Legislation	Nil
(vii) Committee on Petitions	Nil
(viii) Committee of Privileges	Nil
(ix) Committee on Private Members Bills and Resolutions	5
(x) Committee on Government Assurances	1
(xi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	Nil
(xii) Joint Committee on Offices of Profit	Nil
(xiii) Rules Committee	Nil
22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	9
23. PETITIONS PRESENTED	Nil
24. NAMES OF NEW MEMBERS SWORN WITH DATES AND CONSTITUENCIES:	

S. No.	Names of Members Sworn	Date on which Sworn	Constituency
1.	Shri Chow Chandret Gobain	24-5-71	N.E.F.T., Assam.
2.	Shri Jambhwantrao Bapurao Dhote	24-5-71	Nagpur, Maharashtra.
3.	Shri Virbhadra Singh	24-5-71	Mandi, Himachal Pradesh.
4.	Shri Shyam Sunder Mohapatra	26-5-71	Balsore, Orissa.
5.	Srimatibai M. Godfrey	29-6-71	Anglo-Indian
6.	Shri Kusok Bakula	21-6-71	Ladakh, Jammu & Kashmir

APPENDIX II

A.—Statement showing the work transacted during the 76th Session of Rajya Sabha

1. PERIOD OF THE SESSION—	24th May, 1971 to 25th June, 1971
2. NUMBER OF MEETINGS HELD—	25 days.
3. TOTAL NUMBER OF SITTING HOURS—	150 hrs. 44 minutes
4. NUMBER OF DIVISIONS HELD—	2

5. GOVERNMENT BILLS:

(i) Pending at the commencement of the session	9
(ii) Introduced	4
(iii) Laid on the Table as passed by Lok Sabha	8
(iv) Returned by Lok Sabha with any amendment/recommendation and laid on the Table	Nil
(v) Referred to Select Committee	Nil
(vi) Referred to Joint Committee	1
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	13
(x) Passed	12
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Returned by Lok Sabha without any recommendation	5
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the session	9

6. PRIVATE MEMBERS' BILLS:

(i) Pending at the commencement of the session	60
(ii) Introduced	6
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	2
(vii) Passed	Nil
(viii) Withdrawn	1
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil

(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the session	65
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176: (Matters of Urgent Public Importance)	
(i) Notices received	13
(ii) Admitted	4
(iii) Discussion held	4
8. NUMBER OF STATEMENTS MADE UNDER RULE 180: (Calling attention to matters of urgent public importance)	
Statements made by Ministers	23
9. HALF-AN-HOUR DISCUSSIONS HELD	3
10. STATUTORY RESOLUTIONS:	
(i) Notices received	4
(ii) Admitted	4
(iii) Moved	3
(iv) Adopted	Nil
(v) Negatived	3
(vi) Withdrawn	1
11. GOVERNMENT RESOLUTIONS:	
(i) Notice: received	3
(ii) Admitted	3
(iii) Moved	3
(iv) Adopted	3
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	7
(ii) Admitted	7
(iii) Discussed	1 (not concluded)
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS:	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil

14. PRIVATE MEMBERS' MOTIONS :

(i) Received	24
(ii) Admitted	18
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil

15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULES

(i) Received	1	[Motion for Amendment of
(ii) Admitted	1	Conduct of Elections
(iii) Moved	1	(Second Amendment)
(iv) Adopted	Nil	Rules, 1971]
(v) Negatived	3	
(vi) Withdrawn	Nil	
(vii) Part-discussed	Nil	

16. NUMBER OF PARLIAMENTARY COMMITTEES CATA- 2
 LYGED, IF ANY, DURING THE SESSION. 1. Joint Committee of the
 Houses on the Advocates
 (Amendment) Bill, 1970
 2. General Purpose Com-
 mittee.

17. TOTAL NUMBER OF VISITORS' PASSES ISSUED 4593
 DURING THE SESSION

18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED 280 (25-6-1971)
 ON ANY SINGLE DAY AND DATE ON WHICH ISSUED.

19. NUMBER OF MOTION FOR PAPERS UNDER RULE 167

(i) Brought before the House	Nil
(ii) Admitted and discussed	Nil

20. TOTAL NUMBER OF QUESTIONS ADMITTED:

(i) Starred	598
(ii) Unstarred (including Starred Questions con- verted as Unstarred Questions)	1250
(iii) Short-notice Questions	Nil

21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY
 COMMITTEES PRESENTED TO/LAID ON THE TABLE
 OF THE RAJYA SABHA:

(i) Public Accounts Committee	Nil
(ii) Committee on Public Undertakings	Nil
(iii) Business Advisory Committee	Nil
(iv) Committee on Subordinate Legislation	1 (Tenth Report)
(v) Committee on Petitions	1 (Twenty-eighth Report)
(vi) Committee of Privileges	2 (Thirteenth Report, Fourteenth Report)
(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	Nil
(viii) Joint Committee on Offices of Profit	Nil
(ix) Rules Committee	Nil

22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	5
23. PETITIONS PRESENTED	1 (on 21-6-1971)
24. NAMES OF NEW MEMBERS SWORN IN WITH DATES :	

S.No.	Names of Members Sworn	Date on which Sworn
1.	Shri Biju Patnaik	24-5-71
2.	Shri Vithal Gadgil	24-5-71
3.	Shri Dinkeshore Prasad Singh	18-6-71
4.	Shri Bindeshwari Prasad Singh	18-6-71

ii.—Statement showing the Work transacted during the 71st Session of Rajya Sabha :

1. PERIOD OF THE SESSION	19th July to 14th August, 1971.
2. NUMBER OF MEETINGS HELD	20
3. TOTAL NUMBER OF SITTING HOURS	34 hours 48 minutes.
4. NUMBER OF DIVISIONS HELD	8
5. GOVERNMENT BILLS:	
(i) Pending at the commencement of the session	9
(ii) Introduced	4
(iii) Laid on the Table as passed by Lok Sabha	15
(iv) Returned by Lok Sabha with any amendment/recommendation and laid on the Table	Nil
(v) Referred to Select Committee	Nil
(vi) Referred to Joint Committee	1
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	14
(x) Passed	13
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Returned by Lok Sabha without any recommendation	7
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the session	15
6. PRIVATE MEMBERS' BILLS:	
(i) Pending at the commencement of the session	65
(ii) Introduced	1
(iii) Laid on the Table as passed by Lok Sabha	Nil

(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Passed	Nil
(viii) Withdrawn	Nil
(ix) Negotiated	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill <i>negotiated</i>	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the session	66

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176:

(Matters of Urgent Public Importance)

(i) Notices received	33
(ii) Admitted	2
(iii) Discussion held	1

7A. DISCUSSION ON THE WORKING OF THE ADVERTISED:

(i) Notices received	97
(ii) Number of discussions admitted	4
(iii) Discussions held	3

8. NUMBER OF STATEMENTS MADE UNDER RULE 180:

(Calling attention to matters of urgent public importance)

Statements made by Ministers	17
--	----

9. HALF-AN-HOUR DISCUSSIONS HELD

2

10. STATUTORY RESOLUTIONS:

(i) Notices received	3
(ii) Admitted	3
(iii) Moved	3
(iv) Adopted	2
(v) Negotiated	1
(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	3
(ii) Admitted	3

(iii) Discussed	1	(Discussion not concluded)
(iv) Withdrawn	Nil	
(v) Negative	Nil	
(vi) Adopted	Nil	
(vii) Part-discussed	Nil	
(viii) Discussion postponed	Nil	
13. GOVERNMENT MOTIONS:		
(i) Notices received	3	
(ii) Admitted	3	
(iii) Moved & discussed	1	
(iv) Adopted	Nil	
(v) Part-discussed	Nil	
14. PRIVATE MEMBERS' MOTIONS:		
(i) Received	16	
(ii) Admitted	18	
(iii) Moved	Nil	
(iv) Adopted	Nil	
(v) Part-discussed	Nil	
(vi) Negative	Nil	
(vii) Withdrawn	Nil	
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE:		
(i) Received	} Nil	
(ii) Admitted		
(iii) Moved		
(iv) Adopted		
(v) Negative		
(vi) Withdrawn		
(vii) Part-discussed		
16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION.		One. (The Joint Com. mitee on the Prevention of Water Pollution Bill, 1969)
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION		3402
18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED.		421 (on the 14th Aug., 1971.)
19. NUMBER OF MOTIONS FOR PAPERS UNDER RULE 167:		
(i) Brought before the House	Nil	
(ii) Admitted and discussed	Nil	
20. TOTAL NUMBER OF QUESTIONS ADMITTED:		
(i) Starred	532	
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	1046	
(iii) Short-notice Questions	2	

21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO/LAID ON THE TABLE OF THE RAJYA SABHA:

(i) Public Accounts Committee	12
(ii) Committee on Public Undertakings	Nil
(iii) Business Advisory Committee	Nil
(iv) Committee on Subordinate Legislation	Nil
(v) Committee on Petitions	Nil
(vi) Committee on Privileges	Nil
(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	Nil
(viii) Joint Committee on Offices of Profit	Nil
(ix) Rules Committee	Nil

22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE Two

23. PETITIONS PRESENTED Two

24. NAMES OF NEW MEMBERS SWORN-IN WITH DATES :

Sl. No.	Name of Member sworn	Date on which sworn
1.	Sbdl Sitaram Keeri (Bihar)	19-7-1971
2.	Shri M. Kamalanathan (TamilNadu)	21-8-1971

APPENDIX III

Summary showing the activities of the State Legislatures during the period 1st June to 14th August, 1971 *

Sessions held	Bills Passed		No. of Questions				Short Notice		Committees at Work		No. of Reports Presented
	Govt.	Private members	Starred		Unstarred		Recd.	Admtd.	Name of the Committee	Sittings held	
			Recd.	Admtd.	Recd.	Admtd.					
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh Legislative Assembly											
(i) Two (From 11-3-71 to 25-3-71)--11 sittings	9	—	1023	83†	11	65*‡	24	5	Public Accounts Committee	15	2
(ii) (From 19-7-71 to 30-7-71)--11 sittings	5	—	617	574	—	410@	156‡	26	Estimates Committee	7	4
									Committee on Government Assurances	9	—
									Committee on Privileges	2	2
									Committee on Subordinate Legislation	23	—
									<i>Joint/Select Committees :</i>		
									Joint/Select Committee on the Andhra Pradesh Industrial Relations Commission Bill, 1970.	18	1

*Information in the case of Andhra Pradesh, Bihar, Kerala and Madhya Pradesh also covers the period 1st February to 31st May, 1971 as the same could not be included in the July, 1971 issue of the Journal.

Information relating to Mysore and West Bengal cover only the period between 1st February to 31st May, 1971.

† Includes 11 short notice questions admitted as starred questions.

*‡ Includes 64 starred questions and 1 short notice admitted as unstarred.

@ Starred questions admitted as unstarred.

‡ 40 admitted as starred and 1 unstarred question.

	1	2	3	4	5	6	7	8	9	10	11	12	
Agass Legislative Assembly													
No. Sessions	..	..	..	..	..	..	..	..	..		16	—	
											Estimates Committee	2	—
											Committee on Government Assurances	7	—
											Committee on Petitions	2	—
											Committee on Privileges	2	—
(Bihar Legislative Council)													
(i) (From ^{Two} 15-3-1973 to 2-4-73) 12 sittings	3	—	767	479	—	50	73	27			Committee on Public Undertakings	20	—
(ii) (From 3-6-73 to 13-7-73) 31 sittings	6	—	755	628	—	60	172	99			Business Advisory Committee	4	4
											Committee on Government Assurances	16	—
											Committee on Petitions	12	—
											Committee on Private Members' Bills and Resolutions	3	3
											Committee on Privileges	10	—
											Committee on Subordinate Legislation	16	—

House Committee/Members Accommodation Committee . . . 7 ..
 Library Committee . . . 13 ..
 Rules Committee . . . 5 ..

Bills Legislative Assembly

2	..	410	335	260	245	360	265	Public Accounts Committee . . .	55	6
								Estimates Committee . . .	1	..
								Committee on Public Undertakings . . .	2	2
								Business Advisory Committee . . .	2	2
								Committee on Government Assurance . . .	26	1
								Committee on Petitions . . .	29	..
								Committee on Privileges . . .	16	..
								Committee on Subordinate Legislation . . .	8	2
								House Committee/Members Accommodation Committee . . .	3	..
								Committee on Canteens . . .	3	..

One
 (From 16-3-71 to 1-4-71)
 —12 sittings . . .

	1	2	4	4	5	6	7	8	9	10	11	12
Haryana Legislative Assembly												
One (From 2-8-71 to 5-8-71) —4 sittings	15	..	226	148	63	38	..	..		
										Public Accounts Committee	7	..
										Estimates Committee	10	
										Business Advisory Committee	3	..
										Committee on Government Assurances	10	
										Committee on Subordinate Legislation	113	[..
										House Committee / Members Accommodation Committee	1	..
										Library Committee	2	
Jammu & Kashmir Legislative Council												
No Session			..				..			Committee on Privileges	2]
										Committee on Subordinate Legislation	1	
										General Purposes Committee	1	
Jammu & Kashmir Legislative Assembly												
No session				..	..	..				Public Accounts Committee	16	

									Estimates Committee	9		
									Committee on Public Undertakings	7		
									Committee on Government Assurances	4		
									Committee on Subordinate Legislation	4		
									Library Committee	5		
				Kerala Legislative Assembly								
	Two								Public Accounts Committee	20	5	
(i)	(From 12-3-71 to 30-4-71)	20	—	1233	963	1456	890	36	9	Estimates Committee	17	2
	— 31 sittings									Committee on Public Undertakings	21	3
(ii)	(From 12-7-71 to 31-7-71)	7			628		531			Business Advisory Committee	6	6
	— 13 sittings									Committee on Government Assurances	2	—
										Committee on Pensions	7	1
										Committee on Privileges	1	1
										Committee on Subordinate Legislation	14	—
				Madhya Pradesh Legislative Assembly								
	One									Public Accounts Committee	11	1
	(From 9-3-71 to 10-4-71)	10	—	856	503	243	179	24	3	Estimates Committee	6	1
	— 19 sittings											

*No session was held during the period 1st June to 14th August, 1971. Statistics pertaining to Committees, however, covers this period also.

I	2	3	4	5	6	7	8	9	10	XI	XII
											12

Business Advisory Committee	4	2									
Committee on Government Assurances	4										
Committee on Petitions	7	1									
Committee on Private Members' Bills and Resolutions	3	3									
Committee on Privileges	9	1									
Committee on Delegated Legislation	4	1									
Rules Committee	1										
Joint/Select Committees :											
Select Committee on the Madhya Pradesh Vishwa Vidyalaya Bill, 1968	4										
Select Committee on the Madhya Pradesh Gramdan Bill, 1969	6										
Select Committee on the Madhya Pradesh Krishi Utpaj Mandi Bill, 1970	6										

Madhya Pradesh Legislative Council

One	99	12	11	3		
(From 15-3-71 to 18-3-71)						
—4 sittings						

Madhya Pradesh Legislative Assembly

One	115	70	8	6	1	
(From 15-3-71 to 18-3-71)						
—4 sittings						

House Committee/Members Accommodation Committee	1					
Estimates Committee	3					

House Committee	1	..							
Public Accounts Committee	6	3							
Estimates Committee	6	..							
Committee on Public Undertakings	7	..							
Committee on Government Assurances	2	..							
Committee on Petitions	1	..							
Committee on Subordinate Legislation	2	..							

Ordinary Legislative Assembly

One (From 28-6-73 to 4-8-74) 26 sittings	6	..	1948	717	1465*	1415	359	78	
No session	..	..	..	..	..	..	..	..	..

Subordinate Legislative Assembly

Public Accounts Committee	11	..							
Estimates Committee	16	..							
Committee on Public Undertakings	31	..							
Committee on Government Assurances	18	..							
Committee on Petitions	20	..							
Committee on Privileges	7	..							
Committee on Subordinate Legislation	13	..							

* Including 698 starred questions treated as unstarred questions.

	1	2	3	4	5	6	7	8	9	10	11	12
										House Committee/Members Accommodation Committee	7	
										Sub Committee on Parliamentary Conventions	2	..
										Tamil Nadu Legislative Council		
One (From 19-6-71 to 31-7-71) —21 sittings		25	—	418	159	28	28	61	24	Business Advisory Committee	3	
										Committee on Government Assurances	1	1
										House Committee / Members Accommodation Committee	2	..
										Press Advisory Committee	1	..
										Tamil Nadu Legislative Assembly		
One (From 19-6-71 to 30-7-71) —36 sittings		25		1075	580		47	94	8	Public Accounts Committee	1	2
										Estimates Committee	2	4
										Committee on Government Assurances	4	1
										Committee on Subordinate Legislation	1	2
										House Committee	1	..
										Tripura Legislative Assembly		
One (From 21-6-71 to 25-6-71) —5 sittings	1			180	90		22	4	1	Public Accounts Committee	8	—

									Estimates Committee	6	..
									Committee on Public Under- takings	..	..
									Business Advisory Committee	1	1
									Committee on Privileges	2	2
									Committee on Subordinate Legislation	2	..
									House Committee / Members Accommodation Committee	2	1
									Uttar Pradesh Legislative Council		
One —22 sittings	4	..	168	143	2	2	115	86	Committee on Government Assurances	10	..
				]					Committee on Privileges	1	..
									Rules revising Committee	4	..
									Committee on delayed announce- ment of results with-held by U.P. High School and Intermediate Boards	7	..
									Committee on Uttar Pradesh Public Business	8	..
									Committee on the use of unfair means and assault on invigila- tors by students during exa- minations conducted by Higher Secondary Council of Uttar Pradesh in 1970	11	..

•Notices were received as stated but were admitted as unstarred.

	1	2	3	4	5	6	7	8	9	10	11	12
Committee on Regulation of Kampan and Meran Univer- sities											5	..
Committee on Gaps and Cul- tural Activities											1	..
Committee on Utility of Second Cabinets											5	..
West Bengal Legislative Assembly												
One From 3-5-71 to 27-5-71 —10 sitting days	369	178	124	97	54	4	1	..

Note : No later information was received from Gujant, Mysore, Punjab and West Bengal. These entries were updated from President's releases 13-5-71, 14-4-71, 13-6-71 and 26-6-71 respectively. No information was received at all from Himachal Pradesh, Maharashtra and Nagaland.

APPENDIX IV

List of Bills passed by the Houses of Parliament and assented to by the President during the period 1st June, 1971 to 12th August, 1971

S. No.	Title of the Bill	Date of Assent by the President
1.	The General Insurance (Emergency Provisions) Bill, 1971	17-6-1971
2.	The Manipur Appropriation (No. 2) Bill, 1971	19-6-1971
3.	The Appropriation (Railways) (No. 2) Bill, 1971	23-6-1971
4.	The Beagal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Bill, 1971	23-6-1971
5.	The Gold (Control) Amendment Bill, 1971	24-6-1971
6.	The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 1971	24-6-1971
7.	The Mysore State Legislature (Delegation of Powers) Bill, 1971	26-6-1971
8.	The Delhi Sikh Gurdwaras (Management) Bill, 1971	26-6-1971
9.	The Punjab Appropriation Bill, 1971	28-6-1971
10.	The Maintenance of Internal Security Bill, 1971	2-7-1971
11.	The Mysore Appropriation (No. 2) Bill, 1971	30-7-1971
12.	The West Beagal Appropriation (No. 2) Bill, 1971	30-7-1971
13.	The Gujarat Appropriation Bill, 1971	30-7-1971
14.	The Appropriation (No. 2) Bill, 1971	31-7-1971
15.	The West Beagal State Legislature (Delegation of Powers) Bill, 1971	7-8-1971
16.	The Finance (No. 2) Bill, 1971	10-8-1971
17.	The Indian Telegraph (Amendment) Bill, 1971	10-8-1971
18.	The Medical Termination of Pregnancy Bill, 1971	10-8-1971
19.	The Gujarat State Legislature (Delegation of Powers) Bill, 1971	10-8-1971
20.	The Punjab State Legislature (Delegation of Powers) Bill, 1971	10-8-1971
21.	The Central Board of Direct Taxes (Validation of Proceedings) Bill, 1971	14-8-1971
22.	The Appropriation (No. 3) Bill, 1971	15-8-1971
23.	The Agricultural Reinsurance Corporation (Amendment) Bill, 1971	15-8-1971
24.	The Public Premises (Eviction of Unauthorised Occupants) Bill, 1971	23-8-1971

APPENDIX V

List of Bills passed by State Legislatures during the period 1st June to 14th August, 1971.*

Andhra Pradesh

- The Andhra Pradesh Essential Services Maintenance Bill, 1971.
- The Andhra Pradesh Municipalities (Second Amendment) Bill, 1971.
- The Housing Board (Amendment) Bill, 1971.
- The Andhra Pradesh Sugar-Cane Assessment (Repeal) Bill, 1971.
- The Andhra Pradesh Ceiling on Agricultural Holdings (Second Amendment) Bill, 1971.
- The Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1971.
- The Andhra Pradesh (Appropriation Vote on Account) Bill, 1971.
- The Andhra Pradesh Appropriation Bill, 1971.
- The Andhra Pradesh Appropriation (No. 2) Bill, 1971.
- The Andhra Pradesh Ceiling on Agricultural Holdings (Amendment) Bill, 1971.
- The Andhra Pradesh Motor Vehicles Taxation (Amendment) Bill, 1971.
- The Andhra Pradesh Motor Vehicles Taxation (Second Amendment) Bill, 1971.
- The Andhra Pradesh General Sales Tax (Amendment) Bill, 1971.
- The Andhra Pradesh (Telengana Area) Tenancy and Agricultural Lands (Amendment) Bill, 1971.

Bihar

- Bihar Appropriation (Vote on Account) Bill, 1971.
- Bihar Appropriation Bill, 1971.
- Bihar Appropriation (No. 2) Bill, 1971.
- Rajendra Agricultural University Bill, 1971.
- Chotanagpur and Sauthalparana Autonomous Development Authority Bill, 1971.

*Information in case of Andhra Pradesh, Bihar and Kerala covers the earlier period also as the same could not be included in the July, 1971 issue of the Journal.

Haryana

- The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1971.
- The East Punjab Utilisation of Lands (Haryana Amendment and Validation) Bill, 1971.
- The Land Improvement Loans (Haryana Amendment) Bill, 1971.
- The Punjab Legislative Assembly (Allowances of Members) Haryana Amendment Bill, 1971.
- The Haryana Municipal Common Lands (Regulation) Bill, 1971.
- The Punjab New Mandi Townships (Development and Regulation) Haryana Amendment Bill, 1971.
- The Haryana Appropriation (No. 3) Bill, 1971.
- The Punjab Passengers and Goods Taxation (Haryana Amendment and Validation) Bill, 1971.
- The Punjab Cooperative Societies (Haryana Amendment) Bill, 1971.
- The Punjab General Sales Tax (Haryana Amendment) Bill, 1971.
- The Haryana Cattle Fairs (Amendment) Bill, 1971.
- The Punjab Agricultural Produce Markets (Haryana Second Amendment) Bill, 1971.
- The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Bill, 1971.
- The Punjab Gram Panchayat (Haryana Second Amendment) Bill, 1971.
- The Punjab Panchayat Samities and Zila Parishads (Haryana Amendment) Bill, 1971.

Kerala

- The Kerala Appropriation (No. 1) Bill, 1971.
- The Kerala Appropriation (Vote on Account) Bill, 1971.
- The Kerala Municipalities (Second Amendment) Bill, 1971.
- The Kannan Devan Hills (Resumption of Lands) Bill, 1971.
- The Public Wakfs (Extension of Limitation) Kerala Amendment Bill, 1971.
- The Guruvayoor Devaswom Bill, 1971.
- The Koodalmanickam Devaswom Bill, 1971.
- The Madras Preservation of Private Forests (Amendment) Bill, 1971.
- The Madras Preservation of Private Forests (Second Amendment) Bill, 1971.

- The Kerala Motor Transport Workers' Payment of Fair Wages Bill, 1971.
 The Kerala Land Conservancy (Amendment) Bill, 1971.
 The Kerala State Housing Board Bill, 1971.
 The Agricultural Income-tax (Second Amendment) Bill, 1971.
 The Kerala Land Reforms (Amendment) Bill, 1971.
 The Kerala University (Amendment) Bill, 1971.
 The Sree Pandaravaka Lands (vesting and Enfranchisement) Bill, 1970.
 The Kerala Panchayats (Amendment) Bill.
 The Madras General Sales Tax (Revival and Special Provisions) Bill, 1971.
 The Kerala State Rural Development Board Bill, 1971.
 The Kerala Drugs and Other Stores (Unlawful Possession) Bill, 1970.
 The Agricultural Income Tax (Amendment) Bill, 1971.
 The Judicial Proceedings (Validation) Bill, 1971.
 The Kerala Places of Public Resort (Validation of Levy and collection of Licence Fee) Bill, 1971.
 The Travancore-Cochin Electricity Supply Surcharge (Repeal) Bill, 1971.
 The Motor Vehicles (Kerala Amendment) Bill, 1971.
 The Motor Vehicles (Kerala Second Amendment) Bill, 1971.
 The Kerala Appropriation (No. 2) Bill, 1971.

Madhya Pradesh

- Madhya Pradesh University Law (Amendment) Bill, 1971.
 Madhya Pradesh Profession, Business, Occupation and Employment Tax (Amendment) Bill, 1971.
 Madhya Pradesh Legislature Members' Disqualification Prevention (Amendment) Bill, 1971.
 Madhya Pradesh Appropriation (Vote on account) Bill, 1971.
 Madhya Pradesh General Sales Tax (Amendment and validation) Bill, 1971.
 Madhya Pradesh Appropriation (S. No. 3) Bill, 1971.
 Madhya Pradesh Weights and Measures (Enforcement) (Amendment) Bill, 1967.
 Government Grant (Madhya Pradesh Amendment) Bill, 1968.
 Madhya Pradesh Land—Revenue Code (Amendment) Bill, 1969.

Orissa

- The Bihar and Orissa Excise (Second Orissa Amendment) Bill, 1971.

The Orissa Agricultural Income-Tax (Amendment) Bill, 1971.*

The Orissa Motor Spirit (Taxation on Sales) (Amendment) Bill, 1971.*

The Orissa Appropriation (No. 1) Bill, 1971.

The Orissa Appropriation (No. 2) Bill, 1971.

The Orissa Appropriation (No. 3) Bill, 1971.

Tamil Nadu

The Tamil Nadu Town and Country Planning Bill, 1971.

The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1971.

The Madurai City Municipal Corporation Bill, 1971.*

The Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Bill, 1971.

The Holdings (Stay of Execution Proceedings) (Tamil Nadu Amendment) Bill, 1971.

The Madras City Civil Court (Amendment) Bill, 1971.

The Tamil Nadu Industrial Establishments (National and Festival Holidays) Amendment Bill, 1971.

The Tamil Nadu Inams Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1971.

The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 1971.

The Tamil Nadu Buildings (Lease and Rent Control) Validation of Proceedings Bill, 1971.*

The Tamil Nadu Urban Land Tax (Amendment) Bill, 1971.

The Tamil Nadu Agricultural Income-tax (Amendment) Bill, 1971.

The Tamil Nadu Abkari (Amendment) Bill, 1971.

The Motor Vehicles (Tamil Nadu Second Amendment) Bill, 1971.

The Tamil Nadu Sales Tax (Surcharge) Bill, 1971.

The Tamil Nadu Court Fees and Suits Valuation (Amendment) Bill, 1971.

The Tamil Nadu Buildings (Lease and Rent Control) Second Amendment Bill, 1971.

The Tamil Nadu Registration of Practitioners of Integrated Medicine (Amendment) Bill, 1971.

The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of Office) Bill, 1971.*

*Assented to. For other Bills of Tamil Nadu, the assent is awaited.

The Tamil Nadu Panchayata (Amendment) Bill, 1971.

The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1971.*

The Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Bill, 1971.

The Tamil Nadu Agricultural University (Amendment) Bill, 1971.

The Tamil Nadu Appropriation (No. 2) Bill, 1971.*

The Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari), Amendment Bill, 1971.

Uttar Pradesh

Uttar Pradesh Appropriation (Second Vote on Account) Bill, 1971.

Uttar Pradesh Land Laws (Amendment) Bill, 1971.

Uttar Pradesh Store Acquisition (Continuance) Bill, 1971.

Uttar Pradesh High School and Intermediate College (Payment of the salaries of teachers and other employees) Bill, 1971.

Tripura

West Bengal Security (Tripura Re-enacting) Second Amendment Bill, 1971.

*Assented to by the Governor. For all other Bills of Tamil Nadu the assent is awaited.

APPENDIX VI

Ordinances issued during the period 1st June to 14th August, 1971

Subject	Date of Promulgation	Date on which laid before the Houses	Date of Cessation	Remarks whether subsequently withdrawn or approved or replaced by the Bill introduced
1	2	3	4	5
Centre				
The Calcutta Tramways Company (Taking over of Management) Amendment Ordinance, 1971.	17-7-71	28-7-71		..
Andhra Pradesh				
The Andhra Pradesh Essential Services Maintenance Ordinance, in 1971.	10-4-71	19-7-71	31-8-71	The A.P. Essential Services Maintenance Bill, 1971.
The Andhra Pradesh Relief Undertakings (Special Provisions) Ordinance, 1971.	6-5-71	19-7-71	31-8-71	The A.P. Relief Undertakings (Special Provisions) Bill, 1971.
Bihar				
Bihar Primary Education (Second Amendment) Ordinance, 1971.	24-4-71	16-3-71	26-4-71	Could not be passed by the House in the form of a Bill.
Bihar Sales Tax (Second Amendment) Ordinance, 1971.	24-4-71	16-3-71	26-4-71	Do.
Anugraha Naryan Siksha Social Studies Institute (Second Amendment) Ordinance, 1971.	25-4-71	16-3-71	26-4-71	Do.
Bihar University (Second Amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Do.
Bihar State University Commission (Second Amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Do.
Bihar House Lessee Rents and Eviction control (Second Amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Do.

1	2	3	4	5
Bihar Land Reforms (Validation and Second Amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Could not be passed by the House in the form of a Bill.
Bihar Land Reforms (Fixation of ceiling on land) and acquisition of surplus land (Second amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Do
Bihar (Public Service Motor Vehicles) passengers and goods taxation (Second Amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Do.
Bihar Municipality (Second Amendment) Ordinance, 1971	26-4-71	16-3-71	26-5-71	Do
Bihar tenancy (Second Amendment) Ordinance, 1971.	26-4-71	16-3-71	26-4-71	Do
Bihar Children Second Ordinance, 1971.	27-4-71	16-3-71	26-4-71	Do
Bihar Sugarcane (regulation of supply and purchase) Second Ordinance, 1971.	27-4-71	16-3-71	26-4-71	Do
Bihar District Board and Local Board Control and Management (Third Amendment) Ordinance, 1971.	28-4-71	16-3-71	26-4-71	Do.
Bihar Land and Water Conservation and Land Development, Second Ordinance, 1971.	15-5-71	16-3-71	26-4-71	Do.
Bihar Panchayat Rajya (Amendment) Ordinance, 1971.	15-5-71	16-3-71	26-4-71	Do.
Bihar Entertainment Tax (Second Amendment) Ordinance, 1971.	15-5-71	16-3-71	26-4-71	Do.
Bihar Khadi and Gram-Udyog (Second Amendment) Ordinance, 1971.	18-5-71	16-3-71	26-4-71	Do.
Bihar Industries Subsidary (Second Amendment) Ordinance, 1971.	18-5-71	16-3-71	26-4-71	Do.
Chhota Nagpur Tenancy (Second Amendment) Ordinance, 1971.	20-5-71	16-3-71	26-4-71	Do.
Bihar Hindu Religious Trust (Second Amendment) Ordinance, 1971.	20-5-71	16-3-71	26-4-71	Do.
Rajendra Agricultural University (Second Amendment), Ordinance, 1971.	20-5-71	16-3-71	26-4-71	Do.
Bihar Municipality (Third Amendment) Ordinance, 1971.	20-4-71	16-3-71	26-4-71	Do.

1	2	3	4	5
Motor Vehicles Bihar (Amendment) Ordinance, 1971.	20-4-71	16-3-71	26-4-71	Could not be passed by the House in the form of a Bill
Bihar Land Revenue (Exemption from Payment) (Amendment) Ordinance, 1971.	24-5-71	16-3-71	26-4-71	Do.
Chhota Nagpur and Santhal Pargana Autonomous Development Authority Ordinance, 1971.	29-5-71	16-3-71	26-4-71	Do.
Patna Municipal Corporation (Amendment) Ordinance, 1971.	29-5-71	16-3-71	26-4-71	Do.
Bihar Hindu Religious Trust (Third Amendment) Ordinance, 1971.	29-5-71	16-3-71	26-4-71	Do.
Bihar School Examination Board (Amendment) Ordinance, 1971.	6-5-71	16-3-71	26-4-71	Do.
Bihar University Law (Amendment) Ordinance 1971.	6-5-71	16-3-71	26-4-71	Do.
Haryana				
The Punjab Agricultural Produce Market (Haryana Amendment) Ordinance, 1971.	14-4-71	2-8-71		The Punjab Agricultural Produce Market (Haryana Amendment) Bill, 1971.
The Punjab General Sales Tax (Haryana Amendment) Ordinance, 1971.	26-5-71	2-8-71		The Punjab General Sales Tax (Haryana Amendment) Bill, 1971.
The Punjab Passengers and Goods Taxation (Haryana Amendment and Validation) Ordinance, 1971.	28-5-71	2-8-71		The Punjab Passengers and Goods Taxation (Haryana Amendment & Validation) Bill, 1971.
The Punjab Cooperative Societies (Haryana Amendment) Ordinance, 1971.	6-7-71	2-8-71		The Punjab Cooperative Societies (Haryana Amendment) Bill, 1971.
Kerala*				
The Kerala Land Reforms (Amendment) Ordinance, 1971.	30-1-71	15-3-71		
The Kerala Essential Services (Maintenance) Ordinance, 1971.	9-2-71	15-3-71	..	

*Information covers the period 1st Feb. to 31st May, 1971 also.

1	2	3	4	5
The Kerala Essential Services (Maintenance) (II Amendment) Ordinance.	18-2-71	15-3-71	..	..
The Kerala Motor Transport Workers Payment of Fair Wages Ordinance 1971.	21-2-71	15-3-71	..	..
The Koodalmanickam Devason Ordinance, 1971.	9-3-71	15-3-71	..	..
The Guruvayoor Devason Ordinance, 1971.	9-3-71	15-3-71	..	..
The Public Works (Extension of limitation) Kerala Amendment Ordinance, 1971.	9-3-71	15-3-71	—	..
The Agricultural Income-tax Amendment Ordinance, 1971.	9-3-71	15-3-71	—	..
The Cochin University Ordinance, 1971.	5-3-71	15-3-71	—	..
The Kerala Private Forests (Vesting and Assignment) Ordinance, 1971.	10-5-71	—	—	..
The Kerala Agricultural University Ordinance, 1971.	1-6-71	12-7-71	—	..
The Cochin University Ordinance, 1971.	7-7-71	12-7-71	—	..
The Motor Vehicles Taxation (Kerala Amendment) Ordinance.	1-6-71	12-7-71	—	..
Madhya Pradesh				
Madhya Pradesh Panchayat (Second Amendment) Ordinance, 1971.	7-6-71	—	—	—
Madhya Pradesh Kisan Upaj Mandi (Amendment and Validation) Ordinance, 1971.	5-7-71	—	—	—
Orissa				
The Sambalpur University (Vice-Chancellor continuance in office) Ordinance 1971.	27-5-71	28-6-71	10-8-71	Automatically ceased on the expiry of six weeks from 28-6-71.
Tamil Nadu				
The Madurai City Municipal Corporation Ordinance, 1971.	27-4-71	19-6-71	—	Replaced by the Madurai City Municipal Corporation Bill, 1971.

1	2	3	4	5
The Motor Vehicles (Tamil Nadu Second Amendment) Ordinance, 1971.	18-6-71	23-6-71	—	Replaced by the Motor Vehicles (Tamil Nadu Second Amendment) Bill, 1971
Uttar Pradesh				
Uttar Pradesh Kanpur and Meerut Universities (Second Amendment) Ordinance, 1971.	10-6-71	12-7-71	—	—
Uttar Pradesh Sugar Undertaking (Acquisition) Ordinance, 1971.	12-7-71	12-7-71	—	—
Uttar Pradesh Store Acquisition (Continuance) Ordinance, 1971	30-6-71	12-7-71	—	—
Uttar Pradesh Land Laws (Amendment) Ordinance, 1971.	29-6-71	12-7-71	—	—
Payment of Salaries of Teachers and other Employees of Uttar Pradesh High School and Intermediate Colleges (Amendment) Ordinance, 1971.	28-6-71	12-7-71	—	—

APPENDIX VII

I. Party Position in Lok Sabha

I.A. State-wise

(As on 15-9-1971)

Name of the State	Seats	Cong.	CPI (M)	CPI	DMK	J. S.	Cong. (O)	UIPG	Other Parties	Unatta- ched	Total
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh	41	29	1	1	..	..	..	..	10(a)	..	41
Assam	14	13	..	..	..	..	..	..	..	1	14
Bihar	53	38	..	5	..	2	3	1	2(b)	1	52 (1 vacant)
Gujarat	24	11	..	..	..	..	11	..	2(c)	..	24
Haryana	9	7	..	..	..	1	..	..	..	1	9
Himachal Pradesh	4	4	..	..	..	..	..	..	..	..	4
Jammu & Kashmir	6	5	..	..	..	..	..	..	..	1	6
Kerala	19	6	2	3	..	..	..	..	7(d)	1	19
Madhya Pradesh	37	21	..	..	..	10	..	5	1(e)	..	37
Maharashtra	45	42	..	..	..	..	..	..	2(f)	3	45
Mysore	27	27	..	..	..	..	..	..	..	..	27
Nagaland	1	..	..	..	..	..	..	1	..	..	1
Orissa	20	13	..	1	..	..	..	1	3(g)	..	18 (2 vacant)
Punjab	13	9	..	2	..	..	..	..	..	1	12* (2 vacant)
Rajasthan	23	14	..	..	..	5	..	2	2(h)	..	23
Tamil Nadu	39	8	..	4	22	..	1	..	2(i)	..	37 (2 vacant)

Uttar Pradesh . . .	85	79	..	5		4	1	..	..	1(j)	85
West Bengal . . .	40	13	20	3		..	..	1	2(k)	..	39
<i>Union Territories</i>											
Andaman & Nicobar Islands . . .	1	1	..	..	..	..	..	..	..	..	(1 vacant)
Chandigarh . . .	1	1	..	..	..	..	..	..	..	..	1
Dadra & Nagar Haveli . . .	1	1	..	..	..	..	..	..	..	..	1
Delhi . . .	7	7	..	..	..	..	..	..	..	..	1
Goa, Daman & Diu . . .	2	1	..	..	..	..	..	1	..	..	7
Laccadive, Minicoy & Amindivi Islands . . .	1	1	..	..	..	..	..	1	..	..	2
Manipur . . .	2	2	..	..	..	..	..	..	..	..	1
Pondicherry . . .	1	1	..	..	..	..	..	..	..	..	2
Tripura . . .	2	..	2	..	..	..	..	..	..	..	1
<i>Nominated</i>											
North East Frontier Tract . . .	1	1	..	..	..	..	..	..	..	..	1
Anglo-Indian . . .	2	..	..	..	..	..	..	2	..	..	1
TOTAL . . .	521	350	25	24	22	22	16	14	33	9	*515 (5 vacant)

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

- (a) Telengana Praja Samiti-10
 (b) Socialist Party-2
 (c) Swatantra-2
 (d) Muslim League-2, Revolutionary Socialist Party-2, Kerala Congress-3
 (e) Socialist Party-1
 (f) Socialist Party-1, Forward Bloc-1
 (g) Swatantra-3
 (h) Swatantra-2
 (i) Muslim League-1, Forward Bloc-1
 (j) Muslim League-1, Forward Bloc-1
 (k) Revolutionary Socialist Party-1, Socialist Party-1

(Appendix VII Contd.)

Party Position in Lok Sabha
B. Party-wise

S. No.	Name of Party/Group	Strength
1.	Congress Party	390
2.	C.P.I. (M)	25
3.	C.P.I.	24
4.	D.M.K.	22
5.	Jana Sangh	22
6.	Congress (Opposition)	16
7.	United Independent Parliamentary Group	14
8.	Other Parties :—	
	Telengana Praja Samiti]	10
	Swatantra	7
	Socialist Party	5
	Muslim League	3
	Revolutionary Socialist Party	3
	Kerala Congress	3
	Forward Block	3
9.	Unattached	9
10.	Vacancies*	5
		520 (Excluding Speaker)

*Details regarding vacancies :—

1. Koraput (ST)—Orissa Vice Shri Bhagirathi Gomas (Resigned).
2. Mayurbhanj (ST)—Orissa Vice Shri Manmohan Tudu (Resigned).
5. Murshidabad—West Bengal Vice Chowdhury Abu Taleb (Died).
4. Pollachi—Tamil Nadu Vice Shri B. Narayan (Died).
3. Darohange—Bihar Vice Shri Binodanan (Died).

II. Party Position

A. (State-wise)

(As on

States	No. of of Seats	Coag. (O)	JS	SWA	CPI	SP	CPI (M)	DMK	ML
A. P.	18	11	3	..	1	1	..	..	..
Assam	7	6	..	..	..	1	..	..	..
Bihar	20	12	1	1	..	2	3	..	..
Gujarat	11	4	3	1	2	..	..	..	..
Haryana	5	4	1	..	..	..	..	..	..
Himachal Pradesh	3	3	..	..	..	..	..	..	..
J. & K.	4	4	..	..	..	..	..	..	..
Kerala	9	..	..	..	3	1	2	..	1
Madhya Pradesh	16	9	1	4	..	..	..	..	..
Maharashtra	19	11	1	..	..	1	1	..	..
Mysore	12	4	5	..	..	..	1	..	..
Nagaland	1	1	..	..	..	..	..	..	..
Orissa	10	3	2	..	4	..	..	..	..
Punjab	7	3	..	1	..	..	..	..	..
Rajasthan	10	5	1	2	1	..	..	..	..
Tamil Nadu	18	2	3	..	3	..	..	1	6
Uttar Pradesh	34	14	8	4	..	1	3	..	..
West Bengal	16	3	1	..	..	2	..	5	..
Delhi	3	..	..	2	..	..	..	..	..
Manipur	1	1	..	..	..	..	..	..	..
Pondicherry	1	..	..	..	..	..	..	..	1
Tripura	1	1	..	..	..	..	..	..	..
Nominated	12	3	..	..	..	..	..	..	..
	240	104	30	15	11	10	10	8	7

(Appendix VII Contd.)

Party Position in Rajya Sabha
B. Party-wise

Sl. No.	Name of the Party/Group	Strength
1	Congress Party	104
2	Congress Party (Opposition)	30
3	Jan Sangh	15
4	Swatantra.	11
5	C.P.I.	10
6	S.S.P.	10
7	C.P.I. (M)	8
8	D.M.K.	7
9	Muslim League	4
10	B.K.D.	4
11	Other Parties	13*
12	Independent & Others	23
13	Vacancies	2
TOTAL		240

*Akali Dal—3; Republican Party—2; P S P—1, Forward Bloc—1; Forward Bloc (M)—1; Bangia Congress—1; Revolutionary Socialist Party—1; Samyukt Maharashtra Samiti—1; Telangana Praja Samiti—1; Utkal Congress—1.

III. Party position in State Legislatures Assemblies

States	Seats	Cong. (R)	Cong. (O)	Swat.	J.S.	C.P.I.	C.P.I. (M)	SSP	PSP	Rep.	Other Parties	Ind.	Nom.	Muslim League	Forward Bloc	DMK	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Andhra Pradesh (as on 31-7-71)	288	178	10	15	3	10	7	1	2	32(a)	15	1					275(i)
Assam (as on 14-8-71)	126	76		1		7		3	4	..	1(c)	2	..		..		114(d)
Bihar (as on 14-8-71)	319	104	22	2	30	25	2	51	17	..	31(e)	29	2				317(l)
Haryana (as on 14-8-71)	81	54	6		4				..	..	10(g)						78(h)
Jharkhal Pradesh (as on 19-11-70)	63	43 (hb)	..		7	2			..	..		11	..				63
Jammu & Kashmir (as on 14-8-71)	75	61			4				..	..	3(i)	2					70(j)
Kerala (as on 15-7-71)	134	33	3			16	33	6	3	..	28(k)	1	..	11	..	..	133(i)
Madhya Pradesh (as on 14-8-71)	297	191			64	1	..	7	3	..	18(m)	3	1		..	..	288(n)
Maharashtra (as on 26-12-70)	271	191	13		6(o)	8	2	6	7	2	23(p)	10	1	1	1		271
Meghalaya (as on 17-11-70)	41	4			..		..		..		34(q)	3(c)	..		..		41
Nagaland (as on 31-5-71)	52						..		..		52(s)						52
Orissa (as on 14-8-71)	140	49	1	34		4			4	..	37(t)	4			..		135(u)
Punjab (as on 1-6-71)	104	29			7	4	2	2	1		58(v)	1(w)	..				104(x)
Rajasthan (as on 14-8-71)	184	108	1	26	17	1	..	6	..	..	11(?)	6(z)	..	..	..	..	176(aa)
Tamil Nadu (as on 14-8-71)	235		15	6		8	..		4		1(bb)	4	1	6	6	18a	233(ac)
Uttar Pradesh (as on 31-5-71)	426	220	61	2	42	4	1	18	3		60(dd)	4	..				415(ee)
West Bengal (as on 31-5-71)	282	104		..	1	13	111	1	3	..	27(ff)	4	1	7	35(gg)	..	277(hh)
Goa, Daman & Diu (as on 31-5-71)	32	3				..	..				26(ii)	2			..		31(ij)
Pondicherry (as on 31-5-71)	30	7	3			3	..		..			2	..			15	30
Tripura (as on 14-8-71)	33	19		..	..	1	3		..	..	7(kk)	..	3	..	..	..	33

- (a) Telangana Praja Samithi—28; Peoples Democratic Party—3; Telangana Congress—1.
- (b) Excluding the Speaker; 12 seats are vacant.
- (c) Revolutionary Communist Party of India—1.
- (d) 12 seats are vacant.
- (e) Janta Party—12; Democratic Congress Party—3; BKD—4; Shoshit Dal—5; Hul Jharkhand—7.
- (f) 2 seats are vacant.
- (g) Vishal Haryana Party—9; Akali Party—1.
- (h) 3 seats are vacant.
- (hb) Including 3 nominated members.
- (i) National Conference—3.
- (j) 5 seats are vacant.
- (k) Revolutionary Socialist Party—6; Kerala Congress—13; Indian Socialist Party—3; Karshaka Thorshilali Party—2; Kerala Socialist Party—2; Congress Socialist Party—2.
- (l) Excluding the Speaker.
- (m) Lok Sevak Dal—14; Pragatishil Vidheyak Dal—4.
- (n) 9 seats are vacant.
- (o) Includes 1 Independent.
- (p) Peasants & Workers—21; Hindu Sabha—1; Shiv Sena—1.
- (q) All Party Hill Leaders Conference.
- (r) Affiliated to all Party Hill Leaders Conference.
- (s) Nagaland Nationalist Organisation (Ruling)—43; United Front of Nagaland—7; Seats vacant—2.
- (t) Utkal Congress—32; Jans Congress—1; Jharkhand—4.
- (u) Excluding the Speaker; 4 seats are vacant.
- (v) Akali Party—57; Shiromani Akali Dal (Panj Kautaal)—1.
- (w) Hon'ble Speaker.
- (x) 2 seats are vacant.
- (y) B.K.D.—11.
- (z) Including the Speaker.
- (aa) 8 seats are vacant.
- (bb) Tamil Arasu Katchagam—1.
- (cc) Excluding the Speaker; 1 seat is vacant.
- (dd) Bhartiya Kranti Dal—59; Muslim Meilla—1.
- (ee) Excluding the Speaker and Deputy Speaker; 9 seats are vacant.
- (ff) Bangla Congress—5; Gorkha League—2; Socialist Unity Centre—7; Revolutionary Socialist Party—3; Revolutionary Communist Party of India—3; Workers Party—2; Forward Bloc (M)—2; Jharkhand Party—2; Biplabi Langla Congress—1.
- (gg) Including the Speaker.
- (hh) 4 seats are vacant.
- (ii) Maharashtra Wadi Gomantak (Bandodkar Group)—10; Maharashtra Gomantak (Nalk Group)—4; United Goans (Sequeria Group)—7; United Goans (Progressive Group)—5.
- (jj) Excluding the Speaker.
- (kk) Congress Legislature Party (Socialist)—7.

N. B.—(i) Cong. (R) in this statement stands for the Congress led by Shri D. Sanjivayya and Cong. (O) for the Congress led by Shri Sadiq Ali, both at the Centre as well as in the States.
 (ii) No. information received from Gujarat and Mysore. Latest information not received from Maharashtra, Meghalaya, Nagaland, Punjab, Uttar Pradesh and West Bengal.